

Meeting of
East Sussex County Council
on Tuesday, 12 July 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, 12 July 2016 at 10.00 am** to transact the following business

- 1 **Minutes of the meeting held on 10 May 2016** (Pages 5 - 22)
- 2 **Apologies for absence**
- 3 **Chairman's business**
- 4 **Questions from members of the public**
- 5 **Report of the Cabinet** (Pages 23 - 34)
- 6 **Report of the Lead Member for Education and Inclusion, Special Educational Needs and Disability** (Pages 35 - 38)
- 7 **Questions from County Councillors**
 - (a) Oral questions to Cabinet Members
 - (b) Written Questions of which notice has been given pursuant to Standing Order 44
- 8 **Report of the East Sussex Fire Authority** (Pages 39 - 42)

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 Reverend Stuart Davison, Team Leader, South Eastern Baptist Association. 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

4 July 2016

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MINUTES

EAST SUSSEX COUNTY COUNCIL

MINUTES of a MEETING of the EAST SUSSEX COUNTY COUNCIL held at Council Chamber, County Hall, Lewes on 10 MAY 2016 at 10.00 am

Present Councillors John Barnes, Colin Belsey, Nick Bennett, Bill Bentley, Mike Blanch, Carla Butler, Frank Carstairs, Peter Charlton, Tania Charman, Charles Clark, Godfrey Daniel, Angharad Davies, Chris Dowling, Claire Dowling, Stuart Earl, David Elkin, Michael Ensor (Chairman), Kathryn Field, Kim Forward, Roy Galley, Keith Glazier, Philip Howson, Laurence Keeley, Carolyn Lambert, Carl Maynard, Ruth O'Keeffe MBE, Michael Phillips, Peter Pragnell (Vice Chairman), Mike Pursglove, Pat Rodohan, Judy Rogers, Phil Scott, Jim Sheppard, Daniel Shing, 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, Francis Whetstone and Michael Wincott

1 To elect a Chairman of the County Council

Councillor Belsey (Chairman of the County Council) in the Chair.

1.1 The following motion was moved by Councillor Glazier and **SECONDED** –

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

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

Councillor Ensor in the Chair.

1.3 The Chairman, Leader of the Council and Group Leaders paid tribute to the way in which Councillor Belsey had carried out his duties as Chairman of the County Council over the past three 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, Leader of the Council and Group Leaders also paid tribute to Mrs Terri Belsey for her role and support as consort. Councillor Belsey responded to the comments made. The Chairman presented Councillor Belsey with the past Chairman's badge and presented Terri Belsey with a consort's badge and bouquet of flowers.

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

2 To appoint a Vice Chairman of the County Council

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

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'to appoint Councillor Pragnell 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 Pragnell appointed as Vice Chairman of the County Council for the ensuing year. Councillor Pragnell made a declaration of acceptance of office and took his seat as Vice-Chairman.

3 Minutes of the meeting held on 22 March 2016

3.1 RESOLVED – to confirm the minutes of the meeting of the County Council held on 22 March 2016 as a correct record

4 Apologies for absence

4.1 Apologies for absence were received from Councillor Buchanan

5 Chairman's business

ELECTIONS

5.1 On behalf of the Council the Chairman passed on congratulations to those in the Chamber who were elected in the recent Hastings Borough Council elections and welcomed Councillor Rogers to her first County Council meeting

PRAYERS

5.2 The Chairman thanked the Right Reverend, Richard Jackson, Bishop of Lewes for leading the prayers before the meeting

PETITIONS

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

Councillors Butler and O'Keeffe	- calling upon the Council not to close Rodmell CE School and Pells CE School
Councillor Maynard	- calling on the County Council to introduce a 30 mph speed limit at Friars Hill, Guestling
Councillor O'Keeffe	- calling on the County Council to resurface Southover High Street, Lewes
Councillors Stogdon and Tidy	- calling upon the County Council to provide traffic calming measures in North and East Beeches Road, Crowborough
Councillor Wincott	- calling on the County Council to upgrade the pedestrian crossing from a zebra to a traffic light crossing outside Sandown Primary School, Hastings

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6 Declarations of Interest

6.1 The following member declared a personal interest 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 Daniel	Holder of a Blue Badge	Item 20(b) – Written questions	No

7 Reports

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	-	paragraph 1
Economy, Transport and Environment Scrutiny Committee	-	paragraph 1

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 Notice by the Returning Officer certifying the election of a county councillor for the St Helens and Silverhill electoral division

8.1 The Council agreed to receive the Notice of the Returning Officer certifying the election of a County Councillor for the St Helens and Silverhill division at the by-election held on 5 May 2016

9 Petition

9.1 Scott Durairaj (representative of the petitioners) addressed the County Council prior to the Council debate of the petition. The Council agreed to vary procedure to enable all councillors who indicated that they wished to speak to do so.

9.2 The following motion was moved by Councillor O’Keeffe and seconded:

In view of the increasing need for Primary School places in and around Lewes in the next five years, the strength of public feeling shown by a petition of over 5,000 signatories and the emerging plans for the future at both Rodmell School and Pells School, the Council recommends to Cabinet that the process towards the closure of these two schools is halted at the end of the consultation to enable these plans to be put into place.

9.3 A recorded vote on the motion was requested and taken. The motion was CARRIED, the votes being cast as follows:

FOR THE MOTION

Councillors Blanch, Butler, Carstairs, Charlton, Charman, Clark, Daniel, Earl, Field, Forward, Howson, Keeley, Lambert, O’Keeffe, Phillips, Pursglove, Rodohan, Rogers, Scott, D. Shing, S Shing, Shuttleworth, St Pierre, Tutt, Ungar, Wallis, Webb and Wincott

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AGAINST THE MOTION

Councillors Barnes, Belsey, Bennett, Bentley, Davies, Chris Dowling, Claire Dowling, Elkin, Ensor, Galley, Glazier, Maynard, Pragnell, Sheppard, Simmons, Standley, Stogdon, Taylor, Tidy and Whetstone

10 Record of Delegation of Executive Functions

10.1 In accordance with the Constitution, Councillor Glazier presented a written record to the Council of his appointments to the Cabinet, their portfolios and his delegations of executive functions. A copy of the Leader's report is attached to these minutes.

11 Appointments to Committees and Sub Committees

11.1 Councillor Bennett 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 was circulated in the Council Chamber.

11.2 The motion was CARRIED.

12 Appointment of Members to other Committees and Panels

12.1 Councillor Bennett 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 and the Education Performance Panel

13.1 Councillor Bennett moved, and it was seconded, that the political balance provisions would not apply to the membership of the Transport and Student Support Panel and the Education Performance Panel and that members be appointed to the Panels 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 the continuation of other bodies

14.1 Councillor Bennett 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 Chairs and Vice Chairs of Committees

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

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

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

16 Questions from members of the public

16.1 A copy of a question asked by Rita Ellis from Lewes and the answer from Councillor Elkin (Lead Member for Resources) are attached to these minutes. A supplementary question was asked and responded to.

17 Cabinet's 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 Report of the Cabinet - Reserved Paragraph

18.1 The Chairman reminded the Council that he was taking paragraph 1 of the Cabinet report with the report of the Economy, Transport and Environment Scrutiny Committee.

19 Report of the Economy, Transport and Environment Scrutiny Committee

SCRUTINY REVIEW OF HIGHWAY DRAINAGE

19.1 The Chairman reminded the Council that he was taking paragraph 1 of this report with paragraph 1 of the Cabinet's report

19.2 Councillor Stogdon moved the adoption of paragraph 1 of the Scrutiny Committee report.

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19.3 Councillor Glazier moved the adoption of paragraph 1 of the Cabinet's report. The motion, including the recommendations, was CARRIED after debate.

19.4 The motion to adopt paragraph 1 of the Scrutiny Committee's report, including the recommendations, was CARRIED after debate on the basis that implementation would be in accordance with the recommendations of the Cabinet.

20 Questions from County Councillors

ORAL QUESTIONS TO CABINET MEMBERS

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

Questioner	Respondent	Subject
Councillor Ungar	Councillor Bentley	Recompense paid by the County Council to the NHS in relation to the delayed transfer of care of people from hospital
Councillor St Pierre	Councillor Tidy	Recruitment of part time paediatric consultant to assist Adoption and Fostering Panels
Councillor Shuttleworth	Councillor Bennett	Notification to schools (and in particular special schools) of the outcome and financial impact of the review of the national funding formula for schools
Councillor Daniel	Councillor Maynard	Difference in cost of parking permits in Eastbourne and Hastings
Councillor Keeley	Councillor Bennett	Measures to promote sport in schools
Councillor Charlton	Councillor Bennett	Demand for school places in the county in 2016/17
Councillor Keeley	Councillor Glazier	Capital for infrastructure in relation to large developments in the county
Councillor Whetstone	Councillor Simmons	An update in relation to the broadband rollout within the county
Councillor Webb	Councillor Maynard	An update in relation to the consultation on cycle routes
Councillor Tutt	Councillor Simmons	Broadband coverage in the county
Councillor Field	Councillor Simmons	Representation to Government to ensure rural communities/businesses receive superfast broadband
Councillor Charlton	Councillor Maynard	Signage for the Bexhill to Hastings Link Road

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Questioner	Respondent	Subject
Councillor Davies	Councillor Simmons	Broadband coverage in rural areas
Councillor Barnes	Councillor Simmons	Rollout of superfast broadband

WRITTEN QUESTIONS PURSUANT TO STANDING ORDER 44

20.2 Five written questions were received from Councillors Daniel, Scott, S Shing, Field and D. Shing for the Lead Member for Adult Social Care, 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.

