EAST SUSSEX COUNTY COUNCIL

MINUTES of a MEETING of the EAST SUSSEX COUNTY COUNCIL held at COUNTY HALL, LEWES on TUESDAY, 21 MAY 2013 at 10.00 am.

Present Councillors Barnes, Belsey, Bennett, Bentley, Birch, Blanch, Buchanan, Butler, Carstairs, Clark, Daniel, Davies, Chris Dowling, Claire Dowling, Earl, Elkin, Ensor, Field, Forward, Galley, Glazier, Hodges, Howson, Keeley, Lambert, Maynard, O'Keeffe, Phillips, Pragnell, Pursglove, Rodohan, Scott, Sheppard, D Shing, S Shing, Shuttleworth, Simmons, Standley, Stogdon, St Pierre, Taylor, Tidy, Tutt, Ungar, Wallis, Webb, Whetstone and Wincott.

1 Election of Chairman

Councillor Chris Dowling (Chairman of the County Council) in the Chair.

1.1 The following motion was moved by Councillor Glazier and SECONDED

'To elect Councillor Belsey to serve as Chairman of the County Council for the ensuing year'.

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

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

Councillor Belsey in the Chair.

1.4 The Chairman and Group Leaders paid tribute to the way in which Councillor Chris Dowling had carried out his duties as Chairman of the County Council over the past two years, acting as an ambassador for the County, hosting and attending a number of engagements and ensuring that the work of the Council was recognised in communities within and outside East Sussex. The Chairman presented Councillor Chris Dowling with the past Chairman's badge.

1.5 The Chairman thanked the Council for electing him as Chairman.

2 Appointment of Vice Chairman

2.1 The following motion was moved by Councillor Glazier and SECONDED –

'to appoint Councillor Ensor to serve as Vice Chairman of the County Council for the ensuing year'.

2.2 There being no other nominations, the Chairman put the motion to the vote and declared Councillor Ensor appointed as Vice Chairman of the County Council for the ensuing year. Councillor Ensor made a declaration of acceptance of office and took his seat as Vice-Chairman.

3 Minutes of last meeting

3.1 RESOLVED – to confirm the minutes of the meeting of the County Council held on 26 March 2013 as a correct record.

4. Apologies for absence

4.1 An apology for absence was received from Councillor Charlton.

5. Notice by Returning Officer of Election of County Councillors

5.1 The Council agreed to receive the Notice of the Returning Officer certifying the election, on 2 May 2013, of County Councillors for the various electoral divisions in East Sussex.

6. Chairman's Business

WELCOME

6.1 The Chairman congratulated and welcomed all members to the first meeting of the County Council following the elections.

KEVIN FOSTER

6.2 On behalf of the County Council the Chairman welcomed Kevin Foster, the Council's Chief Operating Officer, to his first meeting.

DIANA GRICE

6.3 The Chairman announced that this was Diana Grice's last Council meeting. On behalf of the Council he wished her all the best in her new role with Public Health England.

BEST COUNCIL TO DO BUSINESS WITH

6.4 On behalf of the Council the Chairman congratulated all those involved in winning the 'Best Council to do Business with' award. The County Council

and Surrey County Council had submitted a joint entry to the Department for Communities and Local Government contest and the entry was chosen as an excellent example of how councils can open up procurement opportunities to small businesses.

PRAYERS

6.5 The Chairman thanked the Venerable Philip Jones, Archdeacon of Lewes for leading the prayers before the Council meeting.

PETITIONS

6.6 The Chairman informed the Council that immediately before the meeting the following petitions had been received from members:

Councillor Hodges	- calling upon the Council to review the decision to switch off street lights between 00.30 and 5.30 am on residential streets in Bexhill. This plan will only save 6 pence per household in Council Tax
Councillors D and S Shing	- calling on the County Council to reinstate the street lighting after midnight in the Polegate/Wannock area
Councillor St Pierre	- calling on the County Council to recalculate the traffic light timing at the junction of Station Street, School Hill, Fisher Street and the High Street, Lewes so that there is a dedicated time slot for the pedestrian crossing showing green while all other traffic is on red
Councillor Standley	- calling upon the County Council to introduce a 30mph speed limit and pedestrian walkway on the B2101 High Cross from Sherriff's Lane to Mayfield Road to allow safe pedestrian access to Rotherfield Village

7. Declarations of Interest

7.1 There were no declarations of interest

8. Reports

CALLOVER

8.1 The Chairman of the County Council, having called over the reports set out in the agenda, reported that no paragraphs had been reserved for discussion

NON-RESERVED PARAGRAPHS

8.2 On the motion of the Chairman of the County Council, the Council ADOPTED the paragraphs in the reports of the Committees.

