



Meeting of
East Sussex County Council
on Tuesday, 10 May 2016
at 10.00 am

NOTE: As part of the County Council's drive to increase accessibility to its public meetings, this meeting will be broadcast live on its website and the record archived for future viewing. The broadcast / record is accessible at:

www.eastsussex.gov.uk/yourcouncil/webcasts/default.htm



EAST SUSSEX COUNTY COUNCIL

To the Members of the County Council

You are summoned to attend a meeting of the East Sussex County Council to be held at Council Chamber, County Hall, Lewes, **on Tuesday, 10 May 2016 at 10.00 am** to transact the following business

- 1 **To elect a Chairman of the County Council**
- 2 **To appoint a Vice Chairman of the County Council**
- 3 **Minutes of the meeting held on 22 March 2016** (*Pages 7 - 12*)
- 4 **Apologies for absence**
- 5 **Chairman's business**
- 6 **To receive notice by the Returning Officer certifying the election of a county councillor for the St Helens and Silverhill electoral division (to follow)**
- 7 **Petition** (*Pages 13 - 14*)
- 8 **Report of the Governance Committee** (*Pages 15 - 18*)
- 9 **Record of Delegation of Executive Functions**

The Leader to present to the County Council his written record of delegations of executive functions to Cabinet members including:

- (a) names of the County Councillors appointed to the Cabinet;
- (b) the extent of any authority delegated to cabinet members individually as portfolio holders;
- (c) appointment to the position of Deputy Leader
- (d) the terms of reference and constitution of the Cabinet and any executive committees together with the names of cabinet members appointed to them
- (e) the nature and extent of any delegation of executive functions to local committees
- (f) the nature and extent of any delegation to officers

- 10 **To allocate places on the following committees to political groups in accordance with the provisions of the Local Government and Housing Act 1989 and to appoint members to those committees in line with the allocations**

- (a) Scrutiny Committees:
Adult Social Care and Community Safety

Audit, Best Value and Community Services
Children's Services
Economy, Transport and Environment
Health Overview and Scrutiny

- (b) Governance Committee
- (c) Regulatory Committee
- (d) Planning Committee
- (e) Standards Committee
- (f) Pension Committee

[Note 1: The committee memberships proposed by the political groups will be circulated to members in advance of the meeting]

[Note 2: In accordance with the statutory provisions, the proposed allocation of places to political groups is set out in the report of the Governance Committee]

11 In the light of the decisions of the Council on the allocation of places to political groups to appoint of members to other Committees and Panels set out below

- (a) East Sussex Music Service Management Committee (5 members of the County Council)
- (b) County Joint Consultative Committee (5 members of the County Council)
- (c) Governors Panel (7 members of the County Council)
- (d) County Consultative Committee (Governors) (5 members of the County Council)
- (e) Joint Advisory Committee (Schools) (5 members of the County Council)
- (f) Standing Advisory Council for Religious Education (5 members of the County Council)
- (g) Corporate Parenting Panel (7 members of the County Council)

[The memberships proposed by the political groups will be circulated to members in advance of the meeting]

12 To agree (with no member voting against) that the political balance provisions shall not apply to the membership of the Transport and Student Support Panel and the Education Performance Panel and to appoint members to serve for the ensuing year

- (a) *Transport and Student Support Panel (3 members of the Regulatory Committee)*
- (b) *Education Performance Panel (the Lead Member for Education and Inclusion, Special Educational Needs and Disability, the Chair of the Children's Services Scrutiny Committee and a representative of each of the political and independent groups)*

[The membership of the Panels, proposed by political groups will be circulated to members in advance of the meeting]

- 13 To confirm the continuation of the following bodies that have a fixed membership or to which members are appointed by the Chief Executive as the need arises and to agree (with no member voting against) that the political balance provisions shall not apply to the Panels:**

Approved Marriage Premises Review Panel
Employment Appeal Panel
Recruitment Panel (Chief Executive, Directors and Deputies)
Commons and Village Green Registration Panel

[The composition of these bodies is set out in the Constitution]

- 14 To appoint:**

- (a) Chair of the Regulatory Committee
- (b) Chairs and Vice-Chairs of the Scrutiny Committees
- (c) Chair of the Governance Committee
- (d) Chair and Vice-Chair of the Planning Committee
- (e) Chair of the Pension Committee
- (f) Chair of the Standards Committee

