
EAST SUSSEX COUNTY COUNCIL

MINUTES of a MEETING of the EAST SUSSEX COUNTY COUNCIL held at COUNTY HALL, LEWES on TUESDAY, 7 DECEMBER 2010 at 10.00 am.

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

42. Minutes of Last Meeting

42.1 RESOLVED - to confirm the minutes of the meeting of the County Council held on 19 October 2010 as a correct record.

43. Apologies for absence

43.1 Apologies for absence were received from Councillors Gadd and D. Shing.

44. Chairman's Business

ADVERSE WEATHER

44.1 On behalf of the Council the Chairman expressed thanks to all officers who had ensured that services were maintained during the snow and ice seen in the county. In addition to the highways team who had spread grit and salt to keep the main routes open, the Chairman indicated that he was aware of a number of examples of staff showing great resourcefulness and cooperation such as the Rights of Way rangers who used the 4x4 vehicles to deliver meals on wheels.

BEXHILL HIGH SCHOOL/SUSSEX COAST COLLEGE

44.2 The Chairman announced that he had attended the annual awards ceremony at Bexhill High School and had a tour of the new building which provided learning zones to support a range of teaching and learning approaches and included sustainable technologies to reduce the carbon footprint. The School operates an extended day and students are able to follow a wide range of academic and vocational courses. The Chairman also announced that he had visited the South Coast College site in Hastings and had lunch with the departing Principal. Both projects represented an excellent investment in the future of young people.

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PRIMARY CAPITAL PROGRAMME

44.3 The Chairman announced that a replacement school building had been completed at Hurst Green Primary School and pupils moved in on 3 November. The Chairman thanked all involved in the Bexhill High School project, the South Coast College project and primary capital programme projects and thanked Councillor Glazier for his commitment and strategic investment in relation to these projects.

CHAIRMAN'S ACTIVITIES

44.4 The Chairman highlighted some of the engagements he had attended since the last meeting including: the East Sussex Music Service Summer Concerts, the Build East Sussex event at Eastbourne, the East Sussex Magistrates' Association AGM in Lewes and the East Sussex Council for Voluntary Youth Service Awards in Eastbourne, concerts of the Hastings and Rother Area Music Centre, the Lewes Area Music Centre and the Crowborough Area Music Centre, the launch of the Newhaven Strategic Network Infrastructure Group's 'Physical Vision' report, the East Sussex Community Choir concert in Lewes. The Chairman thanked the Vice Chairman who attended a number of events including: a Citizenship ceremony in Hastings, the Home Start Annual Supporters' meeting in Eastbourne, the Opera South East performance and Civic Reception at the White Rock Theatre, Hastings, the Festival of Remembrance in Eastbourne, the Remembrance Day Parade and Service in Lewes and the County Council's Long Service Awards event and had also attended a number of events with the Chairman.

PRAYERS

44.5 The Chairman thanked the Reverend Phillip Hamilton-Manon for leading the prayers before the Council meeting.

PETITIONS

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

- | | |
|---------------------|---|
| Councillor Livings | - calling upon the County Council to take action to control the large number of heavy lorries and fast cars using Piddinghoe Avenue, Peacehaven as a result of traffic humps being installed in the next two open ended roads |
| Councillor O'Keeffe | - calling for the County Council to amend the Lewes Parking Scheme |

45 Questions from Members of the Public

45.1 Copies of a questions asked by Jonathan Coe of Hastings and Phil Clarke, Secretary of the Lewes, Eastbourne and Wealden NUT and the answers by Councillors Lock (Lead Cabinet Member for Transport and Environment) and Glazier

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(Lead Member for Adults and Children's Services) are attached to these minutes. A supplementary question was asked by Mr Clarke and was responded to.

