EAST SUSSEX COUNTY COUNCIL

MINUTES of a MEETING of the EAST SUSSEX COUNTY COUNCIL held at COUNTY HALL, LEWES on TUESDAY, 19 OCTOBER 2010 at 10.00 am.

Present Councillors Barnes, Belsey, Bennett, Bentley, Birch, Daniel, Dowling, Elkin, Ensor, Fawthrop, Field, Freebody, Freeman, Gadd, Glazier, Heaps, Howson, Hughes, Jones, Kenward, Lambert, Livings, Lock, Maynard, O'Keeffe, Ost, Pragnell, Reid, Rodohan, Rogers OBE, Scott, D. Shing, S Shing, Simmons, Sparks, Stogdon, St Pierre, Stroude, Taylor, Thomas, Thompson, Tidy, Tutt, Webb and Whetstone.

30. Minutes of Last Meeting

30.1 RESOLVED - to confirm the minutes of the meeting of the County Council held on 20 July 2010 as a correct record.

31. Apologies for absence

31.1 Apologies for absence were received from Councillors Harris, Healy, Mrs Tidy and Waite.

32. Chairman's Business

CHAIRMAN'S ACTIVITIES

32.1 The Chairman highlighted some of the engagements he had attended since the last meeting including: attendance at the East Sussex Music Service Summer Concerts, the ParkfFest Youth Festival in Eastbourne, the Council's Economic Development Strategy 'Wider partners' event in Lewes, services of commemorations in Newhaven and Dieppe for the 68th anniversary of the Dieppe Raid, the Seaford Battle of Britain Service and Parade, the presentation by the Lord Lieutenant of the Queens Award for Voluntary Service, the Hastings Piano Competition winner's recital at Fairlight Hall and the launch of the Support with Confidence scheme (the Chairman complimented both the Adult Social Care department and the Trading Standards Service for the joint work on the scheme). The Vice Chairman had attended the St Mary's Westwood Children's Trust concert, the 'Transport for Life' conference and a presentation at the Chestnut Tree House children's hospice and also attended a number of events with the Chairman.

PRAYERS

32.2 The Chairman thanked the Imam Dr Abduljalil Sajid for leading the prayers before the Council meeting.

PETITIONS

32.3 The Chairman informed the Council that immediately before the meeting he had received petitions from members as follows:

Councillor O'Keeffe	- calling upon the County Council to provide a pedestrian crossing on the Brighton Road, Lewes between the Houndean Rise and Montacute Road areas
Councillors O'Keeffe and St Pierre	- calling for the County Council to provide a new care home to be built on the site of the Harvard House home, Ringmer and to urge the Council to find a suitable to assist with funding
Councillor St Pierre	- calling for the County Council to proceed, with minimum delay, with the western stretch of the cycle way being built Ringmer and Lewes (between the layby and Earwig Corner)
Councillor St Pierre	- calling upon the County Council to install a 20 mph speed limit on roads in the vicinity of Ringmer School
Councillor Stroude	- calling upon the County Council to implement a speed restriction on the A275 in North Chailey
Councillor Stroude	- calling for the implement a speed restriction on the A272 between Pelling Bridge and North Chailey

33. Questions from Members of the Public

33.1 Copies of a question asked by Valerie Moffett of Seaford and the answer by Councillor Lock (Lead Cabinet Member for Transport and Environment) are attached to these minutes. A supplementary question was asked and was responded to.

34. Declarations of Interest

34.1 The following members declared personal interests in items on the agenda as follows:

Member	*Position giving rise to interest*	*Agenda item*	*Whether interest was prejudicial*
Councillor Bennett	Member of the South Downs National Park Authority	Cabinet report (12-10-10), paragraph 5	Yes

