
Essex County Council

7 December 2021

Order Paper

Urgent Business: Approval of reason for non-attendance at this meeting

1. As a result of the discovery of the omicron variant of the coronavirus causing covid-19, the group leaders have agreed that they will arrange for 9/15 of their members to attend the meeting. This enables us to achieve 2m social distancing and comply with advice from the Director of Public Health.
2. Members who are not attending as a result of this agreement will be present via zoom. Unfortunately a recent court case involving Hertfordshire County Council made it clear that attending the meeting via zoom does not count as attending the meeting for the purpose of section 85 of the Local Government Act 1972 (often known as the six month rule).
3. We do not believe that attendance at this meeting via zoom currently impacts on any member of the County Council since anyone potentially at risk under the 'six month rule' has been given individual advice and will be physically present.
4. The six month 'clock' is re-started every time a member attends any meeting of the council or of any of its committees or of an outside body where the member is the officially appointed ECC representative. Any issue which did arise could be dealt with at the February 2022 meeting.
5. That said, we cannot be absolutely certain that this will not cause an issue to anyone, and it would be unfair if a member attending this meeting virtually via zoom lost their seat under the six-month rule because they had complied with this request.
6. It is therefore proposed to in effect disapply the six month rule to prevent the risk of any member losing their seat as a result of attending this meeting via zoom.
7. Members who attend the 7 December meeting via zoom will be included in the minutes as present remotely.

Recommended that

For the purposes of section 85(1) of the Local Government Act 1972 the Council approves the following as a reason for a Member's non-attendance of the council meeting on 7 December 2021:

The Member took part in the meeting via zoom as a result of the public health request for a reduced attendance in the council chamber for that meeting.

Agenda item 4 Public Speakers

The following questions will be asked by members of the public registered to speak in accordance with Standing Order 16.12.8.

Question 1: from Mr Adam Kenningham-Brown, a resident of Chelmsford who is to ask a question concerning commuting in Chelmsford and the bus network in and around Essex. His question is:

'Recent research by USwitch (<https://www.uswitch.com/car-insurance/guides/global-commuting-index/>) finds that Chelmsford is one of the worst areas in the country to commute in. Whilst ranking acceptably for environmental issues it was notably poor on travel times and costs. What is council's plan to support Chelmsford's residents? Will the council look at introducing a publicly owned carbon neutral bus network to support transport in and around Essex?'

Councillor Scott, Cabinet Member for Highways Maintenance and Sustainable Transport will respond.

Question 2: from Colchester Borough Councillor Julie Young, who is to ask a question and present a petition concerning bus services in the Longridge area of Colchester. Her question is:

'Mr Chairman I am here today to present the Cabinet Member responsible for Bus Services a petition raised in the Longridge area of my Borough Council ward of Greenstead to call for better bus services for this community which sits on the edge of the Borough of Colchester. This area is poorly served by public transport yet houses many residents who want to travel by bus. In fact on the doorstep, lack of bus services is the most frequently mentioned issue. I therefore leave you with this petition and ask you to use your influence to appeal to providers to serve the Longridge community better who want to use their cars less and buses more'

Councillor Scott, Cabinet Member for Highways Maintenance and Sustainable Transport will respond.

Agenda item 11**Written Questions and Answers****1. By Councillor Deakin of the Cabinet Member for Highways Maintenance and Sustainable Transport**

'There have been an increasing number of incidents involving the cycle ways on Broomfield Road, Chelmsford.

Many instances of cyclists and motor-ability scooters riding these routes in a contra-flow direction to the traffic. This is a danger to motorists manoeuvring to turn, passengers alighting from buses who have to cross the cycle path to reach the pavement, as well as the riders themselves.

Are there any immediate plans to clearly indicate on and around these cycle paths the direction that should be travelled?'

Reply

'Thank you for bringing this concern to our attention.

We have provided cycle symbols within the lanes along the length of the cycle lanes which are orientated in the direction of travel.

Unfortunately, therefore the instances you have mentioned are down to user behaviour. We expect cyclists to follow the highway code and use the lanes correctly.

