

Meeting of
East Sussex County Council
on Tuesday, 15 May 2018
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, 15 May 2018 at 10.00 am** to transact the following business

- 1 To elect a Chairman of the County Council**
- 2 To appoint a Vice Chairman of the County Council**
- 3 Minutes of the meeting held on 27 March 2018** *(Pages 7 - 18)*
- 4 Apologies for absence**
- 5 Chairman's business**
- 6 Petition** *(Pages 19 - 20)*
- 7 Record of Delegation of Executive Functions**

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

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

- 8 Report of the Governance Committee** *(Pages 21 - 24)*
- 9 To allocate places on the following committees to political and independent groups in accordance with the provisions of the Local Government and Housing Act 1989 and to appoint members to those committees in line with the allocations**
 - (a) Scrutiny Committees
 - Health Overview and Scrutiny
 - People
 - Place
 - (b) Audit Committee

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

(Note 1: The proposed nominations from political and independent groups will be tabled at the meeting)

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

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

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

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

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

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

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

12 To agree (with no member voting against) that the political balance provisions shall not apply to the membership of the Discretionary Transport Appeal Panel and to appoint three members of the Regulatory Committee to serve for the ensuing year

[The membership of the Panel, proposed by the political groups will be tabled at the meeting]

13 To appoint:

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

14 Questions from members of the public

15 Cabinet's priorities for the forthcoming year

16 Report of the Standards Committee (Pages 25 - 26)

17 Questions from County Councillors

- (a) Oral questions to Cabinet Members
- (b) Written Questions of which notice has been given pursuant to Standing Order 44

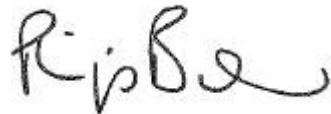
18 Notice of Motion

The Chairman has directed under Standing Order 36.9 that the following Notice of Motion submitted by Councillor Osborne shall stand referred to the County Council:

To reflect ESCC's commitment to inclusion and gender equality it shall use the term Chair and Vice-Chair of the Council when referring to the Chairman or Vice Chairman.

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 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 May 2018

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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 27 MARCH 2018 at 10.00 am

Present Councillors John Barnes MBE, Colin Belsey, Nick Bennett, Bill Bentley, Phil Boorman, Tania Charman, Charles Clark, Martin Clarke, Godfrey Daniel, Philip Daniel, Angharad Davies, Chris Dowling, Claire Dowling, Stuart Earl, Simon Elford, David Elkin, Nigel Enever, Michael Ensor (Chairman), Kathryn Field, Gerard Fox, Roy Galley, Keith Glazier, Darren Grover, Carolyn Lambert, Tom Liddiard, Laurie Loe, Carl Maynard, Ruth O'Keeffe MBE, Sarah Osborne, Peter Pragnell (Vice Chairman), Pat Rodohan, Phil Scott, Jim Sheppard, Stephen Shing, Alan Shuttleworth, Rupert Simmons, Andy Smith, Bob Standley, Colin Swansborough, Barry Taylor, Sylvia Tidy, David Tutt, John Ungar, Steve Wallis, Trevor Webb and Francis Whetstone

55 Minutes of the meeting held on 6 February 2018

55.1 RESOLVED – to confirm the minutes of the previous meeting of the County Council held on 6 February 2018 as a correct record

56 Apologies for absence

56.1 Apologies for absence were received from Councillor Matthew Beaver, Bob Bowdler, Daniel Shing and Richard Stogdon.

57 Chairman's business

BRAODBAND REVIEW

57.1 The Chairman reported that following requests from the Economy, Transport and Environment Scrutiny Committee, officers had prepared an information pack regarding the Broadband Project in East Sussex and that a copy of the pack had been left for every councillor in their pigeon hole.

CHAIRMAN'S ACTIVITIES

57.2 The Chairman reported that he had attended a number of engagements since the last meeting including: a citizenship ceremony at Hookstead House, Crowborough, the unveiling of a blue plaque for the British West Indies Regiment Nubian Jak Community Trust at Seaford railway station, the Jim Green Challenge by the Education Committee of the South of England Showground Trust for young people with learning difficulties across East Sussex, West Sussex and Surrey, a reception by the High Sheriff to launch the fund raising appeal for a ramped access to the kitchen at St Anne's Parish Church in Lewes, a dinner for the Vice President of the Immigration and Asylum Tribunal hosted by the High Sheriff, the Chairman of Kent's Charity Symphony Concert at Mote Hall, Maidstone and that he had met the Care Team at the

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Chestnut Tree House office in Eastbourne. The Vice Chairman has also attended a number of events.

