

EAST SUSSEX COUNTY COUNCIL

MINUTES of a MEETING of the EAST SUSSEX COUNTY COUNCIL held at COUNTY HALL, LEWES on TUESDAY, 29 MARCH 2011 at 10.00 am.

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

64. Minutes of Last Meeting

64.1 RESOLVED - to confirm the minutes of the meeting of the County Council held on 8 February 2011 as a correct record.

65. Apologies for absence

65.1 An apology for absence was received from Councillors Freeman, Heaps, Rogers, D. Shing, Stogdon and Taylor.

66. Chairman's Business

ROYAL WEDDING

66.1 On behalf of the Council the Chairman expressed best wishes and congratulations to Prince William and Kate Middleton who marry on 29 April. The Chairman indicated that he understood that Prince William was likely to have a new title bestowed upon him and one of the options under consideration was to honour Sussex.

MATT DUNKLEY

66.2 On behalf of the County Council the Chairman passed on congratulations to Matt Dunkley who will become the President of the Association of Directors of Children’s Services for one year from 1 April.

CHAIRMAN'S ACTIVITIES

66.3 I have attended a number of engagements since the last County Council meeting including: visiting the Council’s Highway’s Team at Ringmer, the Economic Partnership meeting in Polegate, the Hastings and Rother Emmaus new accommodation unit and the East Sussex Association for the Blind and partially sighted, attending the University of Brighton Academic Awards Ceremony, the opening of the new Rye Library, the Mayor of Lewes’ Charity event, the Pestalozzi international celebration day at Sedlescombe

and the Ashdown Forest Conservators' Board meeting , welcoming a number of delegates from France to the Interreg Steering Committee meeting at Flimwell, presenting the Council's Long Service Awards in Lewes and, together with the Chief Executive, meeting the Vice Chancellor and Senior Management Team of Sussex University, attending the Hastings International Piano Competition Finals concert, the Council's 50+ Focus event at the Hillcrest Centre, Newhaven, the Council's Sports Development Awards at William Parker Sports College, Hastings and attending the visit of Her Royal Highness The Princess Royal at the opening of the Sussex Coast College, Hastings and attending the Trading Standards Local Life Show at the Winter Gardens, Eastbourne

The Vice Chairman attended the South Downs Youth Orchestra Concert at Uckfield, the presentation of the Volunteering Passport Awards at Lewes Town Hall and the High Sheriff's charity and art and antiques event in Lewes and also generously attended a number of events with me.

PRAYERS

66.4 The Chairman thanked the Reverend Stan Tomalin, Rural Dean of Dallington for leading the prayers before the Council meeting.

PETITIONS

66.5 The Chairman informed the Council that immediately before the meeting he had received one petition from Councillor Birch as follows:

Councillor Birch - calling on the County Council to provide a yellow Keep Clear box at the Old Sussex Arms Junction, Mount Road, Hastings

67. Questions from Members of the Public

67.1 Copies of a question asked by Sylvia Gray of Seaford and the answer by Councillor Lock (Lead Cabinet Member for Transport and Environment) are attached to these minutes.

68. Declarations of Interest

68.1 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>
Councillors Belsey, Bentley, Birch, Daniel, Dowling, Elkin, Freebody, Glazier, Howson, Jones, Kenward, Livings, O’Keeffe, Ost, Pragnell, Scott, Simmons, Waite and Webb	Member of the Local Government Pension Scheme	10 – Notice of Motion	No
Councillor Glazier	Non Executive Director of the Hastings and Rother Primary Care Trust	Cabinet report, paragraph 1	No
Councillor O’Keeffe	Helps organise a Community Transport Scheme	Cabinet report, paragraph 1	No
Councillor Reid	Member of the Pension Fund Investment Panel	Item 10 – Notice of Motion	No
Councillor Tutt	Member of the Pension Fund Investment Panel	Item 10 – Notice of Motion	No

69. Reports

CALLOVER

69.1 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 2

NON-RESERVED PARAGRAPHS

69.2 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.