Member	*Position giving rise to interest*	*Agenda item*	*Whether interest was prejudicial*
Councillor Daniel	Member of the Sussex Police Authority	Lead Member for Transport and Environment report, paragraph 1	No
Councillor Daniel	Member of Hastings Borough Council	Scrutiny Committee for Transport and Environment report, paragraph 1	No
Councillor Freebody	Employee of the National Health Service	Cabinet report (12-10-10), paragraph 3	No
Councillor Glazier	Non executive Director of the Hastings and Rother PCT	Cabinet report (12-10-10), paragraph 3	No
Councillor Lock	Vice Chairman of the South Downs Joint Committee	Cabinet report (12-10-10), paragraph 5	No
Councillor Maynard	Leader of Rother District Council	Cabinet report (12-10-10), paragraph 1	No
Councillor O'Keeffe	Has a family member who received a placement through the Special Educational Needs and Disability Tribunal	Cabinet report (12-10-10), paragraph 2	No
Councillor Pragnell	Member of Hastings Borough Council	Scrutiny Committee for Transport and Environment report, paragraph 1	No
Councillor Scott	Lead Member for Environment and Highways at Hastings Borough Council	Scrutiny Committee for Transport and Environment report, paragraph 1	No

35. Reports

CALLOVER

35.1 The Chairman of the County Council, having called over the reports set out in the agenda, reserved the following paragraphs for discussion:

Cabinet (27 July 2010)	- paragraph 2
Cabinet (12 October 2010)	- paragraphs 1, 2, 3 and 4
Children's Services Scrutiny Committee	- paragraph 1
Transport and Environment Scrutiny Committee	- paragraph 1
Lead Member for Transport and Environment	- paragraph 1

NON-RESERVED PARAGRAPHS

35.2 On the motion of the Chairman of the County Council, the Council ADOPTED those paragraphs in the reports of the Committees that had not been reserved for discussion.

36. CABINET REPORT (12 OCTOBER 2010) – RECONCILING POLICY AND RESOURCES

36.1 Councillor Jones moved paragraph 1 of the Cabinet's report.

36.2 The following amendment moved by Councillor Birch and seconded was CARRIED:

"*to amend Policy Steer 3 in the Strategic Management and Economic Development Portfolio to read 'Create sustainable communities by providing strategic leadership, empowering people, recognising the different needs of communities across the county, delivering locally and helping to ensure that public services in East Sussex, especially across the three tiers of local government, are commissioned and delivered effectively*"

36.3 The following amendment moved by Councillor Birch and seconded was LOST:

"to add a new Policy Steer 9 in the Strategic Management and Economic Development Portfolio as follows 'Work to narrow the gap between the more socially deprived parts of East Sussex and the county as a whole"

36.4 The following amendment moved by Councillor Birch and seconded was LOST:

"to add a new Policy Steer 10 in the Strategic Management and Economic Development Portfolio as follows 'Deliver services in-house wherever possible"

36.5 The following amendment moved by Councillor Birch and seconded was LOST:

"to add at the end of Policy Steer 2 in the Transport and Environment Portfolio 'and reduce the numbers of killed and seriously injured"

36.6 Councillor Jones moved the adoption of paragraph 1 as amended and this motion was CARRIED.

37. CABINET REPORT – OTHER RESERVED PARAGRAPHS

37.1 The Chairman reminded the council that he was taking paragraph 2 of the 27 July 2010 Cabinet report and paragraph 4 of the 12 October 2010 report with the reports of the Children's Services Scrutiny Committee and Transport and Environment Scrutiny Committee respectively.

37.2 Councillor Jones moved the reserved paragraphs of the Cabinet's report.

37.3 The motions were CARRIED after debate.

38. Children's Services Scrutiny Committee – Reserved paragraph

SCRUTINY REVIEW OF ATTAINMENT IN MATHEMATICS AT KEY STAGE 2

38.1 The Chairman reminded the Council that he was taking paragraph 1 of this report with paragraph 2 of the Cabinet's report (27 July 2010).

38.2 Councillor Ensor moved the adoption of paragraph 1 of the Scrutiny Committee report.

38.3 Councillor Elkin moved the adoption of paragraph 2 of the Cabinet's report. The motion, including the recommendations, was CARRIED.

38.4 The motion to adopt paragraph 1 of the Scrutiny Committee's report, including the recommendations, was CARRIED on the basis that implementation would be in accordance with the recommendations of the Cabinet.

39. Transport and Environment Scrutiny Committee – Reserved paragraph

SCRUTINY REVIEW OF WINTER HIGHWAY SERVICES

39.1 The Chairman reminded the Council that he was taking paragraph 1 of this report with paragraph 4 of the Cabinet's report (12 October 2010).