46 Declarations of Interest

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

| <i>Member</i> | <i>Position giving rise to interest</i> | <i>Agenda item</i> | <i>Whether interest was prejudicial</i> |
|---------------------|--|---|---|
| Councillor Barnes | Member of the Hastings and Bexhill Renaissance Board | Item 7b | No |
| Councillor Belsey | Trustee of Age Concern | Cabinet report, paragraph 3 | No |
| Councillor Glazier | Non executive Director of Hastings and Rother PCT, Chairman of the Rye Partnership and Chairman of the Rye Animate Young People's Centre | Cabinet report, paragraph 3 | No |
| Councillor Freebody | Employee of the National Health Service | Sussex Police Authority report, paragraph 3 | No |
| Councillor Healy | Trustee of Age Concern | Cabinet report, paragraph 3 | No |
| Councillor Thomas | Member of two Defra committees and Chairman of the shadow Sussex Inshore Fisheries and Conservation Authority | Governance Committee report, paragraph 3 | No |
| Councillor Thomas | Vice Chairman of East Sussex Association for the Blind | Cabinet report, paragraph 3 | No |

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47. Reports

CALLOVER

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

Cabinet - paragraphs 1 and 3

NON-RESERVED PARAGRAPHS

47.2 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.

48. Cabinet Report – Reserved paragraphs

48.1 Councillor Jones moved the reserved paragraphs of the Cabinet’s report.

48.2 The motions were CARRIED after debate.

49. Questions from County Councillors

ORAL QUESTIONS TO CABINET MEMBERS

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

| Questioner | Respondent | Subject |
|-----------------------|-------------------|---|
| Councillor St. Pierre | Councillor Jones | Plans regarding the central rail corridor |
| Councillor Lambert | Councillor Jones | Businesses being engaged with in relation to the Local Economic Partnership |
| Councillor Tutt | Councillor Jones | Establishment of cross party group to meet the Secretary of State for Communities and Local Government in relation to funding pressures |
| Councillor Birch | Councillor Tidy | Abolition of Sussex Police Authority and proposal for elected Police Commissioner |
| Councillor Daniel | Councillor Lock | Disclosure of findings of CPO enquiry in relation to the Bexhill to Hastings Link Road |

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|----------------------|--------------------|---|
| Councillor Whetstone | Councillor Reid | Ring fenced grants |
| Councillor Whetstone | Councillor Elkin | Specialist secondary schools |
| Councillor Webb | Councillor Tidy | Report on Hate Crime Scheme |
| Councillor Ost | Councillor Glazier | Challenges to the County Council following decision to abandon the PFI process for elements of the Age Well project |
| Councillor Lambert | Councillor Stroude | Update in relation to work at the Mecread Centre, Seaford |
| Councillor Freeman | Councillor Lock | Flexible approach to Community transport and school transport |
| Councillor Thompson | Councillor Lock | Repair of pot holes |
| Councillor Tutt | Councillor Lock | Gritting of roads around schools in adverse weather |
| Councillor S Shing | Councillor Lock | Gritting of community bus routes |
| Councillor Barnes | Councillor Jones | Progress with the Department for Transport regarding the Bexhill to Hastings Link Road |

WRITTEN QUESTIONS PURSUANT TO STANDING ORDER 44

50.2 Written questions were received from Councillor Ost for the Lead Member for Adults and Children's Services and from Councillor Tutt for the Lead Member for Transport and Environment. The answers are attached to these minutes.

50.3 The Lead Members responded to supplementary questions by the questioners for the purposes of clarification.

THE CHAIRMAN DECLARED THE MEETING CLOSED AT 12.32 pm

The reports referred to are included in the minute book

QUESTIONS FROM MEMBERS OF THE PUBLIC

1. Question from Judy Brown and Jonathan Coe, Hastings, East Sussex

Will the Lead Member:

- A) scrap the current bus service review consultation as it:
- fails to meet the County Council's own procedures for consultations;
 - fails to meet the legal standard for consultation in that it was inadequately promoted, lacked basic information, carried a vague questionnaire, was unclear as to its policy objectives, omitted any options and was derived from policy not subject to an equality impact assessment; and
 - replace it with a new exercise which among other things:
 - a) clearly spells out the options the Council is considering (including, if necessary, how to implement a 20% cut to supported services as per the Government's Comprehensive Spending Review);
 - b) includes the impact of the proposed immediate £50,000 cut; and
 - c) is subject to an equality impact assessment
- B) ensure the timetables of all publicly funded services, and not just those of Stagecoach, are reinstated at all bus stops in Hastings and St Leonards and elsewhere in East Sussex as appropriate; and
- C) reply to correspondence on these issues dated 14 November 2010

Response by Councillor Lock

The production and execution of the current bus service review has been carried out with input from the County Council's Consultation & Engagement Manager and in accordance with the County Council's policies and procedures.