70. Cabinet Report – Reserved paragraphs

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

70.2 The motions were CARRIED after debate.

71. Questions from County Councillors

ORAL QUESTIONS TO CABINET MEMBERS

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

Questioner	Respondent	Subject
Councillor Lambert	Councillor Jones	Eastbourne Borough Council's award of Council of the year by the Improvement and Efficiency Partnership (South East)
Councillor Tutt	Councillor Lock	Highway Agency Agreement
Councillor Healy	Councillor Lock	On street parking charges
Councillor Daniel	Councillor Lock	Publication of findings of CPO enquiry in relation to the Bexhill to Hastings Link Road
Councillor Scott	Councillor Lock	Allocation to East Sussex of Government funding for pot hole repairs.
Councillor Livings	Councillor Lock	Funding for community transport
Councillor Whetstone	Councillors Lock and Glazier	Launch of new religious education curriculum.
Councillor Daniel	Councillor Lock	Sustainable Transport Fund
Councillor S Shing	Councillor Reid	Development of land at Polegate
Councillor Whetstone	Councillor Bentley	Cost of nursing home placements for self funders
Councillor Ost	Councillor Elkin	Number of East Sussex schools formally applying to become Academies

Questioner	Respondent	Subject
Councillor Thompson	Councillor Jones	Target for local small and medium sized business undertaking work under County Council contracts
Councillor Whetstone	Councillor Jones	Role of small and medium sized local businesses as sub contractors

WRITTEN QUESTIONS PURSUANT TO STANDING ORDER 44

71.2 Written questions were received from Councillors Lambert for the Lead Members for Adults and Children's Services, Community Services and Transport and Environment, from Councillor St Pierre for the Lead Members for Strategic Management and Economic Development, Adults and Children's Services, Learning and School Effectiveness and Corporate Resources and from Councillor Shing for the Lead Member for Transport and Environment. The answers are attached to these minutes.

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

72. Notice of Motion

72.1 The following motion was moved by Councillor Birch and seconded by Councillor Webb:

Defending the Local Government Pension Scheme

Council notes:

The Local Government Pension Scheme (LGPS) is a sustainable, good quality pension scheme that benefits from being funded and locally managed. It is valuable to employers and employees alike. Successive governments have failed to recognise the distinctiveness of the LGPS in setting policy, most notably in the proposal announced by the Chancellor in the last Comprehensive Spending Review to impose an extra 3.2% contribution tax on scheme members, increasing scheme average member contributions from 6.6% to 9.8%. This tax does not benefit the scheme or scheme members or employers. This proposal is in addition to pension reductions caused by being indexed against the Consumer Prices Index instead of the Retail Price Index and is in advance of expected benefit reform recommendations from the Hutton Review.

The Council agrees:

an increase in member contributions as proposed will lead to mass opt outs from the LGPS and that would be undesirable and damaging. The views expressed by the Local Government Association (LGA) in its letter to the

Chancellor dated 16 February 2011 on this subject are also the views of this Council.

The County Council resolves to:

write to the Chancellor of the Exchequer and the Chief Secretary to the Treasury and the Secretary of State for Local Government within the next month stating this Council's support for the LGA letter referred to above and calling for government to rethink its proposed increases to LGPS member contributions. The Council will work with Trade Unions to ensure employees are made aware of the proposals for the LGPS and encouraging them to support the Council's representations to defend their pension scheme.

72.2 The following amendment was moved by Councillor Reid and seconded by Councillor Jones. The amendment was accepted by Councillors Birch and Webb, and was CARRIED

Council notes:

The Local Government Pension Scheme (LGPS) is a good quality and a well regarded scheme and ensuring its long term sustainability is an important goal of this authority. Crucially it differs from nearly every other public sector scheme in that it retains an investment fund to help defray the cost of past and future pension liabilities, being referred to as a "funded" scheme. In addition to the investment fund contribution, Councils as employer, typically contribute some 20% of their respective pay bill and employees pay between 6% and 7.5% of their salary into the pension fund. In contrast, most other public sector schemes do not have an investment fund, but operate on a "pay as you go" basis. As a result their growing pension liabilities are falling directly onto the Government's annual spending bill. To deal with this, in the Comprehensive Spending Review (CSR), the Chancellor signalled an increase in the average employee contribution into these unfunded public sector schemes amounting to a 3% extra yield to the treasury.