9 Appointment of Leader of the Council (and Chairman of the Cabinet)

9.1 The following motion was moved by Councillor Elkin and SECONDED

'to nominate Councillor Glazier as Leader of the Council (and Chairman of the Cabinet) for a four year period set out in the Constitution

9.2 There being no other nominations, the Chairman put the motion to the vote and declared Councillor Glazier elected as Leader of the Council (and Chairman of the Cabinet) for a four year period set out in the Constitution.

10 The Cabinet

10.1 In accordance with the Constitution, Councillor Glazier presented a written record to the Council of his appointments to the Cabinet and his delegations of executive functions. A copy of the Leader's report is attached to these minutes. The Leader reported that the following members had been appointed to the Cabinet with the portfolio listed below

Portfolio	Cabinet Member
Strategic Management and Economic Development	Councillor Glazier
Resources	Councillor Elkin (Deputy
	Leader)
Community Services	Councillor Chris Dowling
Economy	Councillor Simmons
Transport and Environment	Councillor Maynard
Adults Social Care	Councillor Bentley
Children and Families (designated statutory Lead	Councillor Tidy
Member for Children's Services)	
Learning and School Effectiveness	Councillor Bennett

11 Appointment of Committees and Sub-Committees

11.1 Councillor Dowling moved, and it was seconded, that appointments be made to the Committees and Sub-committees, listed in item 10 of the agenda, in accordance with the list of nominations from political groups which were circulated in the Council Chamber.

11.2 The motion was CARRIED.

12 Appointment of Members to other Committees and Panels

12.1 Councillor Dowling moved, and it was seconded, that members be appointed to serve on the Committees and Panels listed in item 11 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.

12.2 The motion was CARRIED.

13 Appointments to the Transport and Student Support Panel

13.1 Councillor Dowling 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 the Panel in accordance with the list of nominations from political groups which was circulated in the Council Chamber.

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

14 Confirmation of Continuation of Other Bodies

14.1 Councillor Dowling moved and it was seconded, that the bodies listed in agenda item 13 be continued, that the political balance provisions shall not apply to these Panels and that members be appointed by the Chief Executive as the need arises.

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

15 Appointment of Chairmen and Vice-Chairmen of Committees Sub-Committees

15.1 The following motion, moved by Councillor Dowling and seconded, was CARRIED:

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

Committee	Chairman	Vice- Chairman
Regulatory	Stogdon	
Adult Social Care and Community Safety Scrutiny Committee	Pragnell	Webb
Audit, Best Value and Community Services Scrutiny Committee	Blanch	Barnes
Children's Services Scrutiny Committee	Field	S Shing
Health Overview and Scrutiny Committee	Ensor	O'Keeffe
Economy, Transport and Environment Scrutiny Committee	Stogdon	Pursglove
Governance Committee	Glazier	
Planning Committee	Daniel	Stogdon
Pension Fund Investment Panel	Stogdon	
Standards Committee	Stogdon	