The Project Team will be holding a Technical Review meeting in due course and this item will be added for further consideration.

You may wish to consider contacting the Parish Council and asking them to remind residents how to use them correctly via one of their regular communication methods.'

2. By Councillor Gadd of the Cabinet Member for Highways Maintenance and Sustainable Transport

'I have been asked a number of questions regarding ECC's neglect of Protected Verges in Uttlesford. I understand that the same issues apply across Essex, although the problem is particularly acute in Uttlesford, which has more Protected Verges than any other district.

The principal issues are:

1. Protected Verges should be clearly marked with wooden posts, white marker plaques and reflectors but they are not being. More than 50% of the sites in

Uttlesford require post and plaque work and 20% are not properly marked, which leads to them being damaged;

2. There are problems with lack of funding from ECC, lack of posts, plaques and reflectors and lack of personnel – since the work is of its nature roadside work, it is not generally safe to use volunteers and some of the work must be done by qualified staff. Uttlesford District Council have replaced some plaques themselves, but currently 95 plaques need replacing, and reflectors adding; UDC do not have enough plaques and ECC say they have no more;
3. There are 7 more sites – or extensions to existing sites - in Uttlesford where new rare flora has been found and which should be recognised as special verges. ECC however has a policy of not recognising new sites unless others are de-registered, which means that valuable sites are not receiving the protection they should receive.

I have separately sent you a detailed schedule of the defects in the Uttlesford network. These verges represent rare chalk grassland habitat, and the whole network, in Uttlesford and Essex more widely, should be being properly protected with marker posts, plaques and reflectors, and it is not.

Point 10 of this Council's 20-point plan commits to enhancing the natural environment in Essex; can I ask what you will do to remedy this situation please.'

Reply

'Unfortunately, damage to posts can occur, either through natural deterioration, damage by contractors cutting the verges, damage by vehicles and, in a few cases, posts being removed or knocked over by persons unknown.

We maintain a record of post and plaque issues, as reported by the verge representatives. In March 2019, 86 post and plaque replacements carried out across the county. These are programmed for maintenance in line with our maintenance programme but you may wish to put a formal request into your Local Highways Panel to see if capital funding could be allocated to the replacement of missing posts.

We conduct reviews of all Special Road Verges to ensure they are still of value to the scheme and include as part of this feedback from all verge representatives with several changes made because of this feedback. We must make choices about how we prioritise and manage this service and one of the ways we do this is to add new verges where verges which no longer meet the scheme's purposes are removed.

In August of this year, once the review had been completed, we were notified by the Uttlesford verge representative co-ordinator about four sections of verge that might be eligible for inclusion in the scheme. Three of these have been visited.'

3. By Councillor Henderson of the Cabinet Member for Highways Maintenance and Sustainable Transport

‘Can the Portfolio Holder provide details of the comparable price of a bus fare for a 5 mile journey within Essex and a 5 mile journey in London.’

Reply

‘The fares charged by commercial operators are a matter for them and something that the County Council has no influence over and therefore do not collate. Similarly, I do not have access to the prices that TfL charge nor the level of subsidy reflected in these prices.

Operating a bus service in a substantially rural county such as Essex is wholly different to doing so in a city like London. Essex is twice the size of greater London but has only 17% of the population. The two are simply not comparable.

I do however recognise that bus fares and the cost to travel are of concern to many residents. It is for this reason that Cabinet approved last month’s Concessionary Fares paper which enables those who qualify on grounds of age or disability to travel free at certain times, with the costs of the revenue foregone by the bus operators met by taxpayers. Passengers using the national concessionary fares represent a third of all bus journeys, so they provide a major part of bus operators’ income.

The development of an affordable and sustainable bus network is something that we are focused on through our Bus Service Improvement Plan and I will bear this question in mind as this develops.’

4. By Councillor Henderson of the Cabinet Member for Highways Maintenance and Sustainable Transport

‘Can the Portfolio Holder provide a full list of the comparable prices of bus fares charged for a 5 mile journey within Essex by each individual bus company operating within the County.’