The review document has been available to view and download on the County Council's website and has been widely distributed to individuals and organisations on the Passenger Transport's consultee database which includes Parish Councils, Borough and District Councils, ESCC Members, local community organisations and groups. It has also appeared on the County Council's website.

We have also issued a Press Release to the media and distributed leaflets explaining the review and how to obtain a copy of and respond to the consultation document on bus services included in the review.

The Transport and Environment Scrutiny Committee reviewed the progress of the Service Planning Review on 24 November and were satisfied with the efforts to promote the consultation exercise. This is the first of 2 stages to the consultation exercise. The purpose of this (Stage 1) document is to set out precisely which

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supported bus services are included in the review and to gather responses about the current service provision together with any suggested changes. This together with data collected through on-bus passenger surveys will inform the process of redesigning replacement supported bus services.

The outcome of the Government's Comprehensive Spending Review will also be taken into account once the impact on County Council budgets is known. Stage 1 Consultation is not intended to give detailed service proposal options but to elicit views that will help to develop such proposals, which will be consulted upon in a further document (stage 2 consultation) early in 2011.

An Equality Impact Assessment was carried out in conjunction with the production of the draft Bus Strategy.

The impact of the Government's Comprehensive Spending Review on the Passenger Transport Budget is not known at the current time. The Council is still modelling the impact of cuts in specific grants but will not know much more until early December. The Council's Transport and Environment Reconciling Policy and Resources Scrutiny Board will examine this in more detail at its meeting on 14 December. Once more information is available this will inform the development of revised service options which will be the subject of further consultation in early 2011.

It is hoped that the £50,000 savings referred to will be achieved through efficiency savings accrued through the tendering process as a result of the revised bus service options that will be put out to competitive tendering. The impact of this will not be clear until tender prices have been sought as a result of the competitive tendering process.

We are working closely with Stagecoach as part of the Quality Bus Partnership agreement. We had an informal agreement in place for a number of years which Stagecoach were unable to continue with. A formal agreement for Stagecoach to include supported bus service information in their commercial service timetable displays was agreed last Summer but Stagecoach have had difficulty resourcing this. They have agreed to find extra resources to enable this to happen from early 2011.

The County actively promotes and publicises supported local bus service through the production and distribution of a series of timetable leaflets which are available free of charge on buses and in local libraries and information centres. Comprehensive information about all bus services, including both supported services and commercial bus services and the availability of community transport services is widely available in a hard copy and electronic format, including the National Traveline Bus Enquiry Service and the County Council's own web based interactive passenger transport map. This has been confirmed to bus user stakeholders at the meeting held on 29 September 2010.

Officers have devoted considerable time to answer the questions posed by Mr Coe. These included nine main questions, submitted on 1 November and answered on the 5 November and 16 November. A further question was submitted on 16 November and answered on 17 November.

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Another 11 questions, along with further sub-questions, were raised on 8 November in two separate emails. Interim responses advising of progress were sent by e-mail on 16 November, 19 November and 23 November. Final responses were expected by Monday 6 December.

2. Question from Phil Clarke, Secretary, Lewes, Eastbourne and Wealden NUT

George Osborne in his October budget speech referred no less than 4 times to the need to protect the most vulnerable from the effects of budget cuts.

We have seen very clearly that nationally the government will not stick to this as the poorest will be hardest hit by cuts while the far larger issue of tax avoidance and evasion by the very wealthy is ignored.

It also seems that East Sussex Council is following in the footsteps of the national government by threatening to burden some of our county's most vulnerable children with the first round of cuts.

We would like to know how the Lead Member can explain how he will protect the most vulnerable students in our education system if as appears to be the case the Council will be cutting back massively on provision for children who speak English as an additional language and the behaviour support service.

These two services provide support for those who may not be able to access the education they need at all without specialist help. With, for example all of the qualified teacher posts going from behaviour support we ask the Lead Member to refuse to cut these services and press central government for the funding needed.

Response by Councillor Glazier

I fully understand the concerns being expressed about any reductions in services for vulnerable children and young people.

As yet no decisions have been taken about which services will be reduced. However, in making such decisions we will be trying to protect as far as possible front line services for vulnerable pupils. It will not be possible, however, to protect all services and, therefore, we are prioritising those services which are statutory and which we consider essential.