20.3 The Lead Members responded to supplementary questions.

THE CHAIRMAN DECLARED THE MEETING CLOSED AT 2.35 pm

The reports referred to are included in the minute book

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Delegations approved by the Leader of the Council – 10 May 2016

(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 Member for Children's Services)	Councillor Sylvia Tidy
Education and Inclusion, Special Educational Needs and Disability	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) principal services to be interpreted broadly. In accordance with the wishes of the Leader, principle services are not to be construed restrictively. In the event of any doubt in connection to a decision made by a Lead Member, the Leader confirms that he has delegated full executive authority to that decision maker:

Portfolio	Scope
Strategic Management and Economic Development	<ul style="list-style-type: none"> • 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 Democratic Services all ancillary activities

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Resources	<ul style="list-style-type: none"> • 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 all ancillary activities
Community Services	<ul style="list-style-type: none"> • Strategy and policy for all Community Services matters • Principal service area responsibilities: Archives and records Coroner services Emergency Planning Gypsies and travellers Libraries Registration Services Road Safety Strategic Partnerships Trading Standards Voluntary Sector all ancillary activities
Economy	<ul style="list-style-type: none"> • Strategy and policy for all economic development and regeneration projects and all ancillary activities • Principal service area responsibilities Culture
Transport and Environment	<ul style="list-style-type: none"> • Strategy and policy for all Transport and Environmental matters • Principal service area responsibilities: Operational services Planning and developmental control Transport strategy Environmental and waste strategy all ancillary activities

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Adult Social Care	<ul style="list-style-type: none"> • Strategy and policy for all Adult Social Care and Community Safety matters • Principal service area responsibilities: Services for vulnerable adults including older people, learning disability, physical disability, mental health and all ancillary activities Community Safety
Children and Families	<ul style="list-style-type: none"> • 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 Youth justice Youth service all ancillary activities
Education and Inclusion, Special Educational Needs and Disability	<ul style="list-style-type: none"> • Strategy and policy for all Children's Services (education) matters • Principal service area responsibilities: Quality and standards in educational establishments Special educational needs 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

(f) *the nature and extent of any delegation to officers*

The delegations of executive functions to Officers will be as set out in the Constitution. The delegations to Officers can be viewed via the following link:

<http://www.eastsussex.gov.uk/yourcouncil/about/keydocuments/constitution/>

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or alternatively hard copies are available at County Hall, Lewes (please contact Andy Cottell – 01273 481955)

Councillor Keith Glazier
Leader of the Council

QUESTION FROM MEMBER OF THE PUBLIC

1. Question from Rita Ellis, Lewes, East Sussex

What lessons do you believe have been learnt from the failure of signing a Community Asset Transfer with Subud Britain in relation to the former St Anne's School site, Lewes after nearly three years of lengthy and time consuming negotiations and does the Council now intend to re-run the tender under the terms of the Community Asset Transfer Policy published in 2014?

Response by Councillor Elkin, Lead Member for Resources

Whilst it may appear as though the negotiations have taken three years, it should be clarified that due to a number of challenges and a public scrutiny review, the negotiations have only been active for 18 months of this period.

Community Asset Transfers are complex by their nature and this was especially so for the St Anne's site due to the complexities with the site; the buildings and structures on the site; and the development of a specification for community services to be delivered from the site.

Both East Sussex County Council (ESCC) and Subud wanted to ensure the negotiations were given the opportunity to succeed in the best interests of meeting the aspirations of the Lewes community (expressed via public meetings and the community-led St Anne's Steering Group). We therefore allowed sufficient time to developing options that would provide a sustainable future for the site and the services to be delivered on it. The process could have been delivered more speedily but this would have been at the expense of giving the negotiations the greatest opportunity to be successful.

ESCC is a learning organisation and we always seek to capture lessons from activity that has either been successful or not successful. Through our experience of the negotiations relating to the St Anne's site, we are now better able to manage expectations around the timescales required to complete a Community Asset Transfer, and have been able to develop improved forms of legal contracts and management agreements that would support any future Community Asset Transfer processes.

The County Council will now be reviewing options for the future use and development of the site before determining a new way forward.

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WRITTEN QUESTIONS PURSUANT TO STANDING ORDER 44

1. Question by Councillor Daniel to the Lead Member for Adult Social Care

- a) Please can the Lead Member supply a statistical breakdown into Boroughs and Districts of East Sussex regarding the “Crackdown on blue badge fraud” – in terms of numbers of prosecutions, seizure of badges and community resolutions?
- b) With the end of the start-up funding from the Government how does East Sussex intend to carry out this important task in future years?

Answer by the Lead Member for Adult Social Care

- a) The statistical breakdown is as follows:

Borough or District	2015 seized	2016 seized (part year)	Total seized to date	Prosecutions	Police Cautions + Conditional cautions with fine attached	Community Resolution Orders issued
Eastbourne	71	30	101	6	0	28
Hastings	42	22	64	7	2 with fine attached	7
Rother	18	25	43	1	0	14
Lewes	29	6	35	5	1	9
Wealden	3	2	5	0	0	2

In addition to the above figures, warning letters have been sent to several County Council badge holders, reminding them of their responsibilities regarding appropriate use of their badges. There are also a further four prosecutions currently awaiting a court date.

- b) It has been agreed that this important work should continue and that it will be funded by East Sussex County Council from its on-street parking account until 30 June 2018, when the existing enforcement contract comes to an end. The need to continue the work beyond that date will be assessed as part of the re-tender of the enforcement contract.

2. Question by Councillor Scott to the Lead Member for Transport and Environment

With Our Roads Infrastructure continuing to deteriorate as less funds are made available from Central Government and from within East Sussex County Council's own Resources would the Lead Member advise how much the total cost is to investigate and administer and settle claims against East Sussex County Council for damage sustained to motor vehicles as a result of potholes and poor road surfaces. What is the total cost to the East Sussex taxpayer?

Answer by the Lead Member for Transport and Environment

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I can confirm that the amount paid out for pothole related vehicle damage in 2015/16 was £32,928 (for 2014/15 this was £87,987 and in 2013/14 it was £168,584).

The cost of handling highway claims (including the majority of claims where no payment was made) was £63,707 for 2015/16.

In total for 2015/16 it cost £96,635 to investigate, administer and settle claims against East Sussex County Council for damage sustained to motor vehicles as a result of potholes and poor road surfaces.

Under the new highways contract that commenced on the 1 May, responsibility for third party claims has passed to Costain Ch2m to ensure there is a direct relationship between pothole repair, response times and the ability to defend third party claims.

3. Question by Councillor Stephen Shing to the Lead Member for Education and Inclusion, Special Educational Needs and Disability

School places in Willingdon and Polegate

At the busiest time allocating school places, a number of parents have reported that their child was not allocated to their preferred choice of school, one of the responses our council provided to the parents was:

“As arrangements for entry in 2016 were consulted on in 2014 it is impossible to take into account new developments and indeed we would see this to be the responsibility of the District Council in agreeing new developments in areas. They are required to ensure that the infrastructure which includes schools, nurseries and medical facilities can support the new developments.”

The parents are concerned that the County Council doesn't appear to be ensuring that the right infrastructure is in place before signing off on any new housing developments, in particular, sufficient school places. This is the view of many new residents. By not objecting to the lack of infrastructure, it appears that the County Council concedes that the provision of schools are sufficient.

As with any new major housing developments which have come before the planning authority, I have questioned whether adequate infrastructure contributions are being provided with that development.

- a) Why is it that families who moved to new developments which is near a school are having to send their children to schools which are further than their nearest one?
- b) Is this a widespread problem within our County and if so, how does the County propose to resolve this problem?

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

Where a school is heavily oversubscribed it can sometimes be the case that children living nearby are unable to attend. This is because the County Council's admission priorities prioritise looked after (or previously looked after) children, followed by siblings of children already attending the school, and then children living within the community area. All of these children are prioritised according to home to school distance. If the school cannot accommodate everyone who applies, then places will be offered up to the published admission number in accordance with these priorities, but this can mean that places are not offered to some children

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living close to the school, if there are large numbers of children requesting places who live even closer.

Polegate Community Primary School will be admitting a bulge class this year to accommodate the growth in population in the local area. This means that there were 90 places available this year instead of 60. However, there were still 159 applications, of which 101 were first preferences. 31 of these places were offered to children who already had older brothers or sisters attending the school, and the remaining 59 places were offered to children living within the community area, with the furthest child able to be offered a place living 1763 metres from the school.

Unfortunately this meant that children living 1800 metres away from the school were not able to be offered places at Polegate. For some of these children, Polegate will be the closest school to their family home, but because other children live closer to Polegate than they do, we cannot offer them a place. In this situation, if we are not able to offer a place at another of the family's preferred schools, we offer the nearest school to the family home with a place still available after other families' applications have been considered. In some cases this will be further from the family home than the preferred school.