- 15 Questions from members of the public**

- 16 Cabinet's priorities for the forthcoming year**

- 17 Report of the Cabinet** (*Pages 19 - 20*)

- 18 Report of the Economy, Transport and Environment Scrutiny Committee** (*Pages 21 - 24*)

- 19 Report of the Standards Committee** (*Pages 25 - 26*)

- 20 Questions from County Councillors**

- (a) Oral questions to Cabinet Members
- (b) Written Questions of which notice has been given pursuant to Standing Order

44

Note: There will be a period for collective prayers and quiet reflection in the Council Chamber from 9.30 am to 9.45 am. The prayers will be led by the Right Reverend Richard Jackson, Bishop of Lewes. The Chairman would be delighted to be joined by any members of staff and Councillors who wish to attend.

County Hall
St Anne's Crescent
LEWES
East Sussex BN7 1UE

PHILIP BAKER
Assistant Chief Executive

29 April 2016

MINUTES

EAST SUSSEX COUNTY COUNCIL

MINUTES of a MEETING of the EAST SUSEX COUNTY COUNCIL held at Council Chamber, County Hall, Lewes on 22 MARCH 2016 at 10.00 am

Present Councillors John Barnes, Colin Belsey (Chairman), Nick Bennett, Bill Bentley, Mike Blanch, Ian Buchanan, Frank Carstairs, Tania Charman, Charles Clark, Godfrey Daniel, Angharad Davies, Chris Dowling, Claire Dowling, Stuart Earl, David Elkin, Michael Ensor (Vice Chairman), Kathryn Field, Kim Forward, Roy Galley, Keith Glazier, Philip Howson, Laurence Keeley, Carolyn Lambert, Carl Maynard, Michael Phillips, Peter Pragnell, Mike Pursglove, Pat Rodohan, Phil Scott, Jim Sheppard, Stephen Shing, Alan Shuttleworth, Rupert Simmons, Rosalyn St. Pierre, Bob Standley, Richard Stogdon, Barry Taylor, Sylvia Tidy, David Tutt, John Ungar, Steve Wallis, Trevor Webb and Francis Whetstone

59 Minutes of the meeting held on 9 February 2016

59.1 RESOLVED - to confirm the minutes of the meeting of the County Council held on 9 February 2016 as a correct record

60 Apologies for absence

60.1 Apologies for absence were received from Councillors Carla Butler, Peter Charlton, Ruth O'Keeffe MBE, Daniel Shing and Michael Wincott

61 Chairman's business

JOHN HODGES

61.1 The Chairman, Group Leaders and other members paid tribute to John Hodges following his death on 11 February 2016. John Hodges was a respected councillor both at Hastings Borough and at the County Council where he served since 2013. His knowledge and commitment will be greatly missed. On behalf of the County Council, the Chairman offered condolences to John's family and friends.

61.2 The Council stood in silence as a mark of respect for their former colleague John Hodges.

CHAIRMAN'S ACTIVITIES

61.3 The Chairman reported that he had attended a number of engagements since the last meeting of the County Council including: the winter graduation ceremony at Brighton University, the Build East Sussex Annual Marketplace event, the Lewes and Wealden Business Awards 2016 Launch event, the opening of the Hastings Register Office, the 21st anniversary reception

MINUTES

for the Friends of Sussex Hospices, the Hall and Woodhouse Community Chest launch, the East Sussex Community Choir concert and the finals evening of the local heat of the Rotary International in Britain and Ireland Young Writer Competition. The Vice Chairman also attended a number of events.

61.4 The Chairman notified that the Council that a CD in memory of Jeremy Birch called 'One Hastings, Many Voices' was available from Councillor Webb. Proceeds from the sale were going to the Hastings Friendship Group a charitable trust in Hastings

PRAYERS

61.5 The Chairman thanked Senior Minister Ian White at Victoria Baptist Church, Eastbourne for leading the prayers before the Council meeting

PETITIONS

61.6 The Chairman informed the Council that immediately before the meeting he had received the following petition from members as follows:

Councillor Barnes	- calling on the County Council to conduct a review of speed limits in the village of Dallington
Councillor Carstairs	- calling on the County Council to install traffic lights at Exceat Bridge
Councillor Daniel	- calling on the County Council to extend the current yellow line parking restriction on the corner of Hopgarden Close by 25m outside Nos 2 and 4
Councillor Galley	- calling on the County Council to improve road safety on the one way section of Horsted Lane, Danehill
Councillor Lambert	- objecting to the proposed expansion of Cradle Hill Primary School, Seaford and requesting an open consultation and robust and sustainable traffic management and parking plan

62 Questions from members of the public

62.1 There were no questions from the public

63 Reports

63.1 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
Governance Committee	-	paragraph 2
Lead Member for Transport and Environment	-	paragraph 1

MINUTES

NON-RESERVED PARAGRAPHS

63.2 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.