16 Questions from Members of the Public

16.1 There were no questions from members of the public

17 Cabinet Priorities for the forthcoming year

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

18. Questions from County Councillors

ORAL QUESTIONS TO CABINET MEMBERS

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

Questioner	Respondent	Subject
Councillor St Pierre	Councillor Glazier	Future of Women's refuge.
Councillor Lambert	Councillor Maynard	Consideration of 20 mph speed limits and other innovative road safety measures
Councillor Ungar	Councillor Bentley	Services and support for carers including respite care
Councillor Birch	Councillor Glazier	Flying of Rainbow flag at County Hall during Pride week and on International Day against homophobia
Councillor Webb	Councillor Glazier	Future relationship with the European Union
Councillor Howson	Councillor Maynard	Target times to repair defects on A roads and repairs to Telscombe Cliffs Way
Councillor Whetstone	Councillor Maynard	Update in relation to the washable nappies scheme
Councillor Shing	Councillor Maynard	Maintenance of the Seven Sisters Country Park including Cuckmere Haven
Councillor O'Keeffe	Councillor Bentley	Use of carer's personal budget for respite to enable the carer to attend an event/activity
Councillor Whetstone	Councillor Maynard	Fees charged to developers and other bodies for the production of detailed drawings for highway works
Councillor Whetstone	Councillor Maynard	Repairs of damaged signs on B roads

WRITTEN QUESTIONS PURSUANT TO STANDING ORDER 44

18.2 Written questions were received from Councillors Field, Ungar and Shuttleworth for the Lead Members for Transport and Environment, Resources and Learning and School Effectiveness. The questions and answers are attached to these minutes.

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

THE CHAIRMAN DECLARED THE MEETING CLOSED AT 12.45 pm

The reports referred to are included in the minute book

WRITTEN QUESTION PURSUANT TO STANDING ORDER 44

1. <u>Question by Councillor Field to the Lead Member for Transport and</u> <u>Environment</u>

The Community Speed Watch programme runs two parallel and separate strands of management; one administered by the County Council, and one administered by the Police. This has an adverse effect on efficiency and a doubling of e.g. offense recording policies, scheme purpose, procedures and cost of insurance cover. Would it be possible to amalgamate the two schemes and put them under one umbrella, i.e. the Police, to create a much better platform for coordination, common structure, scope and responsibility?

Answer by the Lead Member for Transport and Environment

Whilst the two schemes are similar they are complementary to each other.

They are run separately and offer local communities a range of options suitable to the varying needs of different communities.

Community Speed Watch is a Sussex Police initiative that empowers local communities to take an active part in encouraging drivers to observe speed limits through their local area. The scheme is designed to complement traditional police enforcement methods at sites that give rise to local concerns about traffic speed. It also encourages community engagement and partnership working.

Community Speed Watch volunteers work closely with the Neighbourhood Policing Teams and in liaison with and supported by the Roads Policing Unit through referrals made to Operation Crackdown, a scheme that allows reports of anti-social driving to be used to develop targeted intervention and enforcement activities.

Community Speed Watch informs drivers that excessive speed is socially unacceptable and helps to re-educate them about the dangers of speeding while addressing concerns from local residents.

East Sussex County Council supports this initiative through the Sussex Safer Roads Partnership and by referring interested residents to the relevant Officer at Sussex Police.

East Sussex County Council also facilitates Town and Parish Councils to set up volunteer groups to operate Speed Indicator Devices. These devices are mobile Vehicle Activated Signs that display representations of happy or sad faces depending on the approach speed of a driver and the relevant speed limit. These devices are for education purposes only.

We have recognized the contribution that these schemes make to road safety and we have been working in partnership with our colleagues in Community Safety and Public Health to establish a close working relationship with all organizations that have an interest in the issue. It is our intention to maximize the impact that these schemes can make to our residents daily lives by working in close partnership with bodies across the public realm; including the Fire and Rescue and Ambulance Services, the District, Borough and Town/Parish Councils, Sussex Police and the Sussex Safer Roads Partnership. An initiative based on sound road safety principals and close working relationships is being developed and will be ready for launch later this year. This will provide a comprehensive approach to raising public awareness of road safety issues and offer a number of self help options for our local communities.

The range of initiatives that are available have been designed to address a variety of issues that may be present. They make best use of the available limited resources and utilize the roles and responsibilities of each organization.

2. <u>Question by Councillor Ungar to the Lead Member for Resources</u>

Will the Lead Member please supply the answers to the following questions:

a) In the last ten years how many East Sussex County Council staff, including those who have left the employment of East Sussex County Council as well as those who continue to work for East Sussex County Council, have received gagging orders? This includes "gagging clauses" (or clauses that could be seen as such) that form part of settlement agreements, compromise agreements and COT3 agreements.

b) Can the Lead Member provide the information broken down by year, department and gender.