In relation to the Traveller and English as an Additional Language Service, the grant which funded approximately 30% of support for pupils with English as an additional language is going directly to schools and, therefore, it will be important for schools to use that money to purchase appropriate support.

It is not the case that all qualified teacher posts are being cut from the Behaviour Support Service, and as yet, no decisions have been taken about the overall structure of this work; it is currently being consulted on. What is the intention, however, is to ensure that there is no duplication in the work previously undertaken by separate Behaviour Support and Education Welfare Services.

WRITTEN QUESTION PURSUANT TO STANDING ORDER 44

1. Question by Councillor Ost to Councillor Glazier Lead Member for Adults and Children's Services

Could the lead member say what measures are being taken to preserve the full capacity of our excellent Respite Care services at Acorns, Bexhill and at the Bungalow in Eastbourne while continuing to support those young people with exceptional needs?

I am concerned that the necessarily limited capacity of our Children's Services respite care, which is independently recognised as being of the highest quality, is now available to fewer young people as some of the placements are now essentially residential. While recognising that the judgments that have to be made in supporting our young people, I am concerned that the parents of many young people with complex needs may be losing out on the support we were able to give them, with the reduction in respite capacity.

Answer by Councillor Glazier

We are very proud of the excellent service provided by the two short break residential units for disabled children in Eastbourne and Bexhill. They are rightly judged by Ofsted as outstanding. Understandably the service they provide is highly regarded by parents and much in demand. Currently there are some children who have been placed there on a full time, or on a close to full time basis for longer than we would ordinarily like. This is an unprecedented situation and caused by a large increase in the number of children who are needing to be supported outside of their family homes.

This situation has meant that, unfortunately, some of the short break packages for some children have been reduced in the short term. All families who have a residential short break package have continued to benefit from this but some have been offered a reduced number of overnight stays. This is not a situation we would wish to be in and we will resolve it as soon as we are able, whilst protecting the safety of the children concerned.

It is important to remember that Acorns and The Bungalow, whilst offering important and popular services, are only one aspect of our range of short break services to disabled children. East Sussex has been recognised by the government as a champion of the Aiming High for Disabled Children initiative and, through this, we have been able to extend significantly the number and range of short breaks, including overnight breaks. If parents are concerned about their current package of short breaks I would ask them to make urgent contact with their child's social worker.

2. Question by Councillor Ost to Councillor Glazier Lead Member for Adults and Children's Services

How do we empower and support our social workers to continue to engage with residents whose need for our support is evident, but who are reluctant to accept our help? I appreciate this is a sensitive area where we might well be seen to be

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intruding on the rights of the individual, and not the place perhaps for a proscriptive process.

The recent tragic death of one of our residents, the subject of information to members from the Director of Adult Social Care, almost certainly would not have been prevented by our intervention, but it highlights these issues. If our social work team is alerted to a problem by another agency (as happened in this case) what support is available to our team to ensure that all possible appropriate avenues of contact with the resident have been used?

Answer by Councillor Glazier

All Adult Social Care initial contacts are screened and prioritised by Social Care Direct who have access to practitioner advice and a detailed set of guidance and protocols to assist them in the identification of risk and vulnerability. All contacts from the emergency services are initially considered under the Safeguarding Vulnerable Adults Policies and Procedures to ensure that an appropriate and timely response is provided.

The Adult Social Care Department in partnership with the NHS, Police and Ambulance services have produced a comprehensive staff guidance and support document entitled "*Self-Neglect, Mental Capacity and Best Interests – when to intervene?*" This assists practitioners to identify at an early stage potential self-neglect and associated risk factors. It also describes the use of multi-agency working to build a positive relationship and effective engagement with self neglecting service users and outlines the relevant legislation that practitioners can use to assist them, if necessary.

Effective casework is supported by this guidance and underpinned by ongoing professional supervision and oversight and an agreed process for multi-agency case conferencing.