While this situation is regrettable, in that it has not been possible to meet parental preference in all cases, it is not possible to make arrangements to accommodate every child in their parents' first preference school. The County Council has changed its admission arrangements for 2017/18 to try to meet the needs of more local children by restricting the sibling link so that it only applies to children living in the community area who have siblings already at the school. However this may have a limited impact as Polegate serves a shared area which covers all of Eastbourne.

The County Council works very closely with local planning authorities on their housing strategies and the implications for education infrastructure. Information on development locations, dwelling mix and house building trajectories are entered into our pupil forecasting model to produce forecasts of future pupil numbers. This data is used to inform our short term and longer term place planning strategies to ensure we are able to discharge our statutory duty to provide sufficient school places.

It is worth noting that the County Council does not sign off housing developments – it is one of a number of consultees in relation to infrastructure provision. It is for the local planning authority to grant planning permission for housing developments. In areas of significant house building it might be more appropriate to establish new schools rather than enlarge existing schools. In this instance, we work with the local planning authority and developers to secure land on which to build new schools. Sometimes the timing of land coming forward versus the demand for places does not coincide and we have to consider establishing bulge classes at existing schools to meet current demand.

Members will be aware of the need to deliver additional places within the Capital programme which requires a range of competing demands to be considered, whilst ensuring the most cost efficient delivery of places.

4. Question by Councillor Field to the Lead Member for Transport and Environment

Parliament decided in the 2000 Countryside and Rights of Way Act s53 that 1 January 2026 is to be the cut off date for accepting hitherto unrecorded Rights of Way and that after that date no further Definitive Map orders for them would be accepted/processed. Therefore there is an opportunity between now and 1 January 2026 to research these "lost ways" and submit them for processing into Definitive Map orders.

- a) How is it intended that ESCC will proceed with this matter?

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- b) Will ESCC act quickly to plan for “lost way” submissions to be processed through the initial assessment process in order to register them before the 2026 cut off date?
- c) Will ESCC’s Access to the Countryside Strategy take account of these processing needs and in view of the timescale prioritise this work?

Answer by the Lead Member for Transport and Environment

In 2000, the CROW Act proposed the ‘closure’ of the definitive map to ‘historic’ path claims. That is, claims for routes to be recorded where historic evidence may indicate public use before 1949. This means that paths, which existed before 1949 and which are not recorded on the definitive map by 31 December 2025, will be extinguished.

Since 2000, that section of the CROW Act has not been enacted. However, the Deregulation Act 2005 will finally introduce the 2026 cut-off date for pre-1949 claims of public rights of way.

It is important to note that, after 2026, it will still be possible to claim public rights of way based on user evidence - where 20 years continuous use without the landowner’s permission - can be proved. Claims based on ‘user evidence’ currently form the bulk of ESCC’s caseload.

DEFRA had been proposing that the Deregulation Act should come into force on the 1 April 2016, formally starting the ‘count-down’ to 2026. However, as much of the legislative detail and guidance has not yet been produced, that date has been missed and it is now proposed that the Act come into force on the 1 July. (It is possible that this date will again be delayed further into autumn 2016 if guidance cannot be produced by DEFRA in time.)

ESCC, as well as other Highway Authorities in England, are currently waiting for this guidance, which is fundamental to assessing how we are able to proceed with pre-1949 claims, to be published. In lieu of this guidance, it is not yet possible to put processes, policies and procedures in place to deal with an increase in historic public right of way claims.

- a) ESCC currently has a list of around 13 path claims. These are all based on user, rather than historic/pre-1949 evidence and are processed on a chronological basis, with the earliest applications being dealt with first.

With the closure of the definitive map to historic claims, however, several user groups (primarily the Ramblers and Open Spaces Society) have started a ‘Don’t Lose Your Way’ campaign, with the intention of researching and submitting historic claims.

The Rights of Way Team has recently met with the ‘Don’t Lose Your Way’ group in East Sussex, to discuss the closure of the definitive map. Whilst this campaign is currently at an early stage, it is likely that 100-200 new ‘historic’ claims will be submitted to ESCC in the ten years prior to the closure of the definitive map.

- b) The Deregulation Act will introduce a 3-month deadline for ESCC to make an initial assessment of submitted claims. If this deadline is not met, then the applicant can appeal to magistrate’s court, which may then choose to set a timeline for ESCC to follow.

Following the initial assessment, ESCC will need to make a final determination regarding the order within 12-months from initial application. Again, if this timeline is not met, then the applicant can appeal to magistrate’s court, which may decide to set a timescale for ESCC to follow.

The intention of this section of the Deregulation Act is to ensure that Highway Authorities process new claims quickly and prior to the 2026 cut-off.

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With that in mind, the Rights of Way Team will be reviewing its processes and procedures, as well as making any necessary policy changes, to be in a good position to handle new applications that are generated due to the 2026 cut-off. However, ESCC cannot yet make these changes, as the guidance and detail of the Deregulation Act is yet to be published. (DEFRA's current intention is to give Highway Authorities a 21-day notice period before the guidance is published.)

c) The draft Implementation Plan, which was appended to the Countryside Access Strategy, includes a reference to the 'governance changes' necessary to take account of the Deregulation Act.

However, the timing of these changes is dependent on the final legislative guidance and detail being published by DEFRA. Nevertheless, the 'staff restructure' referred to in the draft Implementation Plan will look to ensure flexibility within Rights of Way Team staff resources, especially in light of the 2026 cut-off and an expected increase in pre-1949 claims.

5. Question by Councillor Daniel Shing to the Lead Member for Transport and Environment

In view of new powers for councils to remove unnecessary road signs, what action will the County Council take to remove such signs? In addition, will the Council ensure that in future, signs such as 'new' layout ahead will have 'remove by dates' on the back so they are not needlessly left in place for years and that signs are removed in line with these dates? Removal of such signs will improve our county's road environment and image.

Answer by the Lead Member for Transport and Environment

National legislation relating to traffic signs and road markings has been updated, with a new Traffic Signs Regulations and General Directions published on 22 April 2016. The new regulations do not provide any additional powers to Highway Authorities to remove traffic signs. However, the new structure offers significant deregulation, providing more flexibility for local authorities enabling the delivery of schemes suited to the local environment. There are a number of relaxations in the regulations that may be applied where appropriate but advice on best practice for signing remains largely unchanged. Consistency and continuity in signing will be key to continued safety and a drivers understanding of restrictions. Any deviation from current practices will need to be carefully considered and documented but, when applied appropriately; the new flexibilities will be particularly advantageous where there are environmental considerations.

We are aware that there are considerable limitations to what a driver is able to notice and safely respond to. An overload of information or any unnecessary distraction from the road compromises safety. The purpose of signing is to provide adequate information to the motorist to enable them to make safe decisions. Concise signing and good design are essential to the success of any traffic management scheme.

The inclusion of a 'remove by' date on 'new road layout signs' is welcomed as many of these signs are installed by developers and other outside bodies and it will help local residents and our Highway Stewards keep track of when they need to be removed.

Removal of unnecessary signs (de-cluttering) has always been exercised across the County where appropriate. For example the removal of 'no waiting at any time' plates has been undertaken as part of our normal maintenance work. With the reduction in local authority funding and the need to ensure that this funding is used appropriately we do not have a specific programme of assessing, evaluating and removing traffic signs. However, this approach is applied as part of any new traffic management or road safety scheme that we may introduce.

MINUTES

REPORT OF THE CABINET

The Cabinet met on 24 May and 28 June 2016. Attendance:-

Councillor Glazier (Chair) (2)

Councillors Bennett (2), Bentley (2), Chris Dowling (2), Elkin (2), Maynard (2), Simmons (2) and Tidy (2)

1. Council Monitoring Report – end of year 2015/16

1.1 The Cabinet has considered a report which sets out the Council's position and year end provisional outturns for the Council Plan targets, Revenue Budget, Capital Programme, Savings Plan, together with risks at the end of March 2016. Broad progress against the Council's four strategic priority outcomes is summarised below and an overview of performance and finance data including the full savings plan is provided in the Corporate Summary at Appendix 1 circulated separately to all councillors. Strategic risks are reported at Appendix 7 and detailed reports for each department are provided in Appendices 2 to 6.

Overview of 2015/16 Council Plan

1.2 100% (4,482) of working age adults and older people receiving our support, and 100% (3,297) of carers, received self-directed support. 66,453 premises were able to be connected to improved broadband speeds by the end 2015/16, with 82% able to receive speeds of 24 mbps and above. 1,995 people were referred to the Memory Assessment Service. 81% of eligible two year olds took up a place for free early education entitlement with an eligible provider, the national rate was 74%. A 3SC (Three Southern Counties partnership for devolution) Leaders' Seminar took place on 8 April 2016 bringing together, for the first time, all of the Leaders and Chief Executives of the 26 Councils in the 3SC area and representatives of the East Sussex Fire Authority, the South Downs National Park Authority and the three Local Enterprise Partnerships which cover the area. Orbis Public Law was launched in April 2016. We have gone 'paperless' for all council meetings from April 2016. The rate per 10,000 children (aged 0-17) with a Child Protection (CP) Plan has reduced to 43.8 (462 children), while the rate for Looked After Children (LAC) has reduced from 52.2 (550 children) to 51.6 (544 children). As part of East Sussex Better Together (ESBT) locality managers for the new Integrated Health and Social Care Locality Teams took up their roles from 1 April 2016.

