

# EAST SUSSEX COUNTY COUNCIL

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**MINUTES of a MEETING of the EAST SUSSEX COUNTY COUNCIL held at COUNTY HALL, LEWES on TUESDAY, 17 MAY 2011 at 10.00 am.**

**Present** Councillors Barnes, Belsey, Bennett, Bentley, Birch, Daniel, Dowling, Elkin, Ensor, Fawthrop, Field, Freebody, Freeman, Gadd, 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, Thompson, Mrs Tidy, Tidy, Tutt, Waite, Webb and Whetstone.

## **1 Election of Chairman**

*Councillor Simmons (Chairman of the County Council) in the Chair.*

1.1 The following motion was moved by Councillor Jones and **SECONDED**  
—

‘To elect Councillor Dowling to serve as Chairman of the County Council for the ensuing year’.

1.2 In moving his motion, Councillor Jones paid tribute to the excellent work that Councillor Simmons had undertaken during the past two years as Chairman of the County Council.

1.3 There being no other nominations, the Chairman put the motion to the vote and declared Councillor Dowling elected as Chairman of the County Council for the ensuing year. Councillor Dowling made a declaration of acceptance of office and took the Chair.

*Councillor Dowling in the Chair.*

1.4 The Chairman and members paid tribute to the way in which Councillor Simmons had carried out his duties as Chairman of the County Council over the previous two years, acting as an excellent ambassador of the County promoting the Council across communities within and outside the county boundary. The Chairman presented Councillor Simmons with a past Chairman's badge.

1.5 The Chairman thanked the Council for electing him as Chairman and set out his priorities for the coming year.

## **2 Appointment of Vice Chairman**

2.1 The following motion was moved by Councillor Jones and **SECONDED**  
—

‘to appoint Councillor Lock to serve as Vice Chairman of the County Council for the ensuing year’.

2.2 There being no other nominations, the Chairman declared Councillor Lock appointed as Vice Chairman of the County Council and Councillor Lock made a declaration of office and took his seat as Vice Chairman

2.3 Councillor Lock thanked the Council for appointing him to this position

### **3 Minutes of last meeting**

3.1 RESOLVED – to confirm the minutes of the meeting of the County Council held on 29 March 2011 as a correct record.

### **4. Apologies for absence**

4.1 An apology for absence was received from Councillors D. Shing and Thomas.

### **5. Chairman's Business**

#### **SIR JOHN CHATFIELD**

5.1 On behalf of the Council the Chairman paid tribute to a former colleague, Sir John Chatfield following his death in March. Sir John Chatfield had been a highly respected and very experienced councillor serving on the County Council from 1972 – 1993. In addition to serving on many committees he served as Vice Chairman, Chairman and Leader of the Council. On behalf of the County Council, the Chairman sent best wishes to all his family.

5.2 The Council stood in silence as a mark of respect for their former colleague.

#### **BOROUGH AND DISTRICT COUNCIL ELECTIONS**

5.3 On behalf of the County Council the Chairman passed on congratulations to those in the Chamber who were elected in the recent Borough and District Council elections.

#### **PRAYERS**

5.4 The Chairman thanked the Right Reverend Wallace Benn, Bishop of Lewes for leading the prayers before the Council meeting.

#### **PETITIONS**

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

Councillor Dowling	- calling on the County Council to introduce a 40 mph speed limit on the B2192/B2102 Lewes Road, Blackboys between Cider House Farm and Brownings Farm.
Councillor Dowling (on behalf of Councillor Simmons)	- calling on the County Council to introduce traffic calming measures in Ghylls Road, Heathfield and to take into account the increasing difficulties/hazards of parking because of the land adjacent to 6 Geers Wood Cottages now being utilised
Councillor Reid	- calling on the County Council to provide safe pedestrian access to Buxted Primary School by lowering the speed limit from 60 mph to 30 mph and widening the footpath between the village and the school to standard pavement width
Councillor Thompson	- calling upon the County Council to provide improved road safety in respect of the rail crossing and pedestrian crossing in Brassey Avenue, Hampden Park

## 6. Declarations of Interest

6.1 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 Birch, Daniel, Lock, Pragnell, Scott and Webb	Members of Hastings Borough Council	Cabinet report, paragraph 3 (for information , not for decision)	No (but would review if matter debated)
Councillor Field	Husband is Business Manager at a special school at which agency placements are made	Cabinet report, paragraph 2	No (but would review if matter debated)