PRAYERS

57.3 The Chairman thanked the Reverend Peter Clark, Padre to 249 (Hailsham) Squadron Royal Air Force Cadets for leading prayers before the meeting.

PETITIONS

57.4 The Chairman informed the Council that immediately before the meeting the following petitions had been received:

Councillor Godfrey Daniel	- calling on the County Council to investigate the suitability of shared residents parking on certain roads in the West Hill area of Hastings
Councillor Pragnell	- calling on the County Council to introduce single yellow line parking restrictions in Little Ridge Avenue, St Leonards on Sea.
Councillors Tutt and Ungar	- calling on the County Council to save Milton Grange and Firwood House, Eastbourne

58 Questions from members of the public

58.1 A copy of the question asked by Gabriel Carlyle from St Leonards on Sea and the answer by Councillor Fox (on behalf of the Chair of the Pension Committee) are attached to these minutes.

59 Declarations of Interest

59.1 The following member declared a personal interest in items on the agenda as follows:

Member	Position giving rise to interest	Agenda item	Whether interest was prejudicial
Councillor Godfrey Daniel	Holder of a Blue Badge	Item 8b	No

60 Reports

60.1 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
Governance Committee	- paragraph 2
Lead Member for Transport and Environment	- paragraph 1
East Sussex Fire Authority	- paragraph 2

NON-RESERVED PARAGRAPHS

60.2 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 as follows:

Governance Committee report paragraph 1 – Pay Policy Statement
Lead Member for Transport and Environment report paragraph 2 - Statement of Community Involvement

61 Report of the Cabinet

Paragraph 1 (Council Monitoring)

61.1 Councillor Glazier moved the reserved paragraph of the Cabinet's report

61.2 The motion was CARRIED after debate

62 Report of the Governance Committee

Paragraph 2 (Review of Scrutiny Arrangements)

62.1 Councillor Glazier moved the reserved paragraph of the Governance Committee's report.

62.2 The following amendment was moved by Councillor Osborne and seconded:

To insert the following additional wording at the end of the motion moved by Councillor Glazier

(6) All scrutiny committees to be chaired by a member of the opposition

A recorded vote on Councillor Osborne's amendment was requested and taken. The amendment was LOST, the votes being cast as follows:

FOR THE AMENDMENT

Councillors Charman, Godfrey Daniel, Philip Daniel, Field, Grover, Lambert, Osborne, Rodohan, Scott, Stephen Shing, Shuttleworth, Swansborough, Tutt, Ungar, Wallis and Webb

AGAINST THE AMENDMENT

Councillors Barnes, Belsey, Bennett, Bentley, Boorman, Charles Clark, Martin Clarke, Davies, Chris Dowling, Claire Dowling, Earl, Elford, Elkin, Enever, Ensor, Fox, Galley, Glazier, Liddiard, Loe, Maynard, Pragnell, Sheppard, Simmons, Standley, Taylor, Tidy, and Whetstone.

ABSTENTIONS

Councillor Smith

The following motion was moved by Councillor Glazier and CARRIED:

(1) to agree to the revised scrutiny structure as set out in section 2 of the report;

(2) to agree to the proposed remits of the new Scrutiny Committees and the proposed terms of reference of the Audit Committee as set out in Appendix 5;

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(3) to agree that the Chair of the Audit Committee receive a Special Responsibility Allowance (SRA) at the rate equivalent to that of the Chair of a scrutiny committee;

(4) to agree to delegate authority to the Assistant Chief Executive to update the Constitution accordingly; and

(5) to note the plans to improve scrutiny as set out in the report.

63 Report of the Lead Member for Transport and Environment

63.1 Councillor Bennett moved the reserved paragraph (Notice of Motion: Elimination of avoidable plastic waste) in the report of the Lead Member for Transport and Environment.