64 Report of the Cabinet – Reserved Paragraphs

64.1 Councillor Glazier moved the reserved paragraphs of the Cabinet report.

64.2 The motions were CARRIED after debate

65 Report of the Governance Committee – Reserved Paragraph

65.1 Councillor Glazier moved the reserved paragraph of the Governance Committee report

65.2 The motion was CARRIED after debate

66 Report of the Lead Member for Transport and Environment

66.1 Councillor Maynard moved the reserved paragraph in the report of the Lead Member for Transport and Environment

66.2 The motion was CARRIED after debate

67 Questions from County Councillors

ORAL QUESTIONS TO CABINET MEMBERS

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

Questioner	Respondent	Subject
Councillor Field	Councillor Glazier	Democratic input into consideration of proposals to close schools and democratic accountability of such decisions
Councillor Ungar	Councillor Bentley	Involvement of voluntary organisations and in particular hospices in the Better Together Programme
Councillor Tutt	Councillor Elkin	Cost to the County Council of schools that are not currently academies becoming so
Councillor Forward	Councillor Bennett	Proposals to turn every school into an academy by 2020 and how assets, particularly land and playing fields' will be protected
Councillor Daniel	Councillor Maynard	Representations to Highway England to remove non-biodegradable rubbish from verges and hedgerows on A259 and A27

MINUTES

Questioner	Respondent	Subject
Councillor Shing	Councillor Glazier	Paperless meetings from April 2016
Councillor Tutt	Councillor Glazier	Request that no political material is inserted into Your County by the organisation delivering the document
Councillor Galley	Councillor Maynard	Cleaning of road signs
Councillor Whetstone	Councillor Maynard	Communication with parish councils regarding priority for cleaning road signs

WRITTEN QUESTIONS PURSUANT TO STANDING ORDER 44

67.2 Two written questions were received from Councillors Lambert and St Pierre for the Lead Member for Transport and Environment and the Lead Member for Education and Inclusion, Special Educational Needs and Disability. The questions and answers are attached to these minutes.

67.3 The Lead Members responded to supplementary questions.

THE CHAIRMAN DECLARED THE MEETING CLOSED AT 11.46 am

The reports referred to are included in the minute book

MINUTES

WRITTEN QUESTIONS PURSUANT TO STANDING ORDER 44

1. Question by Councillor Lambert to the Lead Member for Transport and Environment

Can the Lead Member please state how many visits by Civil Enforcement Officers were carried out in the last calendar year to each of the primary and secondary schools in East Sussex and how many Penalty Charge Notices were issued for parking infringements as a result of these visits?

Answer by the Lead Member for Transport and Environment

The total number of visits to schools in the Civil Parking Enforcement (CPE) areas of Eastbourne, Hastings and Lewes during 2015 was 1,028 with 176 PCNs being issued. The breakdown per CPE area is as follows:

<u>CPE Area</u>	<u>Visits</u>	<u>PCNs</u>
Eastbourne	267	41
Lewes	428	15
Hastings	333	120

Of the above numbers, the breakdown of visits by type of school is:

<u>School type</u>	<u>Visits</u>	<u>PCNs</u>
Primary	924	174
Secondary	70	1
Combined	34	1

2. Question by Councillor St Pierre to the Lead Member for Education and Inclusion, Special Educational Needs and Disability

- How many children are being home educated in this local authority and proportionally is this in line with other authorities?
- Of these, how many are educated at home while awaiting specialist school placement?
- How many times are these children visited to ensure they have an appropriate level of education?
- How is the issue of safeguarding these children from physical or emotional abuse dealt with by Children's Services?

Answer by the Lead Member for Lead Member for Education and Inclusion, Special Educational Needs and Disability

- Number of open cases is 614 as of 8 March 2016. Local authorities do not publish numbers of electively home educated (EHE) therefore we are not able to compare.
- Children awaiting a specialist school placement are not electively home educated unless the parents send a letter to the school where they are on roll to explicitly state that they wish to home educate their children. We are not aware of any children at the moment where this is the case.