Answer by the Lead Member for Resources

(i) The table below sets out the number of compromise agreements and COT3 agreements as far back as our records show. The term 'COT3 agreement' refers to settlements which have been facilitated through ACAS; they are a legally binding contract between an employer and employee to settle potential or actual complaints made by an employee to an Employment Tribunal. The agreements are recorded on an ACAS form headed 'COT3'. Whereas a Compromise Agreement (or a Settlement Agreement) is a legally binding agreement following the termination of employment facilitated through a solicitor rather than by ACAS. It usually provides for a severance payment by the employer, in return for which the employee agrees not to pursue any claim to an Employment Tribunal; it may also deal with the notice element in the contract of employment or provide for 'payment in lieu'.

All compromise agreements and COT3s contain a standard confidentiality clause. The clause is not a "gagging clause". It is a mutual agreement by

both parties not to make derogatory comments or to discuss the financial terms of the agreement. The agreement does not prevent a signatory from referring a matter to a regulatory body. The County Council has a Confidential Reporting ('Whistleblowing') Policy and is committed to the highest standards of openness and expects employees to come forward and voice concerns. All concerns will are treated in confidence and identity is protected. This Policy is informed by the Public Interest Disclosure Act 1998 and the Employment Rights Act 1996 which provide specific rights for workers who disclose information about alleged wrongdoings in certain specific circumstances. In an effort to ensure that we have robust and meaningful whistleblowing arrangements in place we have recently volunteered for a pilot to have them reviewed by an external organisation "Public Concern at Work".

					2010-	2011-	2012-
Dept	Gender	2007-8	2008-9	2009-10	11	12	13
Adult Social Care	Female	3	10	3	4	8	12
	Male	1	3	3	2	3	6
Adult Social Care Total		4	13	6	6	11	18
Children's Services	Female	3	8	8	13	4	3
	Male	3	2	1	3	5	4
Children's Services Total		6	10	9	16	9	7
Corporate Resources Directorate	Female	0	1	0	0	0	1
	Male	1	2	3	1	3	3
Corporate Resources Directorate Total		1	3	3	1	3	4
Economy, Transport & Environment	Female	0	0	1	8	1	1
	Male	2	0	2	9	7	3
Economy, Transport & Environment Total		2	0	3	17	8	4
Governance & Community Services	Female	1	1	4	2	3	4
	Male	1	1	0	2	4	0
Governance & Community Services Total		2	2	4	4	7	4
Schools	Female	22	30	41	46	51	41
	Male	8	8	16	15	17	20
Schools Total		30	38	57	61	68	61
Grand Total		45	66	82	105	106	98

Breakdown by Department

(ii) As part of the Single Status implementation COT3 agreements were issued to employees to confirm the harmonisation of enhancements and allowances of employees across the Council. This piece of work falls outside the scope of core business and therefore has been reported separately.

Dept	Male	Female	Total Number of COT3 Agreements Signed
Adult Social Care	16	138	154
Children's Services	1	6	7
Governance and Community Services	7	64	71
Schools	58	11	69
Total	82	219	301

3. <u>Question by Councillor Shuttleworth to the Lead Member for</u> <u>Learning and School Effectiveness</u>

1. Can you confirm that the process for the allocation of school places for reception aged children in the Eastbourne area places the proposed Gildredge House Free School outside the regulatory framework co-ordinated by the County Council, and has led to more problems for families seeking a reception class in Eastbourne in September 2013.

2. How many children in the Eastbourne area are still to be allocated places for reception classes in September 2013?

3. How many Eastbourne children have been offered reception places in schools which are 2 miles or more away from their homes, and in some cases 4 or 5 miles distance and even around the Hailsham area?

4. Is any Eastbourne Primary or Infants School still unsure of how many classes will be available in the reception year in September 2013?

5. If there is uncertainty, is this related to the need to adjust to the effect of the Gildredge House Free School opening or not opening in September 2013? Is this uncertainty causing problems for families awaiting information on place allocations for September 2013?