Technically the extra 3% yield did not apply to the LGPS, but since the CSR some parts of government have suggested it should apply to the LGPS. At this stage it is genuinely unclear if the 3% yield increase is to be borne by Local Government employees or not.

The LGA has raised concerns, highlighting the potential for scheme members to opt-out of the LGPS. Any significant drop in scheme membership would have a destabilising effect at the very time when reduction in workforce numbers and potential for a different style and balance of workforce would both reduce the active membership of the LGPS, with attendant negative impact on the viability of the scheme.

For these reasons the County Council resolves to:

(a) Write to the Chancellor of the Exchequer, the Chief Secretary of the Treasury and the Secretary of State for Local Government in support of the LGA letter referred to above (attached as Annex A) but also challenging, on

principle, whether the 3% employee yield pick up for unfunded schemes should actually be applied to the "funded" LGPS at all.

(b) Maintain its good practice of promoting staff awareness and understanding of potential changes in all staff terms and conditions.

THE CHAIRMAN DECLARED THE MEETING CLOSED AT 12.38 pm

The reports referred to are included in the minute book

QUESTION FROM MEMBERS OF THE PUBLIC

1. Question from Sylvia Gray, Seaford, East Sussex

Please would the Council explain why East Sussex County Council's recycling rate is so low?

Response by Councillor Lock

Thank you for your question and the opportunity it gives me to provide you with some detailed information and context on the County Council's recycling performance.

I think it is important to be clear about the different responsibilities that the separate organizations have for the management of waste. The County Council is a Waste Disposal Authority (WDA). It has responsibility for the disposal of municipal waste and the provision of Household Waste Recycling Sites, of which there are 12 across the County. The five District and Borough Councils in East Sussex are the Waste Collection Authorities (WCAs) and are responsible for collecting waste from household at the kerbside and may also choose to provide recycling banks to enable householders to recycle materials that cannot be recycled as part of a kerbside collection service.

You have not provided any details of the year you are referring to or the other Authorities you are comparing the County Council with. In the absence of these details I have used the recycling rates published by Defra for the year 2009/10.

The County Council's recycling rate for 2009/10 was 36.77%. When compared to all of the 33 Authorities that have sole responsibility for disposal, (i.e. it does not include Unitary Authorities who act as both WDA and WCA) East Sussex County Council was ranked 28th. The highest recycling rate was 52.66% and the lowest rate was 26.75%. Based on the figures up to the end of January 2011 it is expected that the recycling rate for East Sussex County Council for 2010/11 will exceed 38% and this will continue the annual upward trend. It is important to realize that this rate is primarily dependent on the effectiveness of the recycling regimes that the WCAs have in place.

In 2009/10 the recycling rates for the WCAs in East Sussex were as follows:

Waste Collection Authority	Recycling Rate 2009/10 Total Recycling %
Eastbourne District Council	31.21
Hastings Borough Council	27.06
Lewes District Council	24.43
Rother District Council	43.13
Wealden District Council	35.62

(Source: Defra)

The recycling rates above show that within East Sussex the individual recycling performance achieved by each WCA varies significantly. There can be many reasons for this. Studies have indicated that those councils that achieve the higher recycling rates have adopted many of the following approaches to waste management:

- alternate week collection
- kerbside collection of green waste
- kerbside collection of kitchen waste
- kerbside collection of comingled dry recycling
- kerbside collection on public and bank holidays
- kerbside collection of all of the following materials as a minimum to all residents of the WCA, glass, plastic bottles, cardboard, tins and paper

Recycling is of course only one aspect of responsible waste management. The County Council, as the Waste Disposal Authority, fully supports the waste hierarchy and sustainable ways to divert waste from landfill and landraise including waste avoidance, re-use and recovery.