3. Question by Councillor Tutt to Councillor Lock Lead Member for Transport and Environment

Despite paying full Council Tax large numbers of residents of Sovereign Harbour have been waiting many years for the adoption of their area by the County Council. Please can Councillor Lock provide guaranteed adoption dates for each of the following:

Callao Quay
Martinique Way
St Kitts Drive
Grenada Close
Santa Cruz Drive
Windward Quay
Leeward Quay
Key West
Key West Bridge
Barbuda Quay
Bermuda Place

Ocho Rios Mews

Answer by Councillor Lock

Current Position – Adoption of roads in Sovereign Harbour

I fully understand why residents wish to see these roads adopted. However, I also need to ensure that I look after their interests and those of council taxpayers generally, by ensuring that the roads have been properly constructed and will not be damaged after adoption by construction traffic associated with later phases of the development.

The County Council has therefore sought to protect the interests of residents by negotiating agreements underwritten with the respective developers for the construction of the roads. Whilst Section 38 Adoption Agreements are in place for a number of the sites, the County Council does not have a completely free rein to control the developers or force them into undertaking works, as this is at their expense and on their own land.

It has been agreed with one developer (Persimmon Homes) that highway adoption can proceed by “Deed of Dedication”. This is considered to be a more appropriate way forward as the adoption agreements were not completed by the previous developers and the roads were built sometime ago. The Deed of Dedication is a shorter document and should lead to quicker adoption of the roads.

In extreme circumstances, such as if a developer went into liquidation, the County Council could intervene and call on the Section 38 Bond in order to complete the works. However, this approach would have cost implications for the authority (legal & engineer fees) and may not necessarily get the work finished any quicker.

The policy of the County Council is not to adopt a road (at which stage it becomes a highway maintained at the public expense) until the road it connects to has also been placed on its 12 month maintenance period when the developer is still responsible for upkeep of the road (at which time it becomes a highway forever open to the public). Following this 12 month period and subject to any defects being addressed, the road is formally adopted and maintenance becomes the responsibility of the County Council.

Response to specific roads mentioned by Councillor Tutt:

Callao Quay

The developer Kier Homes (formerly Belwinch Homes) is in the process of carrying out a camera survey of the surface water drainage system. A joint inspection has been carried out with the developer and a schedule of remedial works issued. The developer will confirm the timescale for the works to be carried out. Subject to works being completed to an acceptable standard, adoption is anticipated in the early part of 2011. The specific time of adoption is dependent on the developer.

**Martinique Way
St Kitts Drive
Grenada Close
Outer Harbour Promenade (Part)**

Following a joint inspection with the developer, Persimmon Homes, a schedule of remedial works has been agreed and is in the process of being carried out. This area will be adopted by Deed of Dedication once the outstanding works have been completed to a satisfactory standard. Adoption is anticipated early part of 2011. The specific time of adoption is dependent on the developer.

**Santa Cruz Drive
Windward Quay
Leeward Quay**

The delay in adoption is due to issues associated with land ownership and future access arrangements to retaining walls. The Eastbourne Highway Manager has met with Persimmon Homes to press for progress on this matter.

In the meantime a schedule of remedial works has been agreed and the developer's contractor is carrying out these works at present. The specific time of adoption is dependent on the developer.

The Southern half of Santa Cruz Drive has already been adopted.

**Key West
Key West Bridge
Bermuda Place**

The delay in adoption is due to land ownership issues with the developer, Persimmon Homes. The Eastbourne Highway Manager has met with Persimmon to press for progress on this matter. In the meantime a schedule of remedial works has been agreed and the developer's contractor is carrying out these works at present. The specific time of adoption is dependent on the developer.

Barbuda Quay

All outstanding works are complete. The Highway Adoption agreement is being finalised. Adoption will proceed once the legal agreement is in place and is anticipated in the early part of 2011.

Ocho Rios Mews

All outstanding works are complete. The delay in adoption is due to complications in securing an easement agreement to access street lighting. The Highway Adoption agreement is in the process of being finalised. Adoption will proceed once legal agreement in place. Adoption is anticipated in the early part of 2011.

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Roads adopted in 2010 are:

Golden Gate Way
Golden Gate Mews
Pacific Drive
Harbour Quay

You will note that Pacific Drive and Harbour Quay are included within this list which alone represents a length of 1787m (1.79Km) of estate road. This adoption was a considerable achievement in itself bearing in mind the amount of work involved.

Out of all of the individual estate roads within the North and South Harbours, 85% have now been adopted.