<i>Member</i>	<i>Position giving rise to interest</i>	<i>Agenda item</i>	<i>Whether interest was prejudicial</i>
Councillor Maynard	Leader of Rother District Council	Cabinet report, paragraph 1	No
Councillor O’Keeffe	Has a family member who attends a special school	Cabinet report, paragraph 2	No
Councillor Pragnell	Governor of a primary school in Hastings	Item 14 – Cabinet priorities	No
Councillor Simmons	Chairman of the Heathfield Partnership Trust	Item 14 – Cabinet priorities	No
Councillor Whetstone	Landlord of small workshops units	Item 14 – Cabinet priorities	No

## **7. Reports**

### **CALLOVER**

7.1 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**

7.2 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.

## **8 The Cabinet**

8.1 In accordance with the Constitution, Councillor Jones presented a written record to the Council of his appointments to the Cabinet and his delegations of executive functions. Councillor Jones and other members paid tribute to the former members of the Cabinet and Deputy Leader and sent good wishes to the new Deputy Leader and Cabinet members.

## **9 Appointment of Committees and Sub-Committees**

9.1 Councillor Tidy moved, and it was seconded, that appointments be made to the Committees and Sub-committees, listed in item 8 of the agenda, in accordance with the list of nominations from political groups which were circulated in the Council Chamber.

9.2 The motion was CARRIED.

## **10 Appointment of Members to other Committees and Panels**

10.1 Councillor Tidy moved, and it was seconded, that members be appointed to serve on the Committees and Panels listed in item 9 of the agenda, in accordance with the political balance provisions and the list of nominations from political groups which was circulated in the Council Chamber.

10.2 The motion was CARRIED.

## **11 Appointments to the Transport and Student Support Panel and other bodies**

11.1 Councillor Tidy moved, and it was seconded, to agree that the political balance provisions would not apply to the membership of the Transport and Student Support Panel and that members be appointed to that group in accordance with the list of nominations from political groups which was circulated in the Council Chamber.

11.2 The motion was CARRIED (with no member voting against).

## **12 Confirmation of Continuation of Other Bodies**

12.1 Councillor Tidy moved and it was seconded, that the bodies listed in agenda item 11 be continued, that the political balance provisions shall not apply to these Panels and that members be appointed by the Director of Governance and Community Services as the need arises.

12.2 The motion was CARRIED (with no member voting against).

## **13 Appointment of Chairmen and Vice-Chairmen of Committees Sub-Committees**

13.1 The following motion, moved by Councillor Tidy and seconded, was CARRIED:

'To appoint the following members to positions listed below':

<b>Committee</b>	<b>Chairman</b>	<b>Vice-Chairman</b>
Regulatory	Fawthrop	
Adult Social Care Scrutiny Committee	Pragnell	Scott
Audit and Best Value Scrutiny Committee	Sparks	Barnes
Children's Services Scrutiny Committee	Ensor	Field
Health Overview and Scrutiny Committee	Simmons	Rogers
Transport and Environment Scrutiny Committee	Stogdon	Fawthrop
Governance Committee	Jones	
Planning Committee	Daniel	Stogdon
Pension Fund Investment Panel	Reid	

13.2 Councillor Jones and other members paid tribute to the work undertaken by the previous Chairmen and Vice Chairmen of the various committees.

#### **14 Questions from Members of the Public**

14.1 There were no questions from members of the public

#### **15 Cabinet Priorities for the forthcoming year**

15.1 Councillor Jones outlined the Cabinet's priorities for the forthcoming year. The other Group Leaders commented on these, following which there was a debate.