WRITTEN QUESTION PURSUANT TO STANDING ORDER 44

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

The East Sussex Hearing Resource Centre offers a free service to people suffering from hearing loss at 50 sites across East Sussex, including the most deprived areas of the county and rural areas where some of our most vulnerable residents do not have easily accessible services.

The Parking Shop imposed a parking charge of £51 for a recent visit of the Hearing Resource Centre bus to park in the centre of Seaford, an easily accessible site which they have been using for many years. This was reduced on appeal to £15.

Could Councillor Glazier tell the Council how imposing these charges is protecting the most vulnerable in our society and why was the charge only imposed in Seaford?

Answer by Councillor Glazier

We incur costs from our contractor for parking suspensions associated with the implementation of a suspension to cover signage and enforcement. To support the charitable nature of the work being carried out by the East Sussex Hearing Resource Centre, a single administrative charge of £15 was proposed when the original enquiry was made.

It has now been agreed not to charge for suspensions to all charitable vehicles undertaking similar operations throughout the whole of Lewes District and Eastbourne Borough where we operate controlled parking.

We are discussing a similar concession with Hastings Borough Council as they manage the on street parking on our behalf under an agency agreement.

2. Question by Councillor Lambert to Councillor Tidy, Lead Member for Community Services

On 6 February, lead members received a cogent and well argued letter from Speak Up, the Countywide Forum for the Voluntary and Community Sector (VCS) in East Sussex.

What steps is the County Council taking to work with the VCS to respond to this letter and to ensure that the VCS is an equal partner in planning services and budgets? Has an impact assessment been carried out in respect of the County Council's funding for its partners in the voluntary and community sector? What consultation has been carried out as part of the decision making process?

Answer by Councillor Tidy

For 2011- 2012 the Council has not reduced investment in infrastructure support services for the Voluntary and Community Sector (VCS).

SpeakUp is funded by East Sussex County Council to ensure that the voluntary and community sector in East Sussex is supported in representation, liaison and communication with East Sussex County Council. We have protected this funding in recognition of the importance of the VCS to the residents of the county. We have also funded with partners the new Volunteer Centre East Sussex, which provides support to organisations in promoting, recruiting, and managing volunteers, and offers a brokerage service to residents interested in volunteering.

We welcome the views of SpeakUp as helpful and timely in ensuring that we maintain the positive relationship with the wider voluntary and community sector during challenging times.

The annual Reconciling Policy and Resources process includes continual engagement with the sector to keep them informed of our developing plans and listen to their views.

The Council holds quarterly liaison meetings with the VCS to discuss a range of topics which I, as lead member attend.

In September 2010 we discussed Public Service Reform, including Reconciling Policy and Resources, Policing in the 21st Century, Liberating the NHS, Adult Social Care Commissioning Prospectus and Local Enterprise Partnerships.

In December 2010 we discussed updates in Reconciling Policy and Resources and the Health agenda.

On 13 December VCS representatives were invited to attend the East Sussex Strategic Partnership wider partners meeting to explain our future plans, our financial outlook, and discuss how we can work together to deal with these challenges.

In January 2011 we had a thorough discussion on Reconciling Policy and Resources by department (Children's Services, Adult Social Care and Corporate) and began the discussion on developing VCS delivery of statutory sector services. This last discussion started at the request of SpeakUp.

At the April liaison meeting the Council and the VCS will begin the process of identifying what opportunities beyond the Commissioning Prospectus exist for the sector in delivering services and developing new models of service delivery. This will be carried out along side the departmental service reviews.

Beyond these regular liaisons with the sector there are a number of other forums that bring together the Council and the VCS to discuss developments in departments and teams.

The Council has a positive relationship with the voluntary and community sector built on trust and open communication.

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

Members may have seen press reports of firemen, wearing full breathing apparatus, being forced to run along a stretch of road after a van double-parked, blocking the path of their fire engine.