1.3 More detail of progress against each of our priority areas is set out at paragraphs 1.10 to 1.24 below. 68 performance targets are reported at year end: 48 (71%) were achieved, 16 (23%) were not achieved and 4 (6%) are carried over for reporting in Q1 2016/17, because year-end outturn data is not yet available. 49 can be compared to previous years. Of these, 31 (63%) improved, 6 (12%) showed no change, 8 (17%) deteriorated and 4 (8%) are carried over for reporting at Q1 2016/17.

1.4 At the end of the year the net service overspend was £0.7m compared to the £0.3m reported at quarter 3. There are, therefore, no new material variations to report. Some savings plans have been amended during the year following consultation or where circumstances changed. All these changes and mitigations were reported to Cabinet and discussed with the relevant scrutiny committee. In the Children's Services and Business Services departments this proved to be the case for a proportion of the savings requirement, but permanent savings have been found which have allowed the departments to meet the level of their planned savings. In the Communities, Economy and Transport Department, the delay to the start of the highways contract meant that planned savings slipped and the failure of the waste contract to meet expected recycling rates resulted in a shortfall. The shortfall was offset by a number of other savings including use of the waste reserve.

1.5 For Adult Social Care (ASC) the policy changes which were implemented during the year achieved their expected impact, but these cost reductions were more than offset by an increase in the numbers of people needing a service and the greater complexity of need for both new and existing clients. The East Sussex Better Together (ESBT) Programme Board agreed the deployment of the Better Care Fund (BCF) contingency to help fund the impact of this growth in demand. The allocation from the BCF acknowledges pressure across the whole system and the need for social care to reduce pressure on health care by increasing diversion from hospital care, supporting more complex cases in the community and enabling higher levels of discharge from hospital. The longer term implications of this approach will be addressed through the East Sussex Better Together Programme and future use of the BCF. The Council has added to the base budget for ASC for 2016/17 to take account of 2015/16 pressures, however, more growth in demand will bring similar issues in 2016/17, as reported to the County Council in February 2016. Dealing with this growth sustainably in the long term is one of the key goals of the ESBT programme for full integration of health and social care. Work is underway within ASC and more widely in "Single Investment Planning" within ESBT to seek to address this pressure.

1.6 In addition, there is a reduction in income for the Council's share of the East Sussex Business Rates Pool, Business Rate Retention and Educational Services Grant of £0.5m, a further £0.1m reduction from that reported at quarter 3. This combined with the projected underspend of £4.5m, comprising unused general contingency and inflation provision, means that there is an overall net projected underspend of £3.3m. As previously agreed at quarter 3 the net underspend will be held in reserve to support the Capital Programme 2018-23.

1.7 The value of debt over 5 months at quarter 4 is £2.19m. This is a reduction of £0.3m when compared to quarter 4 2014/15 outturn of £2.49m. The reduction is mainly due to the continued focus on aged debt monitoring.

1.8 The quarter 4 capital programme is monitored against the revised programme submitted to the Council in February; together with some minor net nil approved variations. The forecast spending for the year is projected at £132.4m against a budget of £151.4m, a variation to gross budget of £19m. Most of the variation is attributed to slippage of £22.5m, offset by £4.6m spend in advance mainly on schools basic need. The programme has further been reduced by a £1.1m reduction in developer contributions, however this is net nil overall. The main areas of slippage are £4.1m on Broadband (reference xi, appendix 5), £2.9m on the Bexhill Hastings Link Road (reference xii, appendix 5), £2.9m on Schools Basic Need (reference xiii, appendix 4), £2.3m for Integrated Transport (reference xvii, appendix 5), £1.2m on Capital Building Improvements (reference v, appendix 3) and £1.1m for Agile (reference iv, appendix 3).

1.9 The Strategic Risk Register, Appendix 7, has been reviewed. Risk 1 (Roads), risk 3 (Care Act), risk 4 (Health), risk 5 (Resource), risk 6 (Local Economic Growth), risk 8 (Capital Programme) and risk 9 (Workforce) all have amended risk control responses. The post mitigation score for risk 3 (Care Act) has also been reduced from 4 to 2 so this risk now falls under the green 'low' risk category. No new risks have been added and no existing risks have been removed from the register for this review.

Progress against Council Priorities

Driving economic growth

1.10 Since the Bexhill Hastings Link Road (Combe Valley Way) opened to traffic on 17 December 2015 there have been a number of benefits; such as reduced journey times to the Conquest Hospital; and the whole of Glovers House, the first building on the new Bexhill Enterprise Park, being let. The contractor has begun additional work to complete the Greenways and it is anticipated these will be open to pedestrians, cyclists and equestrians in spring 2016. (Appendix 5)

1.11 We have made good progress in areas contributing to the East Sussex Growth Strategy during 2015/16. Over 66,000 premises have access to improved broadband speeds, with 82% able to receive speeds of 24 mbps or above. The Business East Sussex service and website has been fully implemented, with over 250 businesses receiving support since it was launched, over £1m of extra funding has been provisionally secured to continue and expand the

Growth Hub. 57 Apprentices were recruited over the year, 26 in the Council and 31 in schools. (Appendix 5)

1.12 The rate of young people participating in education, training or employment with training has improved for academic age 16 (year 12) and academic age 17 (year 13) for Looked After Children (LAC) and for young people. In academic year 2014/15 the percentage point gap between the lowest achieving 20% of Early Years Foundation Stage profile and the rest has narrowed by four percentage points to 25.5% which is narrower than the national average of 32.1%. For pupils achieving 5 A* - C GCSEs or equivalent including English and maths the percentage point gap was 31.2% compared to the national average of 28.3%. (Appendix 4)

Keeping vulnerable people safe

1.13 The rate per 10,000 children (aged 0-17) with a CP Plan has reduced to 43.8 (462 children) against a target of 44.7 (471 children) demonstrating sustained improvement as a result of steps introduced as part of the CP action plan to safely reduce the number of children with a CP Plan, which was developed in 2014/15. The rate per 10,000 (of 0 – 17 population) of LAC has reduced from 52.2 (550 children) to 51.6 (544 children), this is below the IDACI expected rate of 57.4 for 2015. (Appendix 4)

1.14 For adoption the average time between a child entering care and moving in with its adoptive family for the three year period 2012 – 15 was 520 days. This is below the national average of 593 days and East Sussex is ranked 5th against Statistical Neighbours. (Appendix 4)

1.15 This year, 33 women have received a full service offer from the Foundations Project, which works with women who have previously had children removed from their care. 60% (20/33) of women engaged with Foundations reported improved mental health, and take up of effective contraception has been good. (Appendix 4)

1.16 The new Specialist Domestic and Sexual Abuse Service led by RISE (Refuge, Information, Support and Education) in partnership with Survivors Network and the Crime Reduction Partnership (CRI) was launched in January 2016 and a range of promotional materials are being developed and distributed. (Appendix 2)

Helping people help themselves

1.17 Figures for January to December 2015 (pending DfT validation) show that there were 348 people Killed or Seriously Injured (KSI) on East Sussex roads, with 22 being fatalities. The KSI rate is a decrease of 10.3% compared to 2014, and 8% less when compared to the 2005-2009 average. Fatalities were significantly less than the 2005-2009 average of 33 per year but an increase on 2014 when there were 16. (Appendix 5)

1.18 Construction of School Safety Zones have been completed at Heathfield Community College and Ratton School in Eastbourne. Further design work is required for schemes at St Richards Catholic College in Bexhill and Christ Church CE school in St Leonards. (Appendix 5)

1.19 East Sussex, as part of a South East Collaborative, is one of the 27 first wave areas in England to offer the world's first nationwide Diabetes Prevention Programme. People in East Sussex identified at high risk of Type 2 diabetes will be invited to join a programme helping them to avoid developing the condition by changing their lifestyles. (Appendix 2)

Making best use of resources

1.20 Eight Member workshops were held in March and several Members were supported to get the best from their technology, with some being allocated updated equipment. This has enabled the Council to go 'paperless' for all Council meetings from 1 April 2016 (Appendix 6)

1.21 The Inter Authority Agreement, which provides the legal basis for the Orbis partnership and will form the contract between East Sussex County Council (ESCC) and Surrey County Council, has now been signed. We are also collaborating with Brighton & Hove City Council to integrate them into the Orbis partnership as the due diligence process continues. (Appendix 3)

1.22 14 projects have been achieved across the SPACES partnership in 2015/16, with three happening in quarter 4. Lewes District Council, Sussex Police and ESCC registration services

have moved to Hastings Town Hall; South East Coast Ambulance Services are now co-located with Sussex Police in Seaford; and Saxon House in Newhaven has opened, which contains East Sussex Fire & Rescue Service (with the Fire Station service moving from Fort Road in Newhaven), Sussex Police and Lewes District Council. (Appendix 3)

1.23 There has been a 5.7% reduction in our carbon emissions in 2015/16, due to improved energy efficiency. Projects undertaken include the new boilers installed at County Hall, three solar PV schemes and various improvements to the efficiency of buildings. (Appendix 3)

1.24 During 2015/16, 46% (£187m) of procurement spend was with local suppliers (against our target of 45%). We engaged with local businesses through the Build East Sussex network and supporting event in February, creating a large amount of interest through social media feeds. We are continuing to promote and support the development of the South East Shared Services E-Procurement Portal, a collaboration between public sector authorities in the South East region to provide a simple, secure and efficient way for managing sourcing and quotation activities, reducing time and cost for buyers and suppliers. (Appendix 3)

2. Reconciling Policy, Performance and Resources: State of the County

2.1 The State of the County report is part of the Council's continuing Reconciling Policy, Performance and Resources (RPPR) process, the business and financial planning cycle, and sets out the latest position as more detailed planning for 2017/18 is started, the second year of the three year plan agreed by Council in February 2016.