63.2 The following amendment (by inserting the words in italics) moved by Councillor Godfrey Daniel and seconded was lost:

The County Council supports the Government ambition to eliminate avoidable plastic waste (particularly single use plastic) over the next 25 years *(insert) [and calls on the Government to work together with the European Union both to ensure international co-operation and to expedite this intention]*. In support of this ambition the County Council will review the use of plastics in its own supply chain and the plastic recycling facilities available on its estate, to identify and increase the opportunities to reduce, re-use or recycle more plastic.

63.3 The following motion was moved by Councillor Bennett and CARRIED:

The County Council supports the Government ambition to eliminate avoidable plastic waste (particularly single use plastic) over the next 25 years. In support of this ambition the County Council will review the use of plastics in its own supply chain and the plastic recycling facilities available on its estate, to identify and increase the opportunities to reduce, re-use or recycle more plastic.

64 Questions from County Councillors

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

Questioner	Respondent	Subject
Councillor Ungar	Councillor Maynard	Measure to reduce the Adult Social Care overspend
Councillor Philip Daniel	Councillor Maynard	Consultation on adult social care day services
Councillor Tutt	Councillor Maynard	Number of 15 year old children using cannabis in the County and action being taken to tackle this issue
Councillor Scott	Councillor Bentley	Decrease in funding for police services and impact on community safety

Questioner	Respondent	Subject
Councillor Godfrey Daniel	Councillor Bennett	Objections by Wealden District Council to development applications across the south east
Councillor Webb	Councillor Maynard	Implementation of actions in the Care Quality Commission Local Area Review report.
Councillor Stephen Shing	Councillor Bentley	Cost of the recent consultation in relation to the Libraries Transformation Programme
Councillor Whetstone	Councillor Simmons	Update in relation to those parts of the County not yet covered by the Broadband project and the surveys to be undertaken in Phase 3 of the project.
Councillor Stephen Shing	Councillor Bennett	Monitoring of work undertaken by highway contractor
Councillor Whetstone	Councillor Bennett	Reporting of work on the highway that is of a poor standard

WRITTEN QUESTIONS PURSUANT TO STANDING ORDER 44

64.2 Four written questions were received from Councillors Godfrey Daniel, Lambert (2) and Philip Daniel for the Lead Member for Adult Social Care and Health, the Lead Member for Education and Inclusion, Special Educational Needs and Disability and the Lead Member for Resources (2). The questions and answers are attached to these minutes.

64.3 The Lead Members responded to supplementary questions

65 Report of the East Sussex Fire Authority

65.1 Members commented on paragraph 2 of the East Sussex Fire Authority's report

THE CHAIRMAN DECLARED THE MEETING CLOSED AT 1.07 pm

The reports referred to are included in the minute book

QUESTION FROM MEMBERS OF THE PUBLIC

1. Question from Gabriel Carlyle, St. Leonards on Sea, East Sussex

Last year the Local Authority Pension Fund Forum (LAPFF) provided LAPFF members with a Climate Change Investment Policy Framework with the aim of helping to 'guide their policy approach to current and future investment risks and opportunities that result from the impacts of climate change' and provide 'LAPFF's current view of suggested best practice guidance'.

Does the East Sussex Pension Fund accept the LAPFF guidance that: (a) 'As a Local Government Pension Fund [the East Sussex Pension Fund is a] long-term [investor] with liabilities reaching beyond the year 2100'; and (b) that 'The Fund's long-term goal is for 100% of assets to be compatible with the net zero-emissions ambition by c.2050 in line with the Paris agreement. This decarbonisation goal will be regularly evaluated in line with our objective of maintaining long-term financial performance.'?

Response by Councillor Fox, on behalf of the Chair of the Pension Committee

The East Sussex Pension Fund understands that it is a long term investor with a fiduciary duty to over 70,000 members and 131 employers and manages its Investment Strategy Statement on that basis.

The Fund believes that it is important that the global economy manages the decline of existing production in line with what is necessary to achieve the Paris climate goals. The Fund has undertaken a project to understand its current exposure to climate risk by requesting a carbon footprint of the Fund is undertaken. The preliminary results show the County's Pension Fund to be in a favourable position in regard to its overall carbon footprint in terms of the Paris Agreement.

The Pension Committee has made the decision to have a significant proportion of its passively managed assets to be invested in the UBS Climate Aware fund.