39.2 Councillor Stogdon moved the adoption of paragraph 1 of the Scrutiny Committee report.

39.3 Councillor Lock moved the adoption of paragraph 1 of the Cabinet's report. The motion, including the recommendations, was CARRIED.

39.4 The motion to adopt paragraph 1 of the Scrutiny Committee's report, including the recommendations, was CARRIED on the basis that implementation would be in accordance with the recommendations of the Cabinet.

40. Lead Member for Transport and Environment Report – Reserved paragraph

40.1 The Chairman indicated that the date at the end of the Notice of Motion set out in paragraph 1.1 of the report should read April 2012 and not April 2010.

40.1 Councillor Lock moved the reserved paragraph of the Lead Member for Transport and Environment's report.

40.2 The motion was CARRIED after debate.

41. Questions from County Councillors

ORAL QUESTIONS TO CABINET MEMBERS

41.1 The following members asked questions of the Lead Cabinet Members indicated and they responded:

Questioner	Respondent	Subject
Councillor St Pierre	Councillor Lock	Schemes to reduce street lighting costs
Councillor Rodohan	Councillor Lock	Eastbourne Parking review
Councillor Tutt	Councillor Glazier	Publication of information regarding the number of people, nights and cost of alternative provision following the closure of 39 Harvard Road, Ringmer
Councillor Birch	Councillor Elkin	Potential impact of the possible lifting of the cap on university tuition fees to students pursuing higher education and realising their potential
Councillor Daniel	Councillor Lock	Eastbourne Parking review
Councillor Livings	Councillor Lock	Proposed bus lane on A259 through Peacehaven
Councillor Scott	Councillor Lock	Community safety issues in relation to dimming or turning street lighting off during the night

WRITTEN QUESTIONS PURSUANT TO STANDING ORDER 44

41.2 Written questions were received from Councillor Field for the Lead Member for Learning and School Effectiveness and Councillor Rogers for the Lead Member for Learning and School Effectiveness and the Lead Member for Community Services. The answers are attached to these minutes.

41.3 The Lead Member for Learning and School Effectiveness responded to a supplementary question from Councillor Field for the purposes of clarification.

THE CHAIRMAN DECLARED THE MEETING CLOSED AT 13.04 pm

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The reports referred to are included in the minute book

QUESTION FROM MEMBERS OF THE PUBLIC

1. Question from Valerie Moffett, Seaford, East Sussex

A paper produced for the European Climate Change Commission by AEA Technologies in 2001 gives the Greenhouse Gas emission offsets for a variety of types of waste treatments. Apparently an incinerator without heat use produces 34 times more GHG per tonne of waste than an Anaerobic Digester. As it looks likely that we are to be lumbered with huge carbon emissions from a mixed waste incinerator, bearing in mind that any electricity it produces would be insufficient, and in any case could not be counted as "offset" since it would not be "good" energy as any future means of production would have been destroyed in the incineration process, I am wondering how the Council is intending to offset the carbon produced by the incineration process: do you intend to encourage the Districts and Boroughs to organize separated recyclable waste collections, and to provide anaerobic digesters for the biodegradable waste?

Response by Councillor Lock, Lead Member for Transport and Environment

Some direct comparisons between different waste treatment techniques are not always valid and a tonne by tonne comparison on Energy Recovery Facility (ERF) versus Anaerobic Digester (AD) is an example of this, since the wastes suitable for the treatment options are very different. An ERF is designed for non-recyclable mixed residual waste, whilst an AD can only treat 100% organic matter such as food waste.

It is not an appropriate technology to treat black bag residual household waste and therefore cannot be directly compared with incineration. In East Sussex the ERF will specifically be dealing with residual waste that would otherwise go to landfill so therefore ERFs should be compared with Landfill. Methane, the main gas from landfill, is 21 times more potent a green house gas than CO2 (Carbon Dioxide), the gas produced from combustion.

Food and readily biodegradable material present in the mixed residual Municipal Solid Waste (MSW) must be extracted in a pure form in a separate collection in order to make AD viable. While the likely cost of AD is comparable to the ERF cost in terms of gate fee, it will therefore be more expensive due to the separate collection requirements.