6. Is it true that the funding arrangements for the Gildredge House Free School are still not in place in May 2013, and many parents are holding two 1st preference places, one of which is for the Free School.

7. In recognition of the need for overall co-ordination of school placements, is it a legal requirement for Free Schools to share all the information on school admission applications and preferences with the local Education Authority? If not, has this position presented the Council's School Admission Service with any particular problems and issues? Would it be helpful for the County Council to make representations to Government to improve the regulatory framework on this issue?

8. How much Capital funding has been allocated to the Gildredge House Free School by the Government? Will this funding have a detrimental effect on East

Sussex County Council's Capital programme for new school building going forward?

9. Is it correct that the formula for revenue funding of the Gildredge House Free School is set at a level significantly higher than the formula and financial allocation used for Local Authority schools?

10. Is it correct that the Gildredge House Free School has not yet been granted the finance from the Government to allow it to open in September 2013, that there have been significant problems with the local governing body, and that 3 months before the proposed opening there is still no certainty for those parents who have applied to send their child to the school in September, and other families have also been disadvantaged by this turmoil?

Answer by the Lead Member for Learning and School Effectiveness

1. With regard to co-ordination of admissions, the current mandatory School Admissions Code states that:

'For the first year of opening only, Funding Agreements for Free Schools, University Technical Colleges (UTCs) and Studio Schools will provide that they may choose whether they wish to participate in the local qualifying scheme.'

The timing of setting up the Free School in East Sussex meant that it was difficult to include them in the County Council's co-ordination arrangements. Consequently, parents had to apply directly to the school, and at the same time they were entitled to apply for other schools through the Council's scheme. This has led to a number of parents holding two school places for their child, giving the appearance on paper that there are insufficient places in Eastbourne

2. On the offer day which was 19 April 2013, there were eleven late applicants who were not offered a reception class place. All applicants who applied on time were offered a school place.

Since that time, more late applications have been received and there are now 38 children waiting to be offered places. We will be making sure that all children are made offers, (either at their preferred schools, or if this is not possible, at their nearest available school), so that the County Council meets its statutory duty to ensure all children have a school place.

3. Some children will have been offered schools that are more than two miles from their home in accordance with their parents' preferences.

However, of those who we had to allocate places to, 63 were placed over two miles from their homes, 11 were placed more than four miles from their homes and the furthest allocation was just over six miles. I can confirm that one child was allocated a school in Hailsham at a distance of approximately five miles.

However when the duplicated offers are taken out of the system we should be able to make improved offers for some.

4. There is sufficient physical capacity at West Rise Infant School to accommodate a further class should this be required, however until there is certainty regarding Gildredge House, we cannot confirm whether this additional class will be needed.

5 Yes, there will be some uncertainty until the Funding Agreement for Gildredge House can be confirmed, and the Director of Children's Services continues to consult with the Department for Education (DfE) with a view to settling this matter as soon as possible which is in everyone's interest.

The DfE are confident Gildredge House will open in September 2013, but it would be unreasonable to expect parents to decide whether or not they will be accepting places before the funding agreement has been signed.

6. It is true that the Funding Agreement had not been signed as at 14 May 2013, but it is hoped to be finalised in the next few weeks. Eastbourne Borough Council's planning committee is meeting on 21 May to determine the planning application for the school site.

It is true that there are a number of parents holding two school places for their child, but these are not necessarily both first preferences.

7 There is no legal requirement for Free Schools to share admissions information with their local education authority while they are outside the coordinated scheme. However, there has been communication and exchange of information between Gildredge House and the Authority.

The DfE consults with local authorities when introducing a new mandatory School Admissions Code. They reason that allowing certain schools to be outside co-ordination in their first year, enables new schools to be opened very quickly.

8 The capital funding allocation for Gildredge House will be published by the Government once the school is open and once all negotiations involving capital spend, between Gildredge House and the Government are complete. East Sussex County Council has no involvement in the capital funding for Gildredge House nor is it providing any capital funding for Gildredge House.