WRITTEN QUESTIONS PURSUANT TO STANDING ORDER 44

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

New figures from the Department of Transport show that thefts of Blue Badges have more than quadrupled over the last year. An LGA spokesperson has said that"Illegally using a Blue Badge is not a victimless crime. For disabled people, Blue Badges are a vital lifeline that helps them get out and about to visit shops or family or friends. Callous thieves and unscrupulous fraudsters using them illegally are robbing disabled people of this independence."

Does the Lead Member concur with that view, and will he furnish details about the numbers of Blue Badges reported stolen in East Sussex in each of the last 3 years, the numbers of people caught using a blue badge illegally and the number of prosecutions undertaken with regard to this offence (in each of those years). Is the Lead Member confident that he has the resources to rigorously crack down on this growing crime? What active measures are being undertaken in East Sussex to deal with this problem?"

Answer by the Lead Member for Adult Social Care and Health

Our experience is that Blue Badges can be misused. This can include using a badge which has expired, been altered or photocopied or the badge holder has died. The most common misuse of a Blue Badge is where friends, family or carers, who might have easy access to the badges on a daily basis, use them with or without the holder's consent. In these cases, the badge holder will receive a warning letter from us, in addition to the legal action taken against the perpetrator.

For less serious offences, people are invited to watch an educational video which features people with disabilities talking about how valuable Blue Badges are to them in their daily lives. Attending a session to watch the video is known as a Community Resolution.

Please see below figures for the past three years and total figures for 2018 so far, in respect of Blue Badge misuse and our enforcement work:

	2015	2016	2017	2018
Badges used by a third party	90	135	76	
Badges expired	64	29	31	
Badge altered or photocopied	9	19	12	
Badge holder deceased	10	14	11	
Total badges seized	173	197	130	30
Community Resolutions	37	91	72	15 (15 pending)
Prosecutions	15	14	14	4 pending

- The total number of Blue Badges seized for this period is 530

- The total number of warning letters sent for 2015 to 2017 is 300
- It is estimated that the Enforcement Officer saves at least £138,000 per year, in what would have been lost in parking revenue

A proactive approach is taken in East Sussex and in 2014 we bid for, and received, government funding for an Enforcement Officer within the Blue Badge team. We launched Operation Bluebird, working in partnership with other agencies, which has enabled us to act on our commitment to enforcement work and protect those people who have genuine need for a badge. This has been welcomed not only by residents in East Sussex, but is also highly commended by the Department for Transport and the British Parking Association.

The Enforcement Officer covers the whole of the county investigating reports from members of the public, training parking teams to identify potential misuse, interviewing offenders and compiling detailed statements that will be required in court. They have taken part in a number of TV presentations and press interviews, highlighting that Blue Badge misuse is not a victimless crime and that the Council will not tolerate abuse of this concession.

In recognition of our Blue Badge enforcement work, we won two awards in 2016, for Parking in the Community and Parking Partnerships. We were also invited by the Department for Transport, as a direct result of our enforcement successes, to host a workshop for all Local Authorities, to share our good practice. We have also recently been contacted by the Scottish Government for assistance with their enforcement.

The Enforcement Officer is therefore an invaluable resource in managing Blue Badge misuse, and in educating the public and other agencies. As Government funding for the Enforcement Officer has now ceased we are currently considering arrangements for the ongoing funding of the post. Another consequence of the Government funding coming to an end, means we will be unable to fund the police officers' attendance at the Community Resolution sessions, which is necessary because the Community Resolution orders are issued by police officers. As an alternative, we are looking at the possibility of implementing a Local Resolution, without the police being present. This would involve showing the same educational video and charging a fee which would create revenue for the Council.

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

The recent Get a Grip campaign was controversial and caused distress to a number of parents who felt that they were being unfairly targeted, that the campaign was insufficiently nuanced and that it was unlikely to reach the people it needed to. Parents have asked the following questions:

- a) How has the campaign impacted on attendance levels in our schools?
- b) What research has the County Council undertaken to assess how effective the campaign has been?
- c) What research has the County Council undertaken to ensure that any future campaigns are effectively targeted?

- d) Has the County Council undertaken research with other local authorities with better attendance figures to see how they have tackled school attendance?