Reply

‘The fares charged by commercial operators are a matter for them and something that the County Council has no influence over and therefore do not collate. Different operators provide services across different routes, with different levels of patronage and so it would be difficult to provide a like for like comparison.

As highlighted in my previous response the Bus Service Improvement Plan provides us with an opportunity to deliver sustained change in the bus network across Essex and I have provided a link [here](#) should you or other members wish to read it.’

5. By Councillor Harris of the Cabinet Member for Highways Maintenance and Sustainable Transport

'In my division there are footpaths that are impassable in places due to overgrown vegetation, brambles and the like. For instance, the footpath between Colchester Army Garrison and Monkwick Avenue, and Thomas Lord Audley School. It's so bad that lampposts are 5/6ft back into the hedgerow with part of the footpath buried. I have tried many times to get the Council to treat this with 1) Maintenance schedule, or 2) Highway Rangers.

It seems the very meagre resource of The Rangers, and the lack of response on maintenance budgets has resulted in me having to consider making these paths safe. The bird nesting season will effect ability to undertake any work and I am concerned we have only until March to do some works.

Does the portfolio holder agree that footpaths meet the criteria of "Greener, Safer, Healthier" brand logo, and if so, could extra efforts be found to make these paths safer for mums/children in buggies with brambles in their face?

I would be very happy to accompany a walk through at any time.'

Reply

'The Public Right of Way team have investigated and it is believed that the side-growth is the adjoining landowner's responsibility, which in this case is the Ministry of Defence/Defence Infrastructure Organisation MoD/ DIO). The PROW Team are liaising directly with the MoD/DIO in order that this overgrowth is addressed and I will endeavour to find a further update for you. As you will know, I had to cancel my second visit to your division which we have rescheduled so I would be happy to discuss this with you in more detail when I visit.'

6. By Councillor Scordis of the Deputy Leader and Cabinet Member for Community, Equality, Partnerships and Performance

'Having recently read the Library Strategy, can you please advise what plans are in place to target those disadvantaged children who are hard to reach?'

Reply

'As you will be aware, from 26 November 2021, residents can now have their say on Essex County Council's new vision for Libraries, as the [draft Everyone's Library Service 2022-2026](#) plan was published. If you have not already done so, I would encourage all members to respond and highlight it to residents in their divisions to

do the same ahead of the 21 January 2022 closing date.

The draft plan emphasises helping children and adults improve their literacy, encouraging people to enjoy reading for pleasure and increasing the range of online resources available to customers. It also commits to keeping all 74 libraries open with investment in training and the upskilling of library staff.

The Library Service currently does and will, through the new plan, continue to engage and connect with hard to reach disadvantaged children through a variety of means, including:

- We publicise large scale activities (such as the Summer and Winter Reading Challenge) to the Family and Wellbeing Hubs, as well as the Children and Families Leads for Partnership Delivery.
- We coordinate with schools about library events and activities.
- We have also been doing some outreach to try to reach disadvantaged families, for example by attending the Holiday Activity and Food clubs during the summer.
- We reach every family through the Bookstart Baby packs which are given at birth registration appointments, and the Bookstart Treasure packs (via pre-schools).
- Library staff have received Bag book training (Reading packs designed to be used with children who have additional needs), and Basildon Library has already planned to do some Bag Books sessions with their local special school (Pioneer) in the new year.
- We focussed our recent author events in Basildon, Canvey, Clacton and Harwich libraries.
- We are also currently running additional BookTrust Story times in Basildon and Clacton Libraries. These sessions are specifically targeted at disadvantaged families (via their local Family and Wellbeing Service and local pre-schools and nurseries) and this is a partnership we will continue to build on, by promoting and delivering these sessions.
- As part of the Essex Year of Reading 2022 Campaign, we will be working with Children and Family Services and schools to target hard to reach children and communities.
- We will be increasing our outreach programme to reach early years settings, schools, and vulnerable communities who find it difficult to access library services for various different reasons.

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- More events and activities are being planned in libraries based in areas of need.
 - Through the new plan we will strengthen our outreach with local groups and vulnerable families within communities.
 - We are also expanding the mobile library fleet to reach a greater number of destinations including those in traditionally hard to reach areas.'