2.2 The Medium Term Financial Plan (MTFP) has been extended to 2020/21 to match the NHS 3+2 year model in preparation for an integrated budget with the Eastbourne, Hailsham and Seaford Clinical Commissioning Group (CCG) and the Hastings & Rother CCG and East Sussex County Council (ESCC) as part of the work on East Sussex Better Together (ESBT). The first three years of the revised MTFP updates the existing plans for the savings requirement. The further (+2) two years of the five year plan are more indicative and should be viewed as showing a direction of travel for the County Council. The Council Plan will continue to be set on a three year basis. As with last year, more detailed planning will be carried out on the next financial year than the following two, because of the high degree of uncertainty about both the Council's future functions and funding. The County Council will look to update its estimates for September.

2.3 Current plans are predicated on the need to make savings of £70m-£90m during the current three year plan period 2016/17-2018/19. This means that, despite continued commitments to maximise efficiency and income generation, a continued, direct impact on front line services for all areas across the organisation is unavoidable.

2.4 The Government has acknowledged the particular issues faced by Local Government in providing for the growth in the elderly population and has made provision for an Adult Social Care (ASC) precept to be applied for the years 2016/17 to 2019/20. The precept enabled the Council to mitigate some savings within the ASC budget in 2016/17 and to fund some growth, while other budgets were reduced in real terms in line with the One Council priority outcomes and the policy of making differential savings across services. However, this increase in ASC is more than matched by an increase in demand. The pressure on the budget is being driven by both increasing numbers of residents needing support and by increasing complexity of needs. The reduction in funding for school related activities is also having a significant impact. The Council will, therefore, continue to face difficult choices in these services. Clear targets for the areas of investment and for delivery of the priority outcomes are set out in the Council Plan and in the Lead Members' Portfolio Plans.

Council Priority Outcomes

2.5 Last year, Members endorsed the existing priority outcomes, which provide a focus for decisions about spending and savings and direct work across the Council. The outcome that "the

Council makes the best use of resources” is a test that will be applied to all activities. The four priority outcomes are set out in more detail in Appendix 8 and fall under the following headings:

- Driving economic growth;
- Keeping vulnerable people safe; and
- Helping people help themselves.

Development of the Council’s Medium Term Plans

2.6 The Council’s current MTFP runs until the end of 2018/19 and was agreed by the County Council in February 2016. In order to facilitate closer working with health, it is intended to work towards a five year period for financial planning purposes, with detailed plans being developed for the first three years and indicative totals for the final two years. This will give as much assurance as possible for the planning of integrated health and social care services, whilst acknowledging the significant changes that will take place. This will enable longer-term service change to be achieved in support of the priorities and to deliver the savings necessary to achieve a balanced budget. The Council Plan and service targets will continue to be set on a three year period.

2.7 The next three years will see demand for services continue to rise due to demographic pressures. The changes expected to affect Council services are set out in Appendix 9. The key issues continue to be:

- The growth in the very elderly population;
- The growth in the number of households in the county and the need to provide suitable accommodation for the new and smaller households that will constitute the increase;
- The need to provide school places in the right areas to meet demand;
- The need to keep on creating good quality jobs so that the county’s economy continues to improve and local residents can live prosperous and self-sufficient lives; and
- The need for infrastructure to support the changing needs of the populations.

2.8 The national and local context in which the Council’s plans will need to be made is set out in Appendix 10. Broadly, the Government’s long-term aim of reducing tax as a percentage of GDP, coupled with low productivity in the economy, means that public expenditure will continue to fall as a percentage of GDP until 2020. At the same time, there will be a move towards Councils retaining 100% of locally collected business rates (NNDR) to replace Government grants.

However, there are a number of uncertainties about the new system. The key risks relate to:

- How needs will be assessed to ensure that those areas, such as East Sussex, which are net importers of business rates currently can continue to fund services;
- How retained NNDR will be distributed between tiers of Local Government within areas;
- The nature and cost of any new responsibilities that will be transferred to Local Government as part of the new arrangements; and
- Management of risk – for example, the Government will retain control of the level of NNDR, the businesses that pay business rates and the rules relating to revaluation and appeals which could create significant volatility for Local Government.

2.9 The Government has set out a four year offer to Local Government of “a guaranteed budget to every Council which desires one and which can demonstrate efficiency savings – for next year, and for every year of this Parliament.” The Council has until 14 October 2016 to decide if it will accept the offer. It is not clear, however, what the advantages of accepting such an offer would be when the Government has also said the situation may change if the wider economic environment changes and when the 100% NNDR retention comes into force by 2020. Members will be updated in September.

2.10 Plans will continue to be developed in line with the savings plan agreed by County Council in February 2016. However, as the Government’s plans for the future funding and functions of the Council become clearer, there may be a need for further savings to be planned towards the end of the period. It will also be necessary to ensure that any pressures which arise during the year are reflected in future plans.

Meeting the Strategic Challenge

2.11 Each year, the key elements which will help the Council meet the strategic challenge it faces are identified. The key elements over the next 18 months are set out below, together with progress against them.

One Council Strategic Challenge 2016 onwards



Cross-Council Facilitating Programmes

2.12 A summary of the progress on the cross-Council facilitating programmes which will help ESCC work most effectively in future years is set out below:

- i) **People Strategy** – the People Strategy is being implemented. The key issues for the Authority in the coming year are the effects of the National Living Wage, the apprenticeship levy and national targets for recruitment of apprentices on finances and workforce (see paragraphs 2.23-2.26 of Appendix 10). In addition to working with the LGA to avoid a top-down target for apprentice numbers from Government and to exclude schools from these plans, work on devolution will include proposals for freedom to use the levy locally to support the skills needs in the wider economy.
- ii) **Customer Focus** – improvements are being developed to the way in which the Council deals with customers and to the recording of performance so that customers are served well and consistently, whether services are provided internally or externally. Plans are also being developed on a number of digital projects aimed at improving business intelligence and efficiency. (see paragraphs 3.1-3.3 of Appendix 10)
- iii) **Orbis and Orbis Public Law** – these key partnerships with South East Seven Authorities will improve both the efficiency and resilience of key back office services. This will enable services to continue to be provided against a background of diminishing resources. (see paragraphs 3.4-3.14 of Appendix 10)
- iv) **SPACES** – the programme aims to achieve £30m in capital receipts, £10m reduction in revenue costs and a 20% reduction in CO₂ emissions across the public estate in East Sussex. To date, £1.1m of net benefit has been identified for ESCC. (see paragraphs 3.17-3.21 of Appendix 10)

Maximising Control and Independence

2.13 In order to be able to plan effectively for the future and to maximise the resources available to help local people, the Council is working to ensure as much local control and predictability about its resources as possible. This work is supported by the following workstreams:

- i) **Income Generation** – the Council continues to place a high priority on income generation and work continues through the Member and officer group which has both senior officers and Lead Member involvement. (see paragraphs 3.15-3.16 of Appendix 10)
- ii) **Devolution** – the Three Southern Counties (3SC) area has a different economic profile from those which have already signed deals with the Government, as the 3SC area is a net contributor to the economy of the country. A devolution deal which offers the area greater benefit from the income generated within it will help to maintain the growth the UK economy needs and enable the area to have the infrastructure necessary to support that growth and maintain the quality of life of local people. Good progress is being made in building the partnership which will deliver the deal if it is agreed with Government and initial discussions have been held with the Treasury over the Government's appetite to negotiate a deal which has a greater scope and ambition than most which have been signed to date. (see paragraphs 2.7-2.14 of Appendix 10)

Service Change Programmes

2.14 In response to changes in legislation and in preparation for the scale of savings anticipated during the next planning period, a number of service change streams have been developed. It will be through these change streams, supported by the cross-Council facilitating programmes, that services will be reshaped in a way that will help them become sustainable in the future.

Excellence for All

2.15 Excellence for All 2016/17 sets out how the Council, in partnership with all educational providers across the county, will build on the successes of the past two years to create a truly excellent and inclusive education system for the children and young people of East Sussex.