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

The breadth of the comments we received, council and media coverage during the campaign, indicates that the campaign had very broad reach and was noticed by the full range of parents across East Sussex. Poor attendance starts when a child takes their first day of absence for an inappropriate reason, it is significantly poor attendance when it goes over just 5%: it was important to raise awareness with parents who would condone such absence as much as it was to target parents of children with protracted poor attendance.

- a) Over the first two terms of this academic year, when we ran the campaign, overall attendance rates improved across primary, secondary and special schools in comparison to the same period the previous academic year. This is the first time that attendance has improved in East Sussex for a number of years. Clearly we will continue to monitor the longer term impact, but it is promising to see early signs of improvement already.
- b) In addition to the improvements in attendance, we have seen a reduction in the number of absences which are being authorised by schools. This shows that there has also been a shift in the approach by a number of headteachers and low-level absence is being addressed more consistently.
- c) We feel that the attendance campaign has been effectively targeted as it is having an overall impact in our attendance figures and responses to absence are more consistent across the county. We will continue to develop our campaign over the next two terms to ensure that our messages target the most common types of absences and have an impact on overall attendance.
- d) We have regularly looked to other Local Authorities with better attendance to see if there is anything we can learn from them in terms of improving practice in East Sussex. However, we have never been able to identify anything materially different to what we currently do, indeed in some instances we had a more pro-active approach than other Local Authorities that traditionally had good attendance.

Interestingly, since running our attendance campaign, we have had a number of Local Authorities contact us to seek 'permission' to replicate our approach to address a similarly intractable problem.

3. Question by Councillor Lambert to the Lead Member for Resources

Seaford residents are alarmed to hear that services at Warwick House may be under threat.

- a) What is the total capital investment that the County Council made in the Warwick Road site (both the library and the Adult Social care parts)?
- b) What is the total capital investment made by partners in the whole site – again both the library and the Adult Social care side?
- c) What is the total revenue cost of running both the library and the Adult Social care services on the site since the building opened?

- d) Given that joint funding of the project was supposed to provide financial sustainability for both the library and Adult Social care services, what business planning was undertaken and why is this now being reviewed?

Answer by the Lead Member for Resources

- a) East Sussex invested £6.665m
- b) Saxon Weald Homes contributed £0.632m. This contribution was towards the development of the Supported Accommodation on the site, which is financially separate to the Library and ASC service elements of Warwick House. Additionally Friends of Seaford Library contributed £2,540 towards fixtures and fittings.
- c) The net costs of running Warwick House, Library plus ASC services are as follows:-
- 2014/15 £0.259m
2015/16 £0.477m
2016/17 £0.477m
2017/18 (estimate) £0.454m
2018/19 (budget) £0.477m
- d) Whilst there were advantages arising from a joint development of modern facilities to meet the service needs of both Adult Social Care and the Libraries service, not least in rationalising the assets of the Council and delivering improved facilities for the public, the services were always independent of each other in terms of their management and business planning, for example all revenue building related costs were managed separately, which means that there is no direct impact upon the Library business plan as a consequence of the proposal by Adult Social Care.

The current consultation is considering how best to deliver day services within the County but no decisions have been made at this time. ESCC is using the consultation period to consider all sustainable options.

4. Question by Councillor Philip Daniel to the Lead Member for Resources

The UK Government committed to the Open Contracting Principles for government procurement and adoption of the Open Contracting Data Standard (OCDS) in 2016.

The Open Contracting Data Standard enables disclosure of data and documents at all stages of the contracting process by defining a common data model. It was created to support organizations to increase contracting transparency, and allow deeper analysis of contracting data by a wide range of users. OCDS reduces costs of disclosure by creating a standard format directly linked to the national Contracts Finder dataset.

According to a specialist commentator, the day after Carillion's collapse it was only possible to locate less than 30 of the 400+ government contracts with Carillion through the national Contracts Finder dataset. None had the text of contracts attached. Some local authorities continue to invoke 'commercial confidentiality' as a blanket reason to keep procurement or asset sale information secret, increasing corruption risks, and

undermining opportunities to promote value for money, local economic development and strategic procurement across the public sector.