7. By Councillor Scordis of the Cabinet Member for Highways Maintenance and Sustainable Transport

'Does the portfolio holder think the Enhanced Partnership survey, which only provides very generic 'Agree/Disagree' answers, offers bus users a real chance to feedback on our bus services?'

Reply

'The consultation on the first Enhanced Partnership for Essex is not intended to be a consultation on the entire Essex bus network; it is very specifically about what should be included in our first Enhanced Partnership – hence the yes or no questions.

The Department for Transport has set some challenging deadlines the consequences of which would be a significant loss of funding to both ECC and the bus industry if we missed it which is why the survey has been designed this way.

We do expect to bring forward further Enhanced Partnership schemes in future as a result of the area network reviews which are a commitment in this first scheme. That will then provide the opportunity for detailed comments on the bus network and there will be no time constraints so full public consultation will be possible. So, in conclusion, given the constraints of the process I am indeed content that this is a suitable consultation approach.'

8. By Councillor McGurran of the Cabinet Member for Economic Renewal, Infrastructure and Planning

'Could the Cabinet Member inform me what efforts are being made by Essex County Council to engage with the Lower Thames Crossing Project to ensure the potential economic benefits actually reach our residents. I am particularly keen that the residents of Pitsea and others in the south of the county are given every opportunity – particularly when it comes to employment, upskilling and apprenticeship opportunities.

Does the Cabinet member share my concerns that everything possible has to be done to ensure these opportunities reach the residents of divisions like my own and

particularly those hard to reach groups who are often excluded from such opportunities. I would be grateful given the likely timescale of the project to know what early careers advice measures are being considered to promote these potential opportunities.'

Reply

'I agree it is essential that our communities across the county and South Essex in particular benefit from the opportunities that the Lower Thames Crossing will bring, both in terms of jobs during the construction phase and the economic opportunities that the new connection across the Thames will open up. My officers have been working closely with the Lower Thames Team to ensure that the project delivers as many socioeconomic benefits to the residents of Essex as possible. This will include local training, re-skilling, apprenticeships and other opportunities for those starting out in employment and those wishing to re-train. Both Thurrock and Havering councils are also looking to ensure that such opportunities are available, which will maximise the benefits for the whole area north of the River Thames and the wider geographical area, including Pitsea.

The Council plays a strong role in the LTC Benefits Steering Group along with other partners and has helped put together proposals to inform the Economic Development Stakeholder Group (EDSG) working with other affected Authorities, which in turn has led to the recently established LTC Skills Working Group. ECC is also contributing, in consultation with Thurrock and the Association of South Essex Authorities (ASELA), to discussions with National Highways about projects outside of the route which could benefit from Designated Funds being allocated to offset the environmental, social and economic impact of the proposal to the benefit of residents. Discussions on this matter will progress in 2022.'

9. By Councillor Grundy of the Cabinet Member for Education Excellence, Lifelong Learning and Employability

'I recently attended a site meeting for the new Primary School at St Luke's, Runwell and was impressed at the progress being made, including plans for staff recruitment. Please could the Cabinet Member outline the steps being taken in the construction to support our carbon emission programme.'

Reply

'The new Primary School and 56 place Early Years Nursery on the St Luke's Park housing development, will provide the required long-term primary school and nursery capacity to meet forecast demand from the development. Without additional provision in this area, there is a significant risk that children moving into the area will not be able to access primary education within the locality of their home and need to travel further to access provision. As this school and nursery is on a new housing

development it will benefit from safe, local, cycle and walking routes and therefore reduce the need for travel by car.

The aspiration is for the proposed buildings to achieve an Energy Performance rating of an 'A+', through the use of modelling and onsite generation (PV) to offset energy in use, meeting the overall vision and goal for energy efficient developments and a drive towards a reduction in carbon emissions. The PV panels will be providing 7kWp for the Nursery and 31 kWp for the Primary School. The design basis is to provide a sustainable approach to the design, construction and production of all facilities, in delivering a cost-effective and efficient educational site for optimal learning that includes the following:

- Optimal thermal comfort for building occupiers, maintaining appropriate internal temperatures, maintaining appropriate CO2 concentration levels, providing adequate fresh air and minimising cold draughts.
- Minimising the use of all fossil fuel resources
- Reducing the demand for energy and water during peak periods, minimising waste and CO2 emissions
- Designed and constructed to respond to constraints and opportunities and adapt to future impacts of climate change.
- Effective measuring and monitoring of the performance of the buildings in operation. Automation of building service plant from a BMS system.