There must be a number of access roads where double parking would cause similar problems in the event of any emergency. Most of the primary schools in Seaford, for example, are accessed down narrow residential roads which are the focus of constant complaints about inconsiderate parking.

Will Councillor Lock now change the County Council's guidelines to match those of Brighton & Hove Council who introduced a ban on double parking in 2009 to prevent emergency vehicles from being blocked?

Answer by Councillor Lock

We do enforce double parking contraventions similar to those operating in Brighton & Hove where Civil Parking Enforcement schemes are operated (Hastings Borough, Eastbourne Borough and Lewes District). The Police have similar powers, but can go further to the point of removal if necessary.

However, there are a number of exemptions under the Traffic Management Act 2004 which Civil Enforcement Officers are required to take into consideration prior to any Penalty Charge Notice being issued. The exemptions are as follows:

- vehicles parked wholly within a designated parking place or any other part of the carriageway where parking is specifically authorised
- vehicles used by the fire, ambulance or police services
- loading and unloading
- vehicles used for waste collection, building works or road works.

The exemptions allowed by the legislation mean it is not possible to introduce a total ban on double parking.

4. Question by Councillor St Pierre to Councillor Jones, Lead Member for Strategic Management and Economic Development

The Minutes of the Scrutiny Committee for Audit and Best Value state that '*Schemes in Hastings have been the focus for the first round of funding from the Regional Growth Fund as these stood the most chance of being successful. Further rounds would focus on Eastbourne and possibly Newhaven.*' Will Councillor Jones give assurance that he would support future bids from areas in other parts of the County, including Newhaven?

Answer by Councillor Jones

Yes, there is an officer group involving all Districts & Boroughs and the County Council, chaired by the Chief Executive of Eastbourne. It worked up the bid we submitted for round one which was agreed by all the Leaders and is now working up proposals for rounds 2&3 of the Regional Growth Fund potentially for projects in Eastbourne and Newhaven. The Leaders also agreed to pursue our joint super fast broadband objectives through a separate bidding process. As with the first round, any bid that is submitted will need to meet the criteria for the fund. The County Council and all five boroughs and districts have provided resources to support all the bids.

5. Question by Councillor St Pierre to Councillor Glazier, Lead Member for Adults and Children's Services

The Victoria Hospital, Lewes serves as both a centre for minor surgery, out-patients clinics for patients from the Princess Royal Hospital, Haywards Heath and the County Hospital, Brighton. It has been supported by the local community in the purchase of sophisticated equipment. The locality of the hospital ensures that patients remain near to their families which research proves speeds recovery.

What action is the County Council taking, in discussions with NHS Trusts in the Lewes area, to ensure that the Victoria Hospital, Lewes, a much loved community hospital, is not sold off under plans of the NHS reform to either the private sector health sector or for other development?

Answer by Councillor Glazier

The County Council is working in partnership with the local NHS to develop the quality and range of health and social care services we provide. We are also in discussion with General Practitioners about how best we can work together in the future to commission services that will improve the health and well being of East Sussex residents.

The County Council is unaware of any plans to sell the Victoria Hospital, Lewes to the private health sector or for other development.

6. Question by Councillor St Pierre to Councillor Elkin, Lead Member for Learning and School Effectiveness

Throughout the County schools and, in particular governing bodies of secondary schools, are considering whether to adopt academy or trust status. Is the Lead Member making governing bodies aware that there is the possibility that applications for academy status may be rejected by the Department for Education if the long term financial management of the school is not secure?

Answer by Councillor Elkin

To date, only one East Sussex school has consulted on whether to convert to academy status, and the Local Authority has been in discussion with that school. The Council has, with Lead Member agreement, established an Academy Working Group consisting of officers, headteachers and Governors (collectively representing primary, secondary, and special schools) which is examining the implications of the Academies Act for schools and the Council. It is, of course, a decision for the Governing Body of each school as to whether to apply and, if approved, whether to convert to academy status. That decision should be made with as much information available as possible, and the Working Group is developing a Briefing Note to help inform schools. It is then for the Governing Body to consider the opportunities and risks for their particular school, including the risk that an application to the Department for Education (DfE) could be rejected.