MINUTES

c) All families who EHE are offered a supportive visit. If the education being delivered is judged to be suitable then they are visited annually. If the education is not deemed to be suitable then parents are given advice and guidance and links to resources and revisited until the provision is improved.

d) ISEND Teaching & Learning Provision (T&LP), who make the visits to families, adheres to East Sussex Children's Services Authority safeguarding policy and practice. Staff making the EHE visits access regular training. Prior to making a visit the Children's Index is consulted and any other available information e.g. concerns expressed by previous school or other professionals involved with the family. Joint visits with social care may be made if there is an identified risk and appropriate. Any concerns following a visit are reported to the Duty and Assessment Team and dealt with in the normal way. The visits by T&LP are primarily concerned with establishing that a suitable education is being delivered. It should be noted that they are not safeguarding visits. Please note that parents do not have to agree to a visit but can elect to send evidence that a suitable education is being delivered. Where a parent refuses a visit, fails to send evidence or education being delivered is deemed to be unsuitable then an attendance order may be served on the parent requiring them to register their child at a school. Link to national guidelines below:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/288135/guidelines_for_las_on_elective_home_educationsecondrevised_0.pdf

PETITION

PETITION

The County Council has received the following petition:

Petition to Save Rodmell CE School and Pells CE School from Closure.

Please sign below to express your rejection of planned closures of our schools by East Sussex County Council and force a public consultation.

The petition contained 5218 signatures. As the number of signatures exceeds 5000 the Council's Petition Scheme allows for the petition to be presented to, and debated by, the Full Council. The petition organiser will be given five minutes to present the petition at the meeting prior to the debate.

The relevant extract of the Petition Scheme is set out below

Full Council debates

If a petition has more than 5000 signatures it will be debated by the full council, unless it is a petition asking for a senior council officer to give evidence at a public meeting. This means that the issue raised in the petition will be discussed at a meeting which all councillors can attend.

The Council will try to consider the petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting. The petition organiser will be given five minutes to present the petition at the meeting and the petition will then be discussed by councillors for a maximum of 15 minutes. The Council will decide how to respond to the petition at this meeting. It may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant committee. Where the issue is one on which the Council's Cabinet is required to make the final decision, the Council will decide whether to make recommendations to inform that decision. The petition organiser will receive written confirmation of this decision.

REPORT OF THE GOVERNANCE COMMITTEE

The Governance Committee met on 26 April 2016. Attendance:

Councillor Glazier (Chair)
Councillors Daniel, Elkin, Howson, and Tutt

1. Appointments to Committees, Sub-Committees, Panels and other bodies

1.1 In appointing members to committees the Council must comply with section 15 of the Local Government Act 1989 and subsequent Regulations. These provide that places on committees must be allocated to political groups in proportion to the number of seats on the Council held by each group, unless there is agreement, without dissent, that the provisions of the Act should not be applied.

1.2 The allocation of places to party groups must, so far as is reasonably practicable, give effect to the following principles:

- (a) not all of the seats on the body can be allocated to the same political group;
- (b) where more than half the members of the Council belong to one political group, that group shall have a majority on all committees, sub-committees, etc;
- (c) subject to (a) and (b) above, the total number of seats on the ordinary committees (including sub-committees) allocated to a political group reflects that group's proportion of the members of the Council;
- (d) subject to (a), (b) and (c) above, the number of seats on each body allocated to a political group reflects the proportion of the seats on the Council held by the group.

1.3 The rules require seats to be allocated on a proportional basis "so far as practicable" and inevitably there must be some rounding up and rounding down. It is open to the Council to review the size and number of committees and sub-committees at any time.

1.4 Members of the Cabinet may not serve on the Scrutiny Committees or the Regulatory Committee and the Leader and Deputy Leader of the Council may not serve on the Standards Committee.

1.5 The Leader of the Council appoints the Cabinet and allocates portfolios to those Cabinet Members. Political balance provisions do not apply to the Cabinet

1.6 The principle in paragraph 1.2 (c) above applies to appointments to ordinary committees (including sub-committees). Accordingly, before considering the allocation of places to political groups the Committee will need to consider whether it wishes to recommend any changes in committees, including their size.