Climate Based Daylight Modelling has been used to assess daylight factors. Artificial lighting will comprise of high efficiency LED light fittings, with automatic controls such as daylight dimming, absence or presence detection to ensure energy efficiency. Lighting will be designed in line with CIBSE LG5 Lighting in Education.'

10. By Councillor Playle of the Cabinet Member for Economic Renewal, Infrastructure and Planning

'The proposed A12 widening scheme between Junction 19 and 25 is set to have a significant impact on reducing traffic congestion and improving road safety in North East Essex. Parts of the existing A12 between Witham and Marks Tey are set to be stood down and handed over to Essex County Council's control. Can I ask the Cabinet Member to consider undertaking a scoping exercise for the possible future uses of what will be a newly acquired asset for the Council and to investigate the merits of creating an active travel rewilded corridor with opportunities for walking, cycling and buses?'

Reply

It is our understanding that National Highways intends to submit an application for development consent for this scheme next summer (2022) and I am pleased to confirm that we are already working internally on the scope for any potential future uses for these de-trunked parts of the carriageway to maximise the benefits to Essex residents, particularly from a climate and sustainability perspective. In

addition to the work we are doing internally, we are also working with National Highways on their A12 proposals and we welcome suggestions, such as a new country park, which would help enhance the local environment and mitigate against negative climate change impacts.

11. By Councillor Barber of the Cabinet Member for Education Excellence, Lifelong Learning and Employability

'Could the Cabinet Member please confirm, whether the previous administration at Colchester Borough Council's decision to only agree £1m of s.106 funding from the Chesterwell development for education, as opposed to the £14m Essex County Council said was necessary, is a significant factor as to the delay in the opening of the permanent site for Trinity School?'

Reply

'The decision by a previous administration at Colchester Borough Council to only stipulate £1M as a S106 contribution towards education, rather than the £14M requested by ECC at the time was not in itself a factor that has delayed the opening of new school buildings for Trinity School. While not delaying the project, it has placed the burden of funding the new school on the taxpayer, rather than the housing developer.

One of the issues related to the S106 agreement that has caused delay to the delivery of the new school buildings, is the condition of the new school site itself. ECC raised significant concerns at the time of signing the S106 agreement that the site would be unsuitable, however the agreement was signed, albeit with obligations placed on the developer to improve the site. These obligations have not been met to our satisfaction, and we are pursuing the developer to meet their obligations as stipulated in the S106 agreement. With these obligations unmet, hundreds of thousands of pounds of further cost is placed on the taxpayer to mitigate the site issues.'

12. By Councillor Smith of the Cabinet Member for Highways Maintenance and Sustainable Transport

'Network Rail has chosen to close off the railway footbridge that connects Mandeville Way and Durham Road on the grounds of safety works. The works were promised in August then Network Rail rescheduled the works for October and these works were cancelled.

Network Rail has failed to communicate with the local residents.

Will the Cabinet Member for Highways please use his office to apply pressure upon Network Rail to get this well used footbridge back open to the public?'

Reply

'If you can provide me with more information with regards to these works including any contact details, I will contact Network Rail, however it may be that I have limited influence over Network Rail and their programme of works.'

13. By Councillor Smith of the Cabinet Member for Economic Renewal, Infrastructure and Planning

'Has Cllr. Wagland ever taken the chance to visit Basildon town centre with her most relevant team of officers to form an opinion of how her team can support Basildon Borough Council? If so, when was this and what are the after-thoughts of Cllr. Wagland and her team for Economic Renewal?'

If Cllr. Wagland has not taken such a visit to Basildon town centre with officer support, when does she intend to do so and will Cllr. Wagland also meet with the members of Basildon Borough Council's Regeneration and Economic Development Committee during this visit?'