The Prime Minister issued a letter to government departments on 14 December 2017 accompanying new transparency guidelines. Amongst the guidance, is a revised note on "Publication of Central Government Tenders and Contracts" which provides a good snapshot of the current position for national government contracting (and which is also framed as useful guidance for Local Authorities considering their responsibilities under the local government transparency code issued by DCHLG).

ESCC contract publication to date is limited to the Excel spreadsheets, each with a single row for each contract containing limited high-level information on 439 contracts (Q3 2017/18).

What steps is the Council taking to adopt the Open Contracting Principles and implement the Open Contracting Data Standard? What steps is the Council taking to implement the government's revised guidance on publication of tenders and contracts?

[URLs for reference]

<https://www.open-contracting.org/implement/global-principles/>

<http://standard.open-contracting.org/latest/en/>

<http://www.timdavies.org.uk>

<https://www.gov.uk/government/publications/open-standards-for-government/open-contracting-data-standard-profile>

<https://www.eastsussex.gov.uk/business/doingbusiness/local-government-transparency-code-for-contracts-and-purchase-orders-over-5k/>

Answer by the Lead Member for Resources

Open Contracting Principles:

All contracting opportunities are published through the South East Shared Services Portal, which currently has circa 23,000 suppliers subscribed. In addition:

- for opportunities over £25k in value they are published on the national Contracts Finder managed by Crown Commercial Services;
- for opportunities over the current Official Journal of the European Union thresholds opportunities are published on the European Union's Tenders Electronic Daily.

In accordance with the Local Government Transparency Code we publish the following information on the ESCC website on a quarterly basis:

- All our active contracts;
- Purchase Orders over £500 in value;
- Purchase Orders over £5k in value.

We are about to implement a weekly report of key Procurement decisions in accordance with the Local Authority Regulations 2012. This will provide the public with details of all decisions to award key contracts and will include information on:

- The background and decision to buy

- The route to market
- The procurement process and number of bidders
- The successful supplier and the value of the contract award
- Details of any potential conflict of interest and what mitigating action has been taken to address it

Finally, in accordance with the Freedom of Information Act 2000 the Programme Management Office (PMO) within Procurement respond to requests from the public, including information related to our contracting procedures. They process an average of four FOI requests related to Procurement in East Sussex each month. A log of these requests is maintained in the PMO.

Open Contracting Data Standards:

Crown Commercial Service who are responsible for Contracts Finder have been publishing data to www.data.gov.uk daily since November 2016 in an OCDS format. They have also established a public interface which enables anyone to search the database and then download the results in an OCDS format. East Sussex County Council publish all contract opportunities over £25k to Contracts Finder so our contracting activity reflects in the datasets. Crown Commercial Service continues to enhance this offering in accordance with the UK Open Contracting National Action Plan. In addition, the quarterly transparency reports detailing Council spend over £500 is one of 33 datasets available to download from the East Sussex County Council pages on www.data.gov.uk.

Guidance for central government on the publication of tenders and contracts:

Although we have already have measures in place, as detailed above, we will be reviewing the principles contained within the revised guidance provided by Crown Commercial Services around Central Government transparency to assess if there are any additional measures we need to take to strengthen compliance to the Local Government (Transparency Requirements)(England) Regulations 2015 and the associated Local Government Transparency Code 2015.

PETITION

The County Council has received the following petition:

Let's help prevent the closure of Milton Grange and Firwood house in Eastbourne

These two services are vital for rehabilitation in the Eastbourne area, not only do they make it possible for people to return home after hospitalisation and remain independent they also provide a crucial respite service. Milton grange also provides a daycentre specialising in dementia care, offering much needed respite for carers. Our local hospital will be majorly affected if these services close putting much more pressure on the NHS and also the local health and social care sector. Please please sign this petition, you never know when one of your loved ones are going to need this service.

When submitted the petition contained 9799 signatures. As the number of signatures exceeds 5000 the Council's Petition Scheme allows for the petition to be presented to, and debated by, the Full Council. A representative of the petitioners will be given five minutes to present the petition at the meeting prior to the debate.