#### **16. Cabinet Report – Reserved paragraphs**

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

16.2 The motions were CARRIED after debate.

#### **17. Questions from County Councillors**

##### **ORAL QUESTIONS TO CABINET MEMBERS**

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

<b>Questioner</b>	<b>Respondent</b>	<b>Subject</b>
Councillor St Pierre	Councillor Maynard	Consideration of implications for parking in Lewes on days when events are being held at the stadium in Falmer.
Councillor Thompson	Councillor Glazier	Membership of the South East Employers
Councillor Field	Councillor Elkin	Impact on the youth service staffing of budget reductions, including reduction in social worker posts, number of new managers in post and whether there was a net increase in manager posts
Councillor Scott	Councillor Bentley	Impact of judicial ruling in relation to Birmingham City Council on the County Council's plans for adult social care
Councillor Webb	Councillor Elkin	Consideration by Schools Forum of funding for Excellence Cluster in Hastings
Councillor Livings	Councillor Maynard	Extension of opening hours for recycling centre in Newhaven
Councillor Lambert	Councillor Glazier	Gender balance on the Cabinet
Councillor Daniel	Councillor Maynard	Progress of Bexhill to Hastings link road and potential conflict of interest the Lead Member may have in also being the Leader of Rother District Council
Councillor O'Keeffe	Councillor Freebody	Future of Lewes Registration Office
Councillor Tutt	Councillor Maynard	Future of pay to park scheme in Eastbourne
Councillor Rogers	Councillor Elkin	Barriers to schools looking to obtain better value for money for services following bench marking against current service provider.

<b>Questioner</b>	<b>Respondent</b>	<b>Subject</b>
Councillor Rogers	Councillor Elkin	Discussions with Diocese of Chichester regarding Church of England proposals to convert schools to academy status.
Councillor Whetstone	Councillor Elkin	New religious curriculum
Councillor Rogers	Councillor Bentley	Eligibility criteria and investment in preventative services
Councillor Whetstone	Councillor Maynard	Opening hours of Transport and Environment contact centre

#### WRITTEN QUESTIONS PURSUANT TO STANDING ORDER 44

17.2 Written questions were received from Councillors Whetstone and Tutt for the Lead Members for Economy, Transport and Environment and Adults and Children's Services. The answers are attached to these minutes.

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

THE CHAIRMAN DECLARED THE MEETING CLOSED AT 2.50 pm

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 The reports referred to are included in the minute book  
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## **WRITTEN QUESTION PURSUANT TO STANDING ORDER 44**

### **1. Question by Councillor Whetstone to Councillor Maynard, Lead Member for Transport and Environment**

How many Petitions were received by the County Council in the last financial year? How many of these were for the Transport and Environment department? How many of these were for traffic control schemes, how much did it cost the department to respond to these and how many produced an answer favourable to the petitioners?

#### **Answer by Councillor Maynard**

There were 19 petitions presented to the Chairman of the County Council in the last financial year. 17 of the petitions were for the Transport and Environment department of which 16 related to traffic control schemes.

It is difficult to say how much it costs the department to respond to a petition as each response time is variable, depending on the petition, and the costs relate to officer time, rather than additional costs to the department. Thus we can not give the cost to the department without a significant information gathering exercise requiring a substantial amount of officer time.

Out of the 16 petitions, 4 produced a favourable response to the petitioners. Of the remaining 12, 2 produced an unfavourable response, 1 is still to be reported to Lead Member and 9 are ongoing due to various factors, including needing further investigation, changes to assessment processes and so on.

### **2. Question by Councillor Tutt to Councillor Elkin, Lead Member for Adults and Children's Services**

Please would the lead member provide details of the latest code of practice on consultation for schools considering opting out of LEA control? Would they also confirm whether all East Sussex schools considering such a change are following this consultation programme?

#### **Answer by Councillor Elkin**

As Councillor Tutt will be aware, the Council does not have a preferred position regarding the legal status of schools. The policy approved by the Lead Member in November 2010 however stated that the Council does "strongly believe that schools should consult their students, staff, parents, and community effectively before taking any decisions about the status of the school."

This is the approach that we have explained to schools and that we have followed when we have responded to consultations.

If a school wishes to convert to academy status, and so 'opt out' of LA control, it must comply with the requirements of the Academies Act 2010. Clause 5 of the Act requires the Governing Body to "consult such persons as they think appropriate" before the implementation date of the conversion, although this consultation "may take place before or after an Academy order, or an application for an Academy order, has been made". The consultation should be on the question of whether the school should convert to an academy.

These statutory requirements are therefore very light, and the Council's policy position outlined above is, rightly, more onerous. We certainly believe that schools need to engage in open and honest consultation that provides sufficient time and adequate information to enable people to respond effectively. In that sense, we envisage schools adopting processes similar to those required for maintained schools in terms of breadth of stakeholders and the period for consultation.

The decision regarding whether a school should convert to academy status is for the Governors of the school (and the Diocese for appropriate schools). The Council is not in a position to necessarily know which schools are considering such a move, and so cannot confirm what approach to consultation they would take. Councillor Tutt can be assured however that the Council will be pushing for academy consultations to follow the principles I outlined.