The intention in East Sussex is to remove this organic biodegradable material for treatment in the “In Vessel Composting” process at Woodlands and produce sustainable organic amendments and composts which themselves will lock that carbon into the soil.

The Environment Agency (Waste and Resource Assessment Tool) WRATE model demonstrates that ERF is a good way to reduce carbon emissions compared to landfill and compared to the production of energy from fossil sources. ERF provides a benefit of circa 450kg CO_2 per tonne compared to landfill [WRATE], even after process emissions are considered. An important element of this is that ERF carbon emissions from treating MSW are around 50% carbon neutral due to the renewable part of the fuel (wood, green, food fractions remaining in the residual waste even after separate collection).

Energy from waste is also very important to national energy security, diversity and sustainability borne out by the Governments Planning Policy Statement 1: Supplement which explains that ERF is both (partly) renewable and low carbon in terms of its energy contribution.

The energy generated by ERFs offsets the production of energy elsewhere – therefore displacing other emissions. An additional benefit of energy from waste is that 60 -70% of household waste is 'biomass' and the energy produced from this fraction is considered by climate change experts to be carbon-neutral. The Newhaven ERF will be exporting about 16.5 Megawatts to the national grid, enough to power 25,000 homes continuously. Assuming an average of 3 people live in a house then this approximately equates to 10% of the population* of East Sussex and Brighton & Hove (*Source: Office for National Statistics, Mid Year Estimates 2009). I am sure you will agree a significant contribution to our energy needs.

The cost effective delivery of an ERF, which is consistent with Government and EU policy, is essential to the viability of financial and environmental performance and we believe the people of East Sussex should be proud about their Integrated Waste Management System and the performance it will deliver.

With regards to 'not good energy' as once incinerated it is no longer in the production loop, the same is the case for any fossil fuel. In the case of MSW once mixed up, items such as paper, card and plastic are not recyclable as they have been contaminated. The metals are recycled at the end of the incineration process and the bottom ash is sold as an aggregate substitute.

Turning to your question about how the Council is intending to offset the carbon produced by the incineration process:

The energy (electricity) produced by an ERF means that we do not need to produce more carbon intensive energy, i.e. from coal elsewhere, and this more than offsets the process emissions.

WRITTEN QUESTIONS FROM COUNCILLORS

1. Question by Councillor Field to Councillor Elkin Lead Member for Learning and School Effectiveness

How many schools have condemned kitchens?
What is the cost of transporting food to be prepared and cooked in other kitchens and back to the original school?
What checks are made to ensure that food transported in this way is done so at the correct temperature and retains nutritional value?
What is the cost to the Authority in reduced take up of school meals in those schools where this occurs?
What plans are in place to bring condemned kitchens back into service.

Answer by Councillor Elkin

There are no condemned kitchens in Local Authority run schools in East Sussex. Only 16 of our schools now rely on a system where meals are transported from a

neighbouring school. This is due to the fact that they do not have full production kitchens on site.

The department has recently supported 5 schools that were previously in this group with the upgrade of their servery areas into meal regeneration kitchens. St Andrews Church of England Infant School has recently had their servery area converted into a fully operational kitchen. The new Frant Church of England Primary School will have a full production kitchen in place instead of the previous servery. St Philips Catholic Primary School is currently considering such a conversion.

The cost involved in transporting food to servery schools is incorporated into the overall contract price paid to Chartwells, our school meals provider. There is no additional cost charged to servery schools.

To ensure quality and temperature retention of transported food temperature recording takes place before packing, on arrival at site and again at service time. Further to this, periodic spot checks are undertaken by the Children's Services Food Advisory Team, Environmental Health Officers and Chartwells managers. Specially designed hot box containers are used for transportation. Any impact on nutritional value is negligible.

There are no significant uptake differentials that can be equated to this style of service in a school although generally uptake improves when a production kitchen is introduced in a school previously reliant on transported in meals. It is not feasible to quantify any loss of income where schools do not have a production kitchen on site as there are too many variables such as the socio-economic profile of the pupil population. The uptake of meals in East Sussex primary schools as reported in 2009/10 was is 32.4%, currently the uptake for 2010/11 is 33.5%.