It should be noted that a school does not have to inform the Council before it applies and so the Council may have no opportunity to engage with the school prior to the application being submitted. The Application Form requests information about Ofsted judgements, the schools financial situation, land and buildings, and school organisation and presumably the DfE could refuse an application if any of these areas caused it concern. The Local Authority is, however, not privy to the processes within the Department.

7. Question by Councillor St Pierre to Councillor Reid, Lead Member for Corporate Resources

I have noted the minutes of the Lead Member for Corporate Resources decision making meeting held on 28 February 2011 in relation to the revised arrangements for appointing contractors when the current select list expires in February 2012. What action is being taken to monitor the work of sub contractors to ensure that the quality of work is of an appropriate standard? I refer in part to the fact that the Ringmer Lewes cycleway has to be torn up and re-laid. I am aware that the cost of this section of cycle way is met largely by Section 106 funds. Monitoring of work by subcontractors is of concern to many members.

Answer by Councillor Reid

The measures that Councillor St Pierre refers to and I approved on the 28 February concern the work of CRD Property in the maintenance of Council owned property assets by approved contractors and their sub contractors. The project specifically referred to is covered by separate arrangements not covered within the report that I approved on the 28 February. However I can assure the Councillor that the performance management of all Council contracts are regarded as the highest importance by Council departments.

Any contractor that tenders and is successful in winning a tender from the approved list for building works cannot subcontract works without prior approval from ESCC. Work undertaken by approved contractors and their

subcontractors are subject to regular inspection by ESCC officers and their consultants. Certificates of completion and payments for works are not made until work has been completed to a satisfactory standard. Where a contractor's performance including those of any approved subcontractors is poor this is managed and rectified through a post project review. Major / continued unsatisfactory performance will result in the contractors and any subcontractors they use being removed from the approved list for selection to tender on any further ESCC projects.

Dealing specifically with the replacement of the surface on the Ringmer to Lewes cycleway, highlights the effectiveness of the current monitoring arrangements employed throughout the Council. Surfacing materials can be monitored at various stages during construction to ensure compliance. Certain types of monitoring are only feasible after the surface has been laid. Our current monitoring arrangements successfully highlighted that the surfacing was not satisfactory. The contractor has accepted that the surfacing provided is substandard and the proposed resurfacing will be at no cost to the County.

These measures should reassure Councillors and the public, that works are being monitored and that it is in the public interest for substandard work to be rectified by contractor's whose work falls below these required standards.

8. Question by Councillor S. Shing to Councillor Lock, Lead Member for Transport and Environment

Given the large number of requests for double yellow lines in the County Council's area, what plan does the Council have to speed up the implementation process?

Answer by Councillor Lock

The implementation of parking restrictions is covered by national legislation which defines the manner in which all restrictions must be investigated, consulted on and advertised; with any objections received during this process considered by the County Council.

The process of investigating parking restrictions, drawing up the proposals and progressing a full consultation and legal advertisement procedure is lengthy; with considerable cost implications for the authority. For this reason we do not progress requests for parking restrictions in an ad hoc manner but group them together and undertake parking reviews by town or village, which ensures the most efficient use of our resources.

The level of enforcement that most parking restrictions in the county receive is relatively low since the end of dedicated enforcement by Traffic Wardens. Enforcement is now undertaken in those areas under police responsibility by uniformed officers and Police Community Support Officers, for whom this role is a minor function.

In areas covered by Civil Parking Enforcement, presently the Boroughs of Hastings and Eastbourne and Lewes District, enforcement is undertaken as a civil matter by parking attendants. These areas enjoy a higher level of enforcement and the surplus revenue raised is now being ploughed back into transport improvement schemes and will fund a faster turn round of new or amended restrictions.

With the reduction in the amount of funding available to local government resulting from the Coalition Government's plan to reduce the national deficit, we can not foresee a situation where we would be able to increase the number of staff dealing with yellow line requests in areas not covered by Civil Parking Enforcement.