The relevant extract of the Petition Scheme is set out below

Full Council debates

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

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

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REPORT OF THE GOVERNANCE COMMITTEE

The Governance Committee met on 24 April 2018. Attendances:

Councillor Glazier (Chair)
Councillors Godfrey Daniel, Elkin, Simmons and Tutt

1. **Appointments to committees, sub-committees, panels and other bodies**

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

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

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

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

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

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

1.6 The principle in paragraph 1.2 (c) above applies to appointments to ordinary committees (including sub-committees). Accordingly, before considering the allocation of places to political groups the Council will need to consider whether it wishes to recommend any changes in committees, including their size. The tables in Appendix 1 (circulated separately) outline proposals in relation to committees, their total membership and the number of seats on each to which the groups will be entitled following the principles set out in paragraph 1.2 above.

1.7 The group leaders have been asked to let the Assistant Chief Executive have nominations to fill the places on committees, sub-committees, panels and other bodies covered in this report provisionally allocated to their group. The final list of nominations

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received will be circulated to members of the County Council on the day of the annual council meeting, for approval by the Council.

Other Committees and Panels

1.8 There is no obligation in relation to other committees and panels to aggregate the total number of places and to adjust allocations so that the total number of places allocated to each group reflects its proportion of the members of the Council. It is proposed that places should be allocated on a proportionate basis, unless the Council agrees to waive the political balance provisions which has been the custom for certain panels over many years.

1.9 The practical effect of the proportionality rules for a committee, panel or group of members of any given size from 3 to 12 is set out in Appendix 2, together with the list of current committees and panels to which appointments will need to be made and their membership.

Chairs and Vice Chairs of Committees

1.10 To reflect the changes made to the structure agreed by the County Council in March, the Chairs and Vice Chairs of scrutiny committees and Audit Committee shall be allocated to groups in accordance to the number of seats they have on the Council. Within this allocation, the Chair of the Audit Committee shall be appointed from the members of the largest opposition group. On this basis the allocation of the 8 places would be as follows:

Conservative – 5

Liberal Democrat – 2 (including the Chair of the Audit Committee)

Labour – 1

Independent Group - 0

Independent Democrat - 0

The proposed list of Chairs and Vice Chairs to be appointed by the County Council is:

Committee	Chair	Vice-Chair
Regulatory	Conservative	
Audit Committee	Liberal Democrat	Conservative
People Scrutiny Committee	Conservative	Liberal Democrat
Place Scrutiny Committee	Conservative	Labour
Health Overview and Scrutiny Committee	Conservative	Conservative
Governance Committee	Conservative	
Planning Committee	Conservative	Conservative
Pension Committee	Conservative	
Standards Committee	Conservative	

1.9 The Committee recommends the County Council to:

- ☆ (1) allocate to the political and other groups the places on, and membership of, the main committees as set out in Appendix 1;
- (2) allocate places on the other committees and panels as set out in Appendix 2;
- (3) allocate the chair and vice chair positions on committees as set out in paragraph 1.10; and
- (4) delegate authority to the Assistant Chief Executive to amend the Council's Constitution where necessary to give effect to this decision

2 Data Protection Officer designation required by the General Data Protection Regulation

2.1 Article 38 of the General Data Protection Regulation (which is directly applicable in the UK) imposes a mandatory requirement that all public authorities designate a Data Protection Officer ('the DPO'). It provides that 'the data protection officer shall be designated on the basis of professional qualities and, in particular, expert knowledge of data protection law and practices and the ability to fulfil the tasks referred to in Article 39'.

2.2 The DPO's details must be published, and – although they may be an employee or contractor – they must be supported in carrying out their roles and responsibilities, which are to be executed with independence. The DPO may not be dismissed or penalised for carrying out his or her tasks and must report to the highest management level regarding the detailed range of tasks indicated in article 39. These include providing advice on the lawful performance of the Council's obligations and monitoring its compliance as well as assisting in the assignment of responsibilities and in relation to data protection impact assessments and acting as contact point with the Information Commissioner's Office ('the ICO').

2.3 The term 'Data Protection Officer' has been in common use in local government for some time and has historically been used to describe those officers who deal with subject access requests made under the Data Protection Act 1988. However this statutory role is a new requirement for local authorities (and indeed most organisations) and is to be distinguished from that.