1.7 The tables in Appendix 1, circulated separately to all members, show the proposed allocation of seats for 2016/17. There are no changes to the allocation agreed by the Council in March 2016. The vacancy on the Council will be filled following the by-election on 5 May. In order that the outcome of the by-election can be reflected in the appointment to committees to be considered by the County Council on 10 May, an amendment to these tables will be circulated in the Council Chamber to reflect the result of the by-election. The

proposals in relation to the committees, their total membership and the number of seats on each to which the groups will be entitled follows the principles set out in paragraph 1.2 above.

1.8 The Committee **recommends** the County Council to:

- ✧ agree the allocation of places on each committee to each group as set out in Appendix 1, as amended following the by-election.

2. Procurement Standing Orders

2.1 The Procurement Standing Orders (PSOs) set out the mandatory rules by which the Council spends money on supplies, services and works. Following the restructure of the Procurement Team at the beginning of 2013, the Contract Standing Orders were replaced by the PSOs which were agreed by the County Council in December 2013. This was the first major change to the formal governance in procurement for many years. Although the look and feel of the PSOs are proposed to be amended, there are no further significant changes being made. The PSOs cover all areas of spend and all staff are responsible for following them, whether permanent, interim or a contractor. The PSOs are our corporate standards for good governance and to obtain best value for money.

2.2 The previous changes brought East Sussex County Council more in line with the thresholds that other councils within the South East 7 use and also ensured reference up to date policy, like the Employment and Skills through Procurement Policy. The PSOs also encouraged the use of small and local businesses, where this offers best value. The changes now being proposed strengthen these areas further.

2.3 The PSOs have four main purposes, all of which help contribute towards the Councils overarching priority outcome of 'Making best use of resources':

- To secure value for money through appropriate market competition for contracts, so that the Council offers best value for services to the residents of East Sussex.
- To be transparent to the residents of East Sussex about how the County Council spend their money.
- To make sure that the Council spends its public money legally and fairly, and to protect it from undue criticism or allegation of wrongdoing.
- To support social value objectives, and the Council's public sector equality duty.

2.4 The proposed changes and updates are intended to take account of a number of areas:

- new Public Contract Regulations 2015;
- best practice updates for lower value contracts from Lord Young recommendations aiming to making it easier for small and local businesses to tender for contracts;
- the Local Government Transparency Code on publication of data;
- closer alignment of procurement practices to support effective collaboration and partnership working, including extension of the existing partnership with Surrey County Council, whilst still respecting the sovereignty of individual Council requirements;
- improvements to purchasing processes intended to speed up transactions and ensure proper compliance;
- improvements to strengthen contract management and management of contract variations and extensions; and
- updates to reflect best practice around electronic invoicing.

2.5 Workshops held in 2015 attended by Legal and Procurement officers across East Sussex and Surrey County Councils, explored areas where simplification of the current

governance arrangements could bring benefit to both organisations. The 'look and feel' of the PSOs are intended to be easier to read and follow by 'non experts', and remove the uncertainty around which rules are more important than others. The proposed revised PSOs document is attached at Appendix 2, circulated separately to all members.

2.6 The PSOs should be regularly reviewed, and need to remain relevant to East Sussex County Council. The opportunity for further changes will be kept under review with any decisions being taken through the Council's decision making process in the usual way.

2.7 The Committee recommends the County Council:

☆ to approve the revised Procurement Standing Orders as set out at Appendix 2.

3. East Sussex Electoral Boundary Review

3.1 Further to the County Council's submission agreed at Council on 1 December 2015, the Local Government Boundary Commission for England (LGBCE) has now published a set of draft proposals for consultation.

3.2 The draft proposals are for new county electoral division boundaries as well as new ward boundaries for each of East Sussex's five district and borough councils. The Commission is proposing that East Sussex County Council has 50 councillors in the future, one more than the current arrangements.

3.3 The Commission's draft proposals are, broadly speaking, consistent with the County Council's earlier submission. The full recommendations and interactive maps are available on the Commission's website at www.consultation.lgbce.org.uk and www.lgbce.org.uk. Hard copies of the Commission's report and maps have been provided and distributed to Council buildings and libraries, and can be found in the Member and Cabinet rooms. Anyone can submit comments on the proposals directly to the LGBCE via their website or in writing.

3.4 The LGBCE has re-emphasised that the proposals aim to:

- deliver *electoral equality* for local voters so that each councillor represents a similar number of electors;
- ensure that our proposals reflect the *interests and identities of local communities* across East Sussex; and
- ensure that the pattern of wards or divisions helps the Council to deliver *effective local government* to local people.