2.16 Since the original Excellence for All was published in 2013, the Council and its partners have moved a long way towards achieving the shared vision that "all children and young people who are educated in East Sussex will attend an establishment that is at least rated "good" by Ofsted...and will make good levels of progress". Key achievements to date include:

- Outcomes have increased significantly since 2013, with pupils achieving at least in line with national averages on most indicators, and well above on some, such as the percentage of early years children achieving a Good Level of Development;
- There has been a rapid increase in the number of children having access to high quality primary education, with over 80% of primary schools now judged "good" or better by Ofsted;
- The early years, secondary and post-16 sectors continue to perform well in terms of Ofsted outcomes;
- Positive reductions have been secured in fixed term exclusions since 2014; and
- The percentage of 16-18 year olds participating in education, employment or training continues to rise.

2.17 The strategy sets out how, in partnership with all local providers, the Local Authority will build on this success to deliver five key objectives over the next two years:

- Every school, college and setting to be judged at least "good" by Ofsted, and increase the proportion of schools judged to be "outstanding";
- Performance at all Key Stages to be at least in the second quartile and, in many instances, in the top quartile on all key outcome measures;
- Accelerate progress for all key groups of pupils at all ability levels, with a particular focus on disadvantaged learners and those with Special Educational Needs and Disabilities, in order to close gaps in achievement at all Key Stages;
- Increase attendance and reduce both fixed term and permanent exclusions in line with national averages; and

- Every young person to be able to access high quality employment, further education or training up to the age of 19.

2.18 Whist there will be little change in the numbers of children in the county, the peak in birth rates in 2010/11 and the changes in distribution of school age children in the area will mean that there are pressures on school places in some areas. The effect of this on the Capital Programme is set out in Appendix 11, paragraphs 2.14-2.22).

East Sussex Better Together

2.19 ESBT aims to develop a fully integrated health and social care system in East Sussex by 2018, ensuring every person enjoys proactive, joined-up care and support that enables them to live as independently as possible. The programme will help to bridge the funding gap of £135m by 2020 in health and social care in the ESBT area.

2.20 A single planning process is being developed further in the ESBT area which will ensure that decisions about services and finances are taken in a co-ordinated way across the Eastbourne, Hailsham and Seaford CCG and the Hastings & Rother CCG and ESCC and that resources are pooled. This will optimise health and social care outcomes for local people, whilst preserving the sovereignty and accountability of each organisation.

2.21 The position in the area covered by the High Weald Lewes Havens (HWLH) CCG remains the same as last year, where ESCC will work as closely as possible with health colleagues to improve integration. A programme of joint work is in development and this will be reported to Cabinet, however plans in this area are much less developed.

2.22 The different approaches and different stages of development of the joint programmes may lead to a divergence in the health and social care services offered across the county. The ESBT areas may benefit from new, integrated services which meet the growing needs of the older population which may not be immediately available in the HWLH CCG area. The need to make savings across the whole area in order to deliver a balanced budget could further exacerbate the difference across the county. (see paragraphs 3.23-3.33 of Appendix 10)

Highways Contract Re-let

2.23 The new highways contract which started in May 2016 will deliver savings of just over £1m per annum. The contract means the Council is responsible for managing the contract and the asset, but delivery of the contracted outcomes is the responsibility of the contractor. (see paragraphs 3.34-3.38 of Appendix 10)

Capital Programme

2.24 Work has been undertaken to update the current Programme 2013/14 to 2017/18 for agreement. As part of this update, it is proposed that the current Capital Programme include a budget for pre-planning work relating to the 2018-23 Programme that will give greater cost and programme certainty. (see paragraphs 4.18-4.28 of Appendix 10)

2.25 At the February 2016 Council meeting, Members were made aware of the requirement for a new, five-year Capital Programme. At that time, initial estimates of core needs identified a requirement of £414m and a funding level of £202m, creating a gap of £212m.

2.26 Since that meeting, further detailed planning work has continued in order to identify ways to manage the diminished level of resources and the increasing core need and reduce the funding gap by driving down costs and making the best use of resources. Current estimates of resources hold significant risk, for example, of the £143m estimated Government grants, only £3m (2%) is confirmed. The Council has focused on a strategy to deliver its core need for less. Where there are other service developments and needs that require capital investments, they will either be match funded or would need to be the subject of a business case that demonstrated return and payback.

2.27 Appendix 11 provides an updated position on the need for the core programmes and other known pressures including a high level estimate of potentially available funding.

Engagement, Communications, Partnership and Lobbying

2.28 Engagement and communications will take place on both the Council's overall position and specific proposals as they emerge with the public, partners, staff and stakeholders. Feedback from Members and partners on the 2015/16 process has been reviewed, and lessons learnt will be applied. The early and continued engagement in the proposals under consideration will remain ongoing in the lead up to final decisions by the Council in February 2017. Dialogue with Members across the Council will take place to garner ideas and views on how to tackle the issues faced through meetings with Group Leaders, Scrutiny Committees and Whole Council Forums. There is a commitment to be as open as possible, as early as possible about changes to the services that can be provided with services users, stakeholders and the public.

2.29 The Council will seek to lobby through national, local and regional networks and direct with decision makers on issues affecting the county to get the best possible outcomes for local people. Of particular concern over the next few months will be ensuring the new funding arrangements the Government puts forward provide for sustainable services in the future.

RPPR next steps

2.30 Through the RPPR process, proposals will be brought forward for savings across the next three financial years, on the basis of the plan agreed by Council in 2016 to reshape the organisation and deliver the savings required by commissioning services which will deliver the priority outcomes as far as possible, and in partnership with others where this will yield better outcomes for local people. Where the services commissioned are delivered by others, arrangements will be made to ensure that democratic accountability for use of budgets and outcomes is protected.

2.31 Whilst the existing service change, facilitating and income generation programmes identified above will help to ensure that the Council delivers its services in the most efficient way possible and that it maximises the use of all the resources available to it, they cannot deliver the scale of savings required during the next three years. The Council will continue to make sure it learns from best practice elsewhere, benchmarks its services for value for money and take efficiency savings where these are available. However, it will be necessary to continue to make savings of a scale that cannot avoid impact on front line services, which will bring increased risk to the Council and to those served.

2.32 The Council has identified its key outcomes against the four priority areas which will help officers bring forward prioritised and targeted savings plans (Appendix 8). The facilitating programmes contribute to the commissioning arrangements which will help to deliver a One Council approach to achieving the outcomes identified by Members.

2.33 The priority outcomes and operating principles are being used to shape the work already underway in relation to the elements in the strategic challenge diagram. Chief Officers used the priority outcomes to identify areas of search for savings agreed in October 2015. These are:

- Adult Social Care – integrating work with health to take a single view of health and care requirement;
- Children's Services – integrated services with partner agencies; ensuring the right people work with the right children, families and settings in the right way for the right amount of time; integrated work with Adult Social Care and NHS; and mobilising communities and other partners to help children, young people and families as part of the community resilience work and increased digitalisation of service access;
- Review the Capital Programme to ensure the right choices are being made between revenue and capital to meet basic need in the county; and
- Commissioning Strategy for community based services, such as libraries.

2.34 Whilst planning will continue on the current savings assumptions over the summer, there remains significant uncertainty in some key areas. For example, the implications of accepting the Government's four year funding offer are not yet clear, the new arrangements for localisation of business rates are at a very early stage of development by Government and plans in Adult and Children's Social Care are dependent on integration with health, the full implications of which are being developed and are yet to be considered by Members. Focused work will continue over the summer on a number of aspects of the MTFP and Members will be updated in September. At that point, it is hoped that there will be greater certainty about what level of additional savings will be necessary. More detailed services and savings plans will be considered in October. It is not recommended, at this stage, that further savings are sought to meet the funding gap given the significant unknowns.

3. Principles and Characteristics for a local Accountable Care model

3.1 The County Council holds the budget and makes decisions about the deployment of resources for Adult Social Care, Children's Services and Public Health. Budgets available to the Council for these services are facing significant pressure over the next medium term financial plan, and are contributing an overall funding gap of £135million across health and social care by 2020. As part of preparing for the Reconciling Policy Performance and Resources (RPPR) process the Council is developing an integrated plan for the commissioning of health and social care with East Sussex Better Together (ESBT) programme partners, Eastbourne, Hailsham and Seaford Clinical Commissioning Group (EHS CCG) and Hastings and Rother Clinical Commissioning Group (HR CCG), for inclusion in the 2016 State of the County report. This is a significant step forward in planning collectively for our shared resources and reflects the need to make collective decisions about priorities in order to get best value for the public purse.

3.2 This integrated approach to planning means that from 2017/18 onwards a significant proportion of Council revenue budgets across Adult Social Care, Children's Services and Public Health will be covered by a joint plan with EHS and HR CCGs. This is critical to making coherent decisions for the future and to testing aspects of an Accountable Care model in 2017/18. Work is also in train to develop an alternative programme for integrated services for the population within the High Weald Lewes Havens (HWLH) CCG area, following the CCG's decision to withdraw from the ESBT programme.

3.3 Previous reports to Cabinet have provided detail about the Council's lead role in the ESBT programme, initiated in August 2014 to deliver fully integrated health and social care services and a sustainable local health and social care economy for future generations. An ESBT Scrutiny Board has been set up to enable Members to focus on these transformation plans, and strong progress has been made with redesigning local care pathways and services. We now need to consider the delivery and future design of our health and social care provider landscape, to make sure our ambition of a sustainable integrated health and social care system is fully realised.