2. Question by Councillor Rogers to Councillor Elkin Lead Member for Learning and School Effectiveness

Given the news that Surrey County Council has asked education secretary Michael Gove to comment on its proposal to create independent academies out of all 53 of its secondary schools, does this county council have any similar intentions or plans? Have there been any discussions about this possibility with professional associations or trades unions? If so, please provide details, including any briefing papers used, and an indication of when this matter might be discussed by members or decided by the Cabinet.

Answer by Councillor Elkin

As Councillors know, in East Sussex we have been discussing academies since 2008. Our first academy created under the "old" Academies framework, The Eastbourne Academy, opened this September and the two in Hastings will open next September. These academies were each proposed as part of coherent strategies to raise aspirations, expectations and achievements of young people and communities. That focus on outcomes is what has, should and will continue to drive all our discussions about academies and all other school organisation issues.

The Academies Act creates a new kind of Academy status where schools, not councils or sponsors, can apply to become academies. Officers have been informally discussing the potential impacts of the legislation since before the first Bill was introduced, drawing on our experiences in Eastbourne and Hastings about the implications for schools, the Council, and young people. The Act has been the subject of discussions with secondary headteachers in particular. Councillors will be aware that 17 East Sussex schools were on the initial list published by the DfE of schools who had expressed an interest in academy status, of which four are graded 'outstanding' and so currently able to apply. However, none have applied. Our discussions with schools indicate limited enthusiasm currently from primary and special schools and governors of all kinds, and some interest/curiosity from some secondary headteachers. There is also still significant uncertainty for all schools regarding future funding (including capital), and for schools that have not been graded 'outstanding' uncertainty about what the Secretary of State may propose in terms of governance and / or sponsorship.

It is ultimately a matter for individual Governing Bodies to decide whether to apply to the Secretary of State. The Council's key consideration is to ensure that any transitions are in learners' best interests. By this we mean both at any specific school(s) that apply, and also across the County given the impact that academies could have on Council central spending which is targeted at schools and communities most in need. Secondary Headteachers and County Forum are very mindful of these broader implications. We are establishing a working group of headteachers, governors and officers to examine what the options for the future could be, including academies, and – if academies are felt appropriate – how to work collectively to ensure that any transition is managed effectively and efficiently to protect those who are most vulnerable in our society. These discussions are at a very early stage and, given the permissive approach of the Secretary of State, it seems more important to have detailed discussions before reaching conclusions rather than acting in haste. The professional associations have been informed of the approach the Authority is taking.

I am not able to comment in detail about Surrey's position, except to make the following observations:

- There are currently no academies in Surrey as the council preferred alternative methods of school intervention and improvement for its schools, including those in National Challenge
- There appears some uncertainty about their future intentions, given that the Lead Member was quoted on BBC News about the potential for all schools to become academies on a Thursday, and page three of the Times Educational Supplement the next day was an interview with the Leader of the Council where he articulated a belief that Surrey did not need any academies and that he could not see what the attractions were.

The only briefing paper produced so far is guidance on the Academies Act and can be found on Czone.

When, and if, there are any specific proposals regarding a particular position the County Council should take, the matter will be put before Members for decision.

3. Question by Councillor Rogers to Councillor Tidy Lead Member for Community Services

Noting that one potential site is no longer available (the former Woolworths store, now occupied by Alworths, which opened on 10th September) will the Lead Cabinet Member kindly provide an update since the last County Council meeting on work to secure a new library for Newhaven in the remaining six months of the current financial year? In particular, has the announcement of the closure of Barclays Bank prompted an investigation of that possibility? If so, what conclusions have been drawn, and if not, why not?

Answer by Councillor Tidy

Library and Information Services and CRD Property are continuing to progress plans for a new library. We have looked at a variety of sites in and around the town, some of which have proved unsuitable. The reasons for rejection are that the sites have either been too small, too large for library purposes alone, not in a central enough location, poor ground floor access or would not deliver an adequate return on the County Council investment.

Every viable opportunity is being urgently investigated but it would not be in the County Council's interest to comment on the Barclays Bank site or any other site due to potential commercial sensitivities.