3.5 The Commission aims to publish its final recommendations in September 2016. Assuming that Parliament is satisfied with the recommendations, the new boundaries will come into effect at the next local elections: 2017 for East Sussex County Council, 2018 for Hastings Borough Council and 2019 for Eastbourne Borough Council, Lewes District Council, Rother District Council and Wealden District Council. The thirteen-week consultation period ends on 16 June 2016. The timescale of the consultation does not align with the County Council's scheduled meetings of full Council which is due to meet on 10 May and then not again until 12 July. A request for an extension was made.

3.6 The LGBCE has agreed to an extension of the deadline to 12 July but with consequential effects. These are:

- The extension does not apply to the Borough and District Councils
- It will delay the Commission's consideration of the Council's submission from August to September; this in turn will constrain the Commission's ability to allow for any

GOVERNANCE

further draft recommendations for the County Council should that facility be needed. Should this need occur, the Council would miss the opportunity to use the new boundaries at the 2017 election

- The LGBCE have requested a copy of our draft submission ahead of 12 July submission date, preferably around the close of consultation for the districts and boroughs on 16 June. This draft submission would therefore need to be approved by mid-June.

3.7 In light of this and in order not to delay the process and to ensure that this is dealt with in an efficient manner, it is proposed that the LGBCE be informed that the Council will meet the 16 June deadline. In order to achieve this it is proposed that:

- any County Councillor who wishes to make specific comments for inclusion in the County Council's submission is requested to liaise with Member Services officers as soon as practicable, and at the latest by 26 May 2016 to enable responses to be considered;
- the cross party Boundary Review Reference Group be requested to meet and consider areas where the LGBCE proposals differ from the County Council's submission
- the County Council delegates authority to the Governance Committee to consider all proposed amendments from County Councillors and the Boundary Review Reference Group and agree the Council's final submission to the LGBCE.

3.8 The Committee has agreed that the cross party Boundary Review Reference Group be reconvened to consider areas where the LGBCE proposals differ from the County Council's submission and recommend to the Governance Committee a response to the consultation.

3.9 The Committee recommends the County Council:

- ☆ to delegate authority to the Governance Committee to agree the Council's response to the Local Government Boundary Commission for England's review of East Sussex County Council boundaries.

26 April 2016

KEITH GLAZIER
(Chair)

REPORT OF THE CABINET

The Cabinet met on 26 April 2016. Attendance:-

Councillor Glazier (Chair)

Councillors Bennett, Bentley, Chris Dowling, Elkin, Maynard, Simmons and Tidy

1. Scrutiny Review of Highway Drainage

1.1 The Cabinet has considered a report of the Economy, Transport and Environment Scrutiny Committee on its review of Highway Drainage. The report is included elsewhere on the agenda (see item 18). The Scrutiny Committee established a Scrutiny Review Board with the following aims: to examine the arrangements for the maintenance of highways drainage; to understand County Council responsibilities; examine recent improvements; and establish whether there is any scope to further improve this service.

1.2 The Scrutiny Committee examined the factors that lead to the efficient and effective management of highways drainage infrastructure in order to prolong the life of the carriageway surface, prevent flooding and ensure road safety. The review looked at all the factors involved with highways drainage including the arrangements for gulley emptying; maintenance of drainage ditches and grips; maintenance and renewal of highway drainage pipes and culverts; and the impact of street cleansing on highway drainage.

1.3 The Scrutiny Committee, through its work on the Highways contract re-procurement, understands the important role that highways drainage has in prolonging the life of the carriageway surface, preventing flooding and ensuring road safety and has previously been informed that:

- The Highways Asset Management Plan covers gullies and the County Council knows where all the (100,000) gullies are located, but does not have full knowledge of all the highway drainage infrastructure (such as drainage ditches, grips, pipe runs, soakaways etc.). Work is continuing to improve the knowledge of this asset.
- The County Council has moved away from a system where all gullies are emptied on a fixed frequency, to a frequency of emptying based on silt levels and the history of flooding (e.g. some problem gullies that become blocked easily are emptied more frequently, whilst others are emptied less frequently).
- The highways drainage is surveyed, tested and repaired/replaced before major road resurfacing work takes place as part of the capital project to resurface the road.

1.4 The Scrutiny Review of Highway Drainage is welcomed as it highlights the importance of the drainage asset, and aligns with our ambitions for the new highways contract around improving our drainage assets.