3.4 Our research indicates that Accountable Care models are the most effective way to achieve the best possible outcomes with the resources we have jointly available across our health and social care economy, through bringing improvements that are needed in the health of our population, the quality of the care received and the efficiency with which it is delivered. Our original research into Accountable Care models can be found at www.eastsussex.gov.uk/accountablecare. A short description of the characteristics that are common to Accountable Care models across the globe is contained in Appendix 12 to this report, circulated separately to all Members.

3.5 Accountable Care models move away from activity based contracts and payment for episodes of treatment and elements of care to positively incentivising the system through outcomes based contracting and a capitated budget payment mechanism. The model entails a provider (or group of providers) being held jointly accountable for achieving a set of outcomes for a defined population over a period of time and for an agreed cost under a contractual arrangement with a commissioner. A summary of the international evidence base on the benefits

of Accountable Care models is contained in Appendix 13 to this report, circulated separately to all Members

3.6 The ESBT Programme Board agreed to explore the Accountable Care models further in December 2015, as a means of meeting the Council's and two CCGs' objectives for a transformed and sustainable health and social care economy. The exact details of how the model would be structured, the services that would be in scope and the financial commitment and risk involved are all yet to be determined, and will be detailed through the process of developing a robust full business case which will be brought to Cabinet in November 2016.

3.7 The initial phase of work has been to establish the core principles and characteristics of an Accountable Care model for East Sussex. These will serve as the evaluation criteria that will be used to judge the options as part of the production of the detailed business case. This has involved lead officers and clinicians from across the Council, CCGs, East Sussex Healthcare NHS Trust (ESHT) and Sussex Partnership NHS Foundation Trust (SPFT) participating in four themed seminars facilitated by PricewaterhouseCoopers (PwC) to get a stronger technical understanding of the following elements:

- Payment reform and incentivisation
- Procurement and contractual options
- Governance and management of risk
- The longer term vision and how to get there

3.8 A report and presentation was made to the ESBT Scrutiny Board in April 2016 about the characteristics that are common to all Accountable Care models.

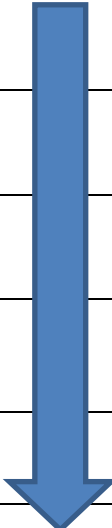
3.9 As a result of initial discussions we have established local consensus about a set of principles and characteristics that we propose would be used to judge the options in the next phase of detailed business case development. These are as follows:

Key principles / characteristics of a local Accountable Care model	
1	All health and social care services are in scope – primary, acute District General Hospital (DGH), community, mental health, social care and public health services for children and adults. Those that are ruled out will be by exception, for example where feasibility may be an issue. 'Whole person' care needs to be supported by a whole population approach rather than segmenting or subdividing the population by conditions or age. We want to avoid having different models of care for different people within the population.
2	Having a positive impact and delivering outcomes that are important to local people – both health outcomes and experiential outcomes
3	The outcomes based contract and capitated budget should be sufficiently large to achieve the economies of scale needed to tackle a £135 million funding gap.
4	There should be a focus on reducing the costs of commissioning and transacting the business, as well as avoiding the pathway fragmentation that undermines integration and adding in transaction costs through operating parallel models.
5	A strong emphasis on population health promotion, prevention, early intervention and self-care and self-management to reduce demand for services and allow care to be delivered increasingly out of hospital and at the lowest level of effective care
6	A strong culture of whole system working on the ground that actively empowers staff to be able to 'do the right thing' and putting patient's and client's needs first within a single health and social care system covering primary, acute DGH, mental health, social care and public health services
7	An organisational form for the model that enables learning and development to take place in stages to share and manage risks between commissioners and providers

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	towards an endpoint of full Accountable Care i.e. the fullest possible levels of integration and maximum ability to achieve the long term vision and benefit of a sustainable and affordable health and social care system
8	A model that inspires and attracts health and social care professionals and maximum levels of clinical and staff engagement and leadership, with a positive impact on workforce recruitment and retention
9	A model that secures accountability and the sovereignty of the partners.

3.10 The next steps in the process are to develop the full detailed business case. A summary of that is contained in Appendix 14 to this report, circulated separately to all members. This will follow the anticipated high level timeline set out below. The involvement of the ESBT Scrutiny Board will be ongoing throughout this process, alongside wider public and stakeholder communication and engagement activity. A specific Whole Council Forum will be arranged during September 2016 to give Members the opportunity to work through the detail of the Accountable Care model as it emerges from the business case development activity over the summer.

	High level milestone/decision	When by	Stakeholder Engagement
1	Agreement of key principles and characteristics to be used to evaluate options and produce a detailed business case	May 2016	
2	Whole Council Forum on the local Accountable Care model	September 2016	
3	Presentation of full business case for the preferred model for agreement through governance processes	November 2016	
4	Arrangements in place for a learning 'test phase' year and evaluation of the shadow form of Accountable Care	April 2017	
5	Move to full Accountable Care model	April 2018	

3.11 The initial phase of work highlights that there is strong agreement and appetite across our local system to explore and design an Accountable Care model appropriate for East Sussex, as the best way to achieve the best possible outcomes with the resources we have jointly available. Senior officers and clinicians from ESHT and SPFT have participated in initial discussions alongside the Council, EHS and HR CCGs, and the Local Medical Committee and Healthwatch East Sussex have also been involved. There has also been initial endorsement from the Health and Wellbeing Board and ESBT Scrutiny Board.

3.12 The Cabinet has agreed the move to the next phase of detailed business case development, with the suggested principles and characteristics set out in this paper being used as the framework for evaluating the options for the local model. The business case will be brought to Cabinet for decision in November 2016.

28 June 2016

KEITH GLAZIER
(Chair)

REPORT OF THE LEAD CABINET MEMBER FOR EDUCATION AND INCLUSION, SPECIAL EDUCATIONAL NEEDS AND DISABILITY

The Lead Cabinet Member for Education and Inclusion, Special Educational Needs and Disability, Councillor Bennett, met on 13 June 2016.

Attendance: Councillor Bennett (Lead Cabinet Member for Education, Special Educational Needs and Disability)

Also present: Councillors Field, Forward, Lambert, Pursglove, Shuttleworth, St Pierre and Tidy

1. Notice of Motion: County Council's position in response to the Government's academy policy

1.1 The following notice of motion has been submitted by Councillors Field and Shuttleworth:

'This Council opposes enforced academisation and will take all available steps to discourage Government from this course of action'.

1.2 In line with County Council practice, the matter has been referred by the Chairman to the Lead Member for Education and Inclusion, Special Educational Needs and Disability for consideration to provide information and inform debate on the Motion.

1.3 The Department for Education (DfE) published a white paper in March 2016 setting out the next stage of its strategy for education, "Educational Excellence Everywhere". The white paper proposes extensive changes for the role of Local Authorities (LAs) in education should it pass into law. While much of the detail remains unclear, a key proposal of the white paper was to legislate to require all schools to become academies. The Government has now responded to feedback and dropped plans to legislate for compulsory academisation but, at the same time, has reaffirmed its continued determination to see all schools become academies in the next 6 years. Underperforming schools (those that are judged as inadequate by Ofsted) will continue to be required to convert to academy status, where they can benefit from the support of a strong sponsor and 'good' schools will be supported to convert and to take the lead in supporting other schools as part of multi-academy trusts. The response also indicated that small rural schools would not be forced to join large national academy chains.

1.4 However, the government has said it will bring forward legislation to trigger conversion of all schools within a local authority area in two specific circumstances:

- Where it is clear that the LA can no longer viably support its remaining schools because a critical mass of schools in that area has converted.
- Where the LA consistently fails to meet a minimum performance threshold across its schools, demonstrating an inability to bring about meaningful school improvement.

1.5 Currently in East Sussex, of 192 schools 46 are academies (24%): 23 primary schools, 13 secondary schools, 8 Special Schools, 1 all thorough school and 1 pupil referral unit. Nationally 22% of all schools are academies, so East Sussex is in line with the national average for the percentage of schools that are academies. In terms of pupils, 33% are now

educated in an academy in East Sussex (20% of primary pupils, 50% of secondary pupils, 80% of special school pupils, 59% of All Through School pupils, and 100% of PRU pupils).

1.6 Of the 146 schools that are currently local authority maintained schools 88.2% are Ofsted rated 'Good' or 'Outstanding' (88.3% of primaries, 91.7% of secondaries and 50% of specials).

1.7 The recent Ofsted inspection of local authority arrangements for supporting school improvement in East Sussex in November 2015 reported the following findings:

- *'The impact of the local authority's strategy for improvement, 'Excellence for All' and the work to ensure the quality of its own advisers and brokered services since the last inspection was clear.'*
- *'The impact of the local authority's work is evident in the improving profile of inspection outcomes in primary schools. There has been a significant reduction in the number of inadequate primary schools and a marked improvement in the proportion judged good or better.'*

1.8 As the role of local authorities in the local educational system continues to change and evolve, East Sussex County Council, as set out in "Excellence for All", retains its commitment to ensuring an excellent education for all children and young people in the county, irrespective of the type of school, college or setting they attend. This can best be achieved if every school, academy, early years setting and college is a full participant in local partnerships. In this diverse educational landscape, the local authority, irrespective of academy status:

- Holds all schools to account.
- Works collaboratively with all providers.
- Encourages good and outstanding providers to support others to improve, through building capacity for system leadership.
- Promotes and creates sustainable, formal partnerships between schools, colleges and settings. In particular, the Council recognises the challenges that small rural schools face and has been pursuing a strategy of working with schools to develop partnerships and federations. There are currently 13 federations of schools across the county. Federations provide greater sustainability for schools both in terms of pupil outcomes and financial sustainability.
- Respects the autonomy and expertise of schools, but does not hesitate to act where there are serious concerns: through direct intervention in maintained schools or by referring concerns about academies to the Regional Schools' Commissioner.