Reply

'Last week my cabinet colleagues and I were due to meet in Basildon to look at economic developments that are underway, discuss what is planned for the future and consider whether there are any other opportunities that we could pursue. Sadly, that meeting was cancelled due to Covid; however, a new date will be scheduled in the new year, where we will meet with the Chair of Basildon Borough Council's (BBC) Regeneration and Economic Development Committee to discuss our shared priorities and how we can work together to support economic growth and regeneration in the town.'

Basildon's economy is one of the largest in the county and it is important that we support continued economic growth and assist residents to access the existing and future employment opportunities in and around the town.

In October we delivered a virtual Jobs Fair which attracted 2,231 viewers and was supported by over 30 businesses and Training Providers. There were more than 1,830 clicks on the virtual vacancy board and the live chat function was well received by job seekers and employers.

The exciting new Evolve project that is targeting unemployed people who have been negatively affected by covid is being promoted at the Eastgate Centre now. Evolve provides free one to one support to residents via an advisor, who can help them with opportunities for employment, training and personal development. The service is available until the end of March next year.

In January we are planning to deliver the Working Families programme which will target families who are just about managing financially. A qualified Careers Adviser will offer information, advice and guidance around opportunities for upskilling and career change.

There is also regular engagement between ECC and BBC officers, including a joint meeting between ECC's Corporate Leadership Team and the Basildon Borough Council Senior Management Team in November, where shared priorities to improve outcomes for local residents was discussed.

Essex County Council is also a member of the Association of South Essex Local Authorities (ASELA) whose members include all district and unitary Councils in Southern Essex. Our aim is to deliver improved prosperity and wellbeing by working together on a collective scale to ensure that we can make the biggest possible impact on the area. The five pioneering programmes that we are jointly working on include,

- Superfast Digital Connectivity
- Thames Freeport
- South Essex Estuary Park
- Infrastructure and housing
- South Essex Technical University

We regularly meet with regeneration and economic development colleagues from all partners of ASELA and I very much look forward to playing my role in developing these relationships as we work to address the specific issues that affect the south of Essex, including Basildon.'

14. By Councillor Mackrory of the Deputy Leader and Cabinet Member for Community, Equality, Partnerships and Performance

'Levelling up Essex – Concept to Action

At the October Council a motion regarding the above was passed which called on the Secretary of State for the Department of Levelling Up, Housing and Communities to positively engage with ECC as a matter of priority. What contact has been made by the Secretary of State as of 29th November 2021 to that request?'

Reply

'Since October we have been in dialogue with the Secretary of State regarding the Levelling Up White Paper, which is anticipated shortly. He is aware of the work Essex is undertaking and we expect to continue this conversation in more detail following the publication of the paper.

We have also received a very positive response from the Parliamentary Under Secretary of State for Levelling Up, the Union and Constitution. He was very

pleased to see our commitment to levelling up all parts of the County, as set out in the 'Everyone's Essex' Plan.

His response recognised that our officers were already well engaged with his in central government and acknowledged that there was much to build on in Essex, recognising the two upcoming freeports, our commitment to tackling climate change and our request for additional funding to support and enhance our priorities. He welcomed all our ideas and stated that he looks forward to meeting up soon.

We will continue to build this relationship both on the officer side and politically. In January we will begin to launch the next phase of our levelling up plans and I look forward to sharing more information with you then.'

15. By Councillor Mackrory of the Cabinet Member for Education Excellence, Lifelong Learning and Employability

'Case of unfair dismissal of Essex Headteacher

In the light of the recent Employment Tribunal case when Judge John Crosfill severely criticised Essex County Council's handling of the headteachers dismissal, what changes in procedure have been put in place to prevent such an occurrence happening again?'

Reply

'As the Member will be aware from the judgment there are still reporting restrictions in place. The case is still live and I have been advised that it is not appropriate to give public comment beyond the published statements which have been widely reported. In general, the Council is always looking to improve how it responds, including its own procedures (what it does) and draw learning from any source possible.'