1.5 In welcoming the findings of the Scrutiny Committee, the Cabinet has considered a report by the Director of Communities, Economy and Transport (as set out in Appendix 1 to this report, circulated separately to all members) on the specific recommendations and endorsed it as its response to the recommendations

1.6 The Cabinet, in welcoming the report, recommends the County Council to –

- ✧ approve the response of the Director of Communities, Economy and Transport on the implementation of the recommendations in the Scrutiny Committee's report.

This page is intentionally left blank

REPORT OF THE SCRUTINY COMMITTEE FOR ECONOMY, TRANSPORT AND ENVIRONMENT

The Economy, Transport and Environment Scrutiny Committee met on 16 March 2016.

Present: Councillors Richard Stogdon (Chair), Mike Pursglove (Vice-Chair), Claire Dowling, Pat Rodohan, Rosalyn St. Pierre and Barry Taylor.

Also present: Councillors Chris Dowling (Lead Member for Community Services), Carl Maynard (Lead Member for Transport & Environment), Councillor Rupert Simmons (Lead Member for Economic Development)

1. Scrutiny Review of Highway Drainage

1.1 The Economy, Transport and Environment Scrutiny Committee has completed its Scrutiny Review of Highway Drainage. A copy of the Committee's full report has previously been circulated to all members and is available on request from Andy Cottell (Tel: 01273 481955).

1.2 The maintenance and improvement of the road network, and the drainage networks that run alongside and beneath it, are vital to the prosperity of East Sussex. Highway drainage has an important role in prolonging the life of the carriageway surface, preventing flooding and ensuring road safety.

1.3 The Scrutiny Review examined all the factors involved with highways drainage including:

- the arrangements for gulley emptying;
- maintenance of drainage ditches and grips;
- maintenance and renewal of highway drainage pipes and culverts; and
- the impact of street cleansing on highway drainage.

1.4 A Highways Asset Management Drainage Strategy has been developed by officers which outlines the work needed and makes the case for additional investment in highway drainage infrastructure. Under this approach having a complete knowledge of the highway drainage asset is of key importance, as this will ensure ESCC makes the most effective use of any investment available.

1.5 The Review found that:

- Intelligence led gulley emptying programmes are in place that mean that all gullies are emptied regularly. However, this does not deal with pipework damaged by tree roots or other pipework problems which can lead to highway flooding.
- There are currently 4,000 – 5,000 outstanding drainage problems, where repair work is needed to fix damaged or blocked drains. Without additional capital investment the Communities, Economy and Transport (CET) department will only be able to deal with the most urgent drainage problems where houses or property are at risk.

- The CET department has developed the Highways Asset Management Drainage Strategy and continues with work to gain a better knowledge and understanding of the drainage asset.
- Further investment is needed in the highway drainage infrastructure, on an invest - to - save basis, to reduce incidents of highway flooding and long term maintenance costs by prolonging the life of carriageways.
- Adjacent landowners and householders should be made aware of their responsibilities in respect of highway drainage and the role they can play in reducing run-off and keeping drains, ditches, grips etc. in good working order.
- There would be benefits in establishing a forum with other organisations to focus on improving highway drainage and flooding issues, as well as sharing information on drainage infrastructure.
- It would be worth exploring measures to better co-ordinate the scheduled highways drainage maintenance work and street sweeping operations.

1.6 The Economy, Transport and Environment Scrutiny Committee **recommends** to the County Council –

Maintenance arrangements for highway drainage

1.6.1 The Committee recognises the value of the Council's changed approach away from routine maintenance of drains and gullies to a risk based approach which focusses on actual need. The Committee endorses the following key performance indicators in the new Highway Maintenance contract (below) which incentivise actions to keep the drainage infrastructure in good working order:

- (1) The percentage progress of gully cleansing against the agreed (accepted) Service Delivery Programme.
- (2) The percentage of emergency response incidents attended within the specified timescales.
- (3) The percentage of safety intervention defects (including drainage related) repaired within required response time.

1.6.2 It therefore recommends that the department ensures the new Highways Maintenance contractor develops this approach, and uses all the contractual tools available. The department should also check satisfactory performance of the highway drainage network and that all elements of the highway drainage system work effectively, to ensure surface water is captured and discharged efficiently.

Responsibilities of adjacent landowners

1.6.3 The Committee considers that clear information needs to be communicated to residents regarding their responsibilities as adjacent landowners and householders to the Highway drainage network. The Committee recommends that clarification is provided as to that for which the County Council is responsible, and that for which landowners and householders are responsible.