2.4 Article 38 of the GDPR specifically permits a single Data Protection Officer to be designated for several public bodies or authorities. This has been actively explored as an option by this Council in discussion at officer level with its fellow Orbis partners, Surrey County Council and Brighton & Hove City Council. The increasing alignment of relevant support services including Audit – an alignment which is obviously a key feature of the Orbis project - has informed these proposals. They will offer this Council access to an individual with dedicated expertise and seniority, this via a model which as well as satisfying a key GDPR requirement offers the potential to positively influence the work done by the sovereign Information Governance function, including meeting the need to ensure compliance in terms of our arrangements across Orbis for sharing information.

2.5 It is proposed the funding for the joint DPO appointment will be agreed by the Orbis Joint Management Board and will reflect an appropriate methodology which is governed by the relative information maturity of the three authorities. There is no bid for funding additional to that which has already been agreed.

2.6 This proposal is considered to offer a solution which complies with the requirements of the GDPR in such a way as to inform and benefit this authority's approach to its information governance arrangements. The shared DPO's independence will be reinforced by the basis

on which they are appointed (ie across the three authorities) and they will moreover be well-placed amongst other things to identify opportunities for any joint work streams which arise while ensuring that their main focus is on deploying their skills, experience and seniority to discharge their statutory functions.

2.7 It is considered by the ICO to be good practice for councils to appoint a Senior Information Risk Owner (SIRO) to ensure accountability and effective risk management in relation to information held across the range of the authority's functions. Although this is a non-statutory role, it is considered to be key to ensuring that one of the Council's Chief Officers retains responsibility for maintaining oversight of the Council's ongoing (and continually evolving) use of technology to deliver its functions.

2.8 Currently the SIRO role is fulfilled by this Council's Chief Operating Officer. It is proposed that this arrangement continues. Compliance with the requirements of the General Data Protection Regulation are mandatory and – while different models exist for ensuring compliance with the requirement to designate a DPO – the proposals outlined here are recommended.

2.9 The Committee recommends the County Council to:

☆ (1) approve the Council having a single shared designated statutory Data Protection Officer with Brighton & Hove City Council and Surrey County Council;

(2) delegate authority to the Chief Operating Officer, in consultation with the Chief Executive, to appoint or designate to the role of statutory Data Protection Officer; and

(3) delegate authority to the Assistant Chief Executive to amend the Council's Constitution where necessary so as to give effect to this decision and to include provision in the Scheme of Delegation to Officers for the new statutory Data Protection Officer role.

24 April 2018

KEITH GLAZIER
(Chair)

STANDARDS

REPORT OF THE STANDARDS COMMITTEE

The Standards Committee met on 24 April 2018.

Present Councillor Stogdon (Chair),
Councillors Belsey, Earl, Taylor and Tutt

1. Annual Report of the Standards Committee

1.1 Between 1 April 2017 and 31 March 2018 no complaints were received against a Member of the County Council.

1.2 It is considered that the standards of conduct among Members and co-opted members of the Council remain high and maintaining good standards is taken seriously. The table below shows the number of complaints considered by the Assessment Sub Committee over the past 9 years:

Year	No. of complaints considered
2017/18	0
2016/17	1
2015/16	1
2014/15	3
2013/14	1
2012/13	1
2011/12	1
2010/11	2
2009/10	4

Applications for Dispensation

1.3 In limited circumstances, Members can apply in writing for dispensations to take part in business that they would otherwise have been unable to participate in through having prejudicial interests. During 2017/18 there were no applications for dispensations. All dispensations are entered on the register of Members' interests and remain there for the appropriate period.

Register of Members' Interests

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

STANDARDS

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

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

Training

1.7 Following the election on 4 May 2017, training was given to members on the Code of Conduct including register of interests, personal interests, disclosable pecuniary interests and gifts and hospitality at the Induction Day. All councillors have signed a declaration undertaking to comply with the County Council's Code of Conduct for Members.

Disqualification Criteria for Councillors

1.8 In November 2017, the County Council responded to consultation from the Department for Communities and Local Government on the disqualification criteria for councillors. The consultation proposed that the current criteria should be updated to reflect new options which exist to protect the public and to address unlawful and unacceptable behaviour by elected members. In summary it is proposed to prohibit those subject to the notification requirements (commonly referred to as 'being on the sex offenders register') and those subject to certain anti-social behaviour sanctions from being local authority members.

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

- ☆ agree the Annual Report

RICHARD STOGDON
(Chair)

24 April 2018