9 The regular per pupil funding formula for the Free School is based on the local authority formula for maintained schools when the school is open and full. Free schools also receive a number of additional grants and start up funding from the DfE. In common with academies, they receive grants for Local Authority Central Spend (LACSEG), insurance and rates, and fixed lump sum of £95,000. As an all-through school, Gildredge will additionally receive £250 per primary pupil and £500 per secondary pupil for non staffing costs. To cover the cost of staffing before the school is full, they receive a further lump sum (between £125,000 and £402,000) this year and a leadership grant totaling an additional £402,500 over the next 5 years or until the school is full.

10 As at 14 May 2013, the Funding Agreement had not been finalised. In terms of the Free School Trust, in February the DfE became concerned about the operation of the original Trust following a serious breakdown in relations between some of its members. The DfE acted quickly to establish a new Trust to ensure the school remains on course to open in September 2013. Although the DfE are confident that Gildredge House will open on time, without this confirmation it would not be reasonable to expect parents to decide which school they are accepting if they are currently holding two school places. However, it does mean that this year, a small number of late applications were not offered places.

Current legislation permits Free Schools (among some other types of school) to be outside co-ordination schemes in their first year. Where schools are outside the process administered by the local authority, duplicate offers of school places will inevitably occur.

Delegations approved by the Leader of the Council – 21 May 2013

(a) names of the County Councillors appointed to the Cabinet

The Cabinet comprises the following members

Portfolio	Appointment
Strategic Management and Economic Development	Councillor Keith Glazier
Resources	Councillor David Elkin
Community Services	Councillor Chris Dowling
Economy	Councillor Rupert Simmons
Transport and Environment	Councillor Carl Maynard
Adults Social Care	Councillor Bill Bentley
Children and Families (designated statutory Lead	Councillor Sylvia Tidy
Member for Children's Services)	
Learning and School Effectiveness	Councillor Nick Bennett

(b) the extent of any authority delegated to cabinet members individually as portfolio holders is set out in the Constitution of the County Council and below.

In overall terms the areas of responsibility for each portfolio holder includes the following (subject to any subsequent amendment by the Leader at his discretion):

Portfolio	Scope
Strategic Management and Economic Development	Chairing and managing the executive and its work
	Overall strategy and policy for the Council
	Principal service area responsibilities:
	Communications
	Economic Development/LEP
	Policy and Performance
	Public Health
	Equalities
	South East Seven Partnership
	all ancillary activities

Resources	Strategy and policy for all corporate resources matters
	Principal service area responsibilities: Financial Management Property asset management Risk management Procurement Internal audit ICT Personnel and Training Legal and Democratic Services all ancillary activities
Community Services	Strategy and policy for all Community Services matters
	Principal service area responsibilities: Archives and records Coroner services Libraries Registration Strategic Partnerships Safer Communities Culture Voluntary Sector all ancillary activities
Economy	Strategy and policy for all economic development and regeneration projects and all ancillary activities
Transport and Environment	Strategy and policy for all Transport and Environmental matters Principal service area responsibilities: Operational services Planning and developmental control Transport strategy and road safety Environmental and waste strategy Trading Standards Emergency Planning Gypsies and travellers all ancillary activities
Adult Social Care	Strategy and policy for all Adult Social Care matters Principal service area responsibilities: Services for vulnerable adults including older people, learning disability, physical disability, mental health and all ancillary activities

Children and Families	Overall strategy and policy for all Children's Services (social care) matters Principal service area responsibilities: Child protection and family support Fostering and adoption for children Residential care for children Other aspects of social care for children Special educational needs Youth justice Youth service all ancillary activities
Learning and School Effectiveness	Strategy and policy for all Children's Services (education) matters Principal service area responsibilities: Quality and standards in educational establishments School admissions and transport Early years and childcare School organisation and place planning all ancillary activities

(c) appointment to the position of Deputy Leader

Councillor Elkin to be appointed Deputy Leader of the County Council

(d) the terms of reference and constitution of the Cabinet and any executive committees together with the names of cabinet members appointed to them

Delegations to each of these positions will remain as currently set out in the Constitution of the Council

(e) the nature and extent of any delegation of executive functions to local committees

There is no delegation of executive functions to local committees

Councillor Keith Glazier Leader of the Council

21 May 2013