1.9 In light of the government's change of policy in relation to academies as announced on 6 May 2016, and the Council's current policy approach to working with academies, it is recommended that an amended Notion of Motion is adopted that more accurately addresses the new government policy. The Lead Member recommends an amended Motion as set out below:

East Sussex County Council:

- *Supports the government's announcement on 6 May that it will not continue with plans for legislation to bring about the blanket conversion of all schools to academy status;*

- *Believes that there should be no requirement for any good or outstanding school to convert to academy status and that the Local Authority should continue to support all schools to participate in sustainable partnerships;*
- *Would like further clarification about the government's proposals to bring forward legislation which will trigger conversion of all schools within a local authority area.*

1.10 The Lead Cabinet Member **recommends** the County Council to –

✧ (1) agree the amended Notice of Motion as set out in paragraph 1.9

13 June 2016

NICK BENNETT
Lead Cabinet Member for Education and
Inclusion, Special Educational Needs and
Disability

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EAST SUSSEX FIRE AUTHORITY

Report of a meeting of the East Sussex Fire Authority held at Fire & Rescue Service Headquarters at 10.30 hours on Thursday 16 June 2016.

Present: Councillors Barnes, Buchanan, Deane, Earl, Field, Galley, Howson (Chairman), Lambert (Vice-Chair), Morris, O'Quinn, Peltzer Dunn, Penn, Pragnell, Scott, Sheppard, Taylor, Theobald and Wincott.

1. **ELECTION OF CHAIRMAN AND VICE-CHAIR**

1.1 The Fire Authority has elected Councillor Howson as its Chairman and Councillor Lambert as its Vice-Chair.

2. **PERFORMANCE INDICATORS REVIEW**

2.2 The Fire Authority has considered amending the Fire Authority's performance indicators to ensure that they remained relevant and useful (item no. 927 on the Fire Authority agenda refers).

2.3 The Fire Authority has agreed a reduction in the list of indicators from 36 to 22 to be reported from 2016/17; these will continue to be monitored on a quarterly basis by the Scrutiny and Audit Panel. The list of indicators is set out as Appendix 1 to agenda item no. 927 contained in the Fire Authority agenda.

3. **SENIOR MANAGEMENT RESTRUCTURE**

3.1 The Fire Authority has considered the progress made with the Senior Management Restructure (item no. 928 on the Fire Authority agenda refers).

3.2 The new structure became operational on 7 March 2016. Following a rigorous recruitment process in March, Mrs Dawn Whittaker has been appointed to the post of Deputy Chief Fire Officer and Mr Mark Andrews to the post of Assistant Chief Fire Officer, both of whom commenced their duties on 1 June 2016.

3.3 The Fire Authority has welcomed the appointments and noted the progress made on the implementation of the review, and that there was nothing significant or material to report at this time that occasioned the Chief Fire Officer to recommend any changes to the proposals.

4. **RELOCATION OF LEWES FIRE STATION, NORTH STREET LEWES**

4.1 The Fire Authority has considered proposals to relocate Lewes Fire station as part of the North Street Quarter redevelopment scheme (item no. 929 on the Fire Authority agenda refers). The current fire station falls within the development zone and Lewes District Council is keen to identify a suitable site for its relocation to ensure that the scheme and associated benefits can be

realised. The Fire Station falls within phase 2 of the scheme and it is anticipated that works will commence for this phase towards the end of 2017. Lewes District Council has agreed Heads of Terms to enter into a joint venture agreement with the Santon Group to deliver the North Street Quarter redevelopment scheme.

4.2 A number of relocation sites have been considered during the outline discussion stage and Springman House, the former NHS and SECamb site located nearby on the junction of North Street and Lancaster Street, has been identified as ESFRS's preferred relocation site. Lewes District Council has authorised officers to negotiate and complete the purchase of the Springman House site from the NHS and SECamb, for either its own use or to support the relocation of the Fire Station in Lewes.

4.3 The Fire Authority has agreed to issue a letter of intent to Lewes District Council, and has approved in principle a draft Memorandum of Agreement (subject to contract), together with a schedule of accommodation outlining the baseline requirements for a replacement site.

5. POLICE AND CRIME COMMISSIONER

5.1 The Fire Authority has considered a report about the implications of the Policing & Crime Bill which is likely to receive Royal Assent in the Autumn. (Item 932 on the Fire Authority agenda refers which was considered in that part of the meeting which was open to the press and public and is available on ESFRS website). The Bill will introduce a duty on all three emergency services to collaborate where it would be in the interests of their own efficiency and effectiveness and one or more of the other services take the same view. The Bill will give Police & Crime Commissioners (PCC) the ability to assume the governance of Fire & Rescue Services where a local case is made.

5.2 Katy Bourne, the Sussex Police and Crime Commissioner, and Carl Rushbridge, the PCC's Chief Finance Officer joined the Fire Authority for this debate.

5.3 The PCC had recently made a formal approach for the Fire Authority to cooperate in exploring whether or not a sound business case existed for moving fire & rescue services in Sussex under the responsibility of the PCC.

5.4 Katy Bourne said that it was her intention to establish a Reference Group which would include senior officers from Sussex Police, East and West Sussex FRs, and elected Members from East Sussex Fire Authority and West Sussex County Council. This Group would meet to establish the terms of reference for the business case. The use of an independent business partner would give rigour and independence to the business case. A procurement exercise would be undertaken for a business partner. She confirmed that the cost of this would be borne by the Office of the PCC.

5.5 Katy Bourne said that she would be making representations to the Home Office to assist with the costs of the business case. The current collaborations, such as with Health and Adult Social Care, would be taken into account in the preparation of the business case. The Treasury had set out five strands that the

business case should include and this extended beyond financial implications. She anticipated that it would take three months to complete a business case. The Reference Group would not include attendees from the South East Coast Ambulance Service. The business case would conclude whether or not a proposal to bring the governance of the FRS under the PCC was viable. If a case was made, there would be full public consultation. If a case was not made there would be no public consultation.

5.6 Members expressed their concerns about the following matters:

- a change of governance for the East Sussex Fire & Rescue Service may disrupt the collaborative work currently undertaken with other agencies, particularly with Health and Adult Social Care, and the home safety work carried out by ESFRS;
- the business case must take account of the wider implications of a change of governance, such as community benefits/dis-benefits that would arise from a change of governance;
- the business case must be able to show that if ESFRS was to be governed by the PCC, the Home Secretary's objectives would be more readily achieved by a change in governance and it needed to clearly show that the outcomes would be better under PCC control; however, it was difficult to see at present that ESFRS's community outcomes could be improved upon;
- the resource implications, particularly staff time, in participating in the development of a business case, especially with other anticipated pressures on officer time such as devolution proposals;
- the Home Office should be asked to provide sufficient funds to meet the cost of backfilling staff that were needed to work on the business case;
- there should be public consultation should the business case determine that there would be benefits to the PCC taking on the governance of ESFRS; and
- disappointment that the Home Secretary had not included the Ambulance Service in proposals for collaboration; the Ambulance Service (SECAMB) should be formally brought into the process of compulsory collaboration and should be invited to take part in developing the business case.

5.7 The Fire Authority has agreed:

- (i) to note the progress of the Policing and Crime Bill through Parliament and the specific duty to collaborate contained within it; and
- (ii) the recent formal request (dated 26 May 2016) by the PCC to co-operate with the intention to explore whether or not a sound business case exists for moving Fire and Rescue Services in Sussex under the responsibility of the PCC, (given the requirement in the Bill that the relevant FRAs should cooperate with the PCC in preparation of the proposal), be noted;
- (iii) the establishment of the Reference Group, (which will include the Chairman and the Chief Fire Officer), to consider and agree terms of reference for the business case be welcomed;
- (iv) the business case should explore various options for future governance of ESFRS including no change, as well as the PCC joining the CFA as an observer;
- (v) the resource implications in contributing to the development of a business case, particularly officer time, be noted with concern;

- (vi) full public consultation be welcomed if the business case shows that there is a need for a change in governance; and
- (vii) the Fire Authority's response to the Government's consultation 'Enabling closer working between the Emergency Services' (set out in Appendix 1 to the report), remain unchanged following the debate at this meeting, but the Fire Authority recognises its duty to be constructive in the preparation of a business case and agrees to co-operate fully in that regard, and reaffirms its belief in collaboration, where it improves delivery of services to the public and creates efficiencies.

**COUNCILLOR PHILIP HOWSON
CHAIRMAN OF EAST SUSSEX FIRE AUTHORITY**

30 June 2016