Investment in the highway drainage infrastructure

1.6.4 The Committee:

- (1) recommends that measures are taken to accelerate the projects underway to ascertain a fully and more detailed knowledge of the scope, condition and location of the East Sussex highway drainage infrastructure including its connecting pipework and outfall arrangements;

- (2) advocates and wholly supports the application of additional capital investment in the highways drainage infrastructure – invest to save – as part of the department’s capital financing process; and
- (3) endorses the principles of the draft Highways Asset Strategy Management Drainage Strategy 2015-2018 and recommends its adoption.

Working with others

1.6.5 The Committee considers the Director of Communities, Economy & Transport and the County Council generally are well placed to co-ordinate its strategy in regard to flooding with the strategies of different organisations and agencies charged with responsibility within East Sussex for flood management. That particularly applies, to Southern Water, Environment Agency, Boroughs, Districts, Town & Parish Councils along with the local drainage boards. The Committee therefore recommends:

- (1) The creation of a forum to include such organisations to align strategies and increase local knowledge of highway drainage assets and the impact on them from the surrounding land and built form;
- (2) In the County Council’s capacity as statutory consultee with regard to planning applications and as Lead Local Flood Authority, the County Council needs to focus particularly on securing adequate highway drainage in respect to new development within East Sussex;
- (3) By working with the Joint Waste Partnership the County Council needs to establish pilot projects to tackle flooding “hot spot” areas to gauge the impact of street and road cleaning activity on flooding events and frequency of gully blocking.

[See also Report of the Cabinet – 26 April 2016]

16 MARCH 2016

RICHARD STOGDON
Chair

This page is intentionally left blank

STANDARDS

REPORT OF THE STANDARDS COMMITTEE

The Standards Committee met on 26 April 2016.

Present Councillor Stogdon (Chair),
 Councillors Blanch and Howson

1. Annual Report of the Standards Committee

1.1 Between 1 April 2015 and 31 March 2016 one complaint was received against a Member of the County Council. The complaint was considered by the Assessment Sub Committee. The Assessment Sub Committee decided to refer the case to the Monitoring Officer for action other than an investigation namely that an apology should be issued.

1.2 During 2015/16 the Committee met to consider the Delegated Investigator's report regarding a complaint that was received during 2014/15 which had been considered by an Assessment Sub Committee and had been referred to the Monitoring Officer for investigation. Having considered the report and questioned the Investigator, the Committee agreed to accept the finding of no failure (ie that the subject Member had not breached the Code) and that a 'Finding of no Failure' Notice be sent to the Subject Member and the Complainant.

1.3 It is considered that the standards of conduct among Members and co-opted members of the Council remain high and maintaining good standards is taken seriously. There was one complaint considered by the Assessment Sub Committee in 2015/16, three in 2014/15, one case in 2013/14, one in 2012/13 one in 2011/12, two in 2010/11 and 4 in 2009/10.

Applications for Dispensation

1.4 In limited circumstances, Members can apply in writing for dispensations to take part in business that they would otherwise have been unable to participate in through having prejudicial interests. During 2015/16 there were no applications for dispensations.

1.5 All dispensations are entered on the register of Members' interests and remain there for the appropriate period.

Register of Members' Interests

1.6 The Monitoring Officer is required to establish and maintain a register of interests of Members of the Council. All Members have completed and returned their registers and are reminded every six months of the need to notify the Monitoring Officer of any changes. The registers are available for public inspection and are available on the Council's website.

STANDARDS

1.7 A register of Gifts and Hospitality is also maintained by the Monitoring Officer. Members have to register gifts and hospitality received with an estimated value of £50 or more. Councillors are reminded every 6 months of the need to declare gifts and hospitality of such a value.

1.8 There is an ongoing requirement to keep the information of the register of interest form up to date. Councillors must, within 28 days of becoming aware of any new registerable personal interest or change to any registered interest, give written notification to the Monitoring Officer.

Training

1.9 Guidance regarding the standards regime has previously been circulated to all newly elected councillors. The Code of Conduct including register of interests, personal interests, disclosable pecuniary interests and gifts and hospitality, were covered during presentation at the Induction Day on 9 May 2013.

1.10 The Committee **recommends** the County Council to –

- ☆ agree the Annual Report

RICHARD STOGDON
Chair

26 April 2016