



Meeting of
East Sussex County Council
on Tuesday, 14 May 2019
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, 14 May 2019 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 26 March 2019** (*Pages 7 - 18*)
- 4 **Apologies for absence**
- 5 **Chairman's business**
- 6 **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

- 7 **Report of the Governance Committee** (*Pages 19 - 22*)

- 8 **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)

9 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]

10 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]

11 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]

12 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

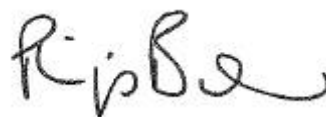
13 Questions from members of the public

- 14 **Cabinet's priorities for the forthcoming year**
- 15 **Report of the Cabinet** (Pages 23 - 24)
- 16 **Report of the People Scrutiny Committee** (Pages 25 - 26)
- 17 **Report of the Place Scrutiny Committee** (Pages 27 - 30)
- 18 **Report of the Standards Committee** (Pages 31 - 34)
- 19 **Questions from County Councillors**
 - (a) Oral questions to Cabinet Members
 - (b) Written Questions of which notice has been given pursuant to Standing Order

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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

3 May 2019

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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 26 MARCH 2019 at 10.00 am

Present Councillors John Barnes MBE, Matthew Beaver, Colin Belsey, Nick Bennett, Bill Bentley, Phil Boorman, Bob Bowdler, Tania Charman, Charles Clark, Martin Clarke, Godfrey Daniel, Philip Daniel, Angharad Davies, Chris Dowling, Claire Dowling, Deirdre Earl-Williams, Simon Elford, David Elkin, Nigel Enever, Michael Ensor, 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 (Chairman), Phil Scott, Jim Sheppard (Vice Chairman), Alan Shuttleworth, Rupert Simmons, Andy Smith, Bob Standley, Colin Swansborough, Barry Taylor, David Tutt, John Ungar, Steve Wallis and Trevor Webb

56 Minutes of the meeting held on 5 February 2019

56.1 RESOLVED – to conform as a correct record the minutes of the County Council meeting held on 5 February 2019 as a correct record.

57 Apologies for absence

57.1 Apologies for absence were received from Councillors Pat Rodohan, Richard Stogdon, Sylvia Tidy and Francis Whetstone

58 Chairman's business

WELCOME

58.1 The Chairman welcomed representatives of the Youth Cabinet to the meeting and reminded all councillors that the representatives would be giving a presentation to members immediately after the meeting.

CHAIRMAN'S ACTIVITIES

58.2 The Chairman reported that he had attended a number of engagements since the last County Council meeting including: One Hastings Many voices events at the Greek Orthodox Church Hall, Hastings, a Samaritans Charity dinner in Kent, 2 citizenship ceremonies in Crowborough, a celebration of International Mother Language day in Eastbourne, the Lord Lieutenant's Poppy Awards ceremony in Eastbourne and a civic reception at Herstmonceux Castle hosted by the Chairman of Wealden District Council.

PRAYERS

58.3 The Chairman thanked Councillor Michael Ensor for leading the prayers before the meeting.

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PETITIONS

58.4 The following petitions were presented by members immediately before the meeting:

- | | |
|--------------------------|--|
| Councillor Philip Daniel | - calling on the County Council to guarantee that Ringmer swimming pool will remain open, and that before any decision is taken that would result in a significant reduction in community availability, it will discuss all options with Ringmer residents, the school and other authorities |
| Councillor Osborne | - calling on the County Council to reduce the speed limit to 40 mph on the A259 between Newhaven and Seaford, enforced by speed cameras |

59 Questions from members of the public

59.1 Copies of questions asked by Ben Christie from Forest Row, Gabriel Carlyle from St Leonards on Sea, Frances Witt from Lewes, Hugh Dunkerley from Brighton, John Enefer from Hastings, Lottie Rodger from Lewes, Arnold Simanowitz from Lewes, Alice Burchfield from Peacehaven and Emily O'Brien from Newhaven and the answers from Councillor Fox (on behalf of the Chair of the Pension Committee), Councillor Standley (Lead Member for Education and Inclusion, Special Educational Needs and Disability) and Councillor Simmons (Lead Member for Economy) are attached to these minutes. Supplementary questions were asked and responded to.

60 Declarations of Interest

60.1 There were no declarations of interest

61 Reports

61.1 The Chairman of the County Council, having called over the reports set out in the agenda, reserved the following for discussion:

Cabinet report – paragraph 1 (Council monitoring)

Governance Committee report – paragraph 2 (Amendment to Constitution – Health and Wellbeing Board terms of reference)

Lead Member for Transport and Environment report – paragraph 1 (Notice of Motion: condition of pavements in Eastbourne)

NON-RESERVED PARAGRAPHS

61.2 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)

62 Report of the Cabinet

Paragraph 1 (Council monitoring)

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

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62.2 The motion was CARRIED after debate

63 Report of the Governance Committee

Paragraph 2 (Amendment to the Constitution – Health and Wellbeing Board terms of reference)

63.1 Councillor Glazier moved the reserved paragraph in the Governance Committee's report.

63.2 The motion was CARRIED after debate.

64 Report of the Lead Member for Transport and Environment

Paragraph 1 – Notice of motion: condition of pavements in Eastbourne

64.1 The Chairman stated that as the recommendation of the Lead Member for Transport and Environment was to reject the motion rather than proposing an amendment the Council would vote on the original motion as proposed by Councillor Rodohan and seconded by Councillor Swansborough as follows:

'Given the deplorable state of pavements in Eastbourne which have continued to deteriorate over many years, we call on East Sussex County Council to allocate at least 50% of the surplus funds from the Eastbourne Controlled Parking Scheme to a rolling annual programme of improvements to pavements in Eastbourne commencing in 2019/20'

64.2 The Chairman stated that in voting on the motion, all councillors should note that any concerns about the condition of any pavement or road in their division should be reported to their Highway Steward.

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

FOR THE MOTION

Councillors Charman, Philip Daniel, Field, Grover, Lambert, O'Keeffe, Osborne, Scott, Shuttleworth, Swansborough, Tutt, Ungar, Wallis and Webb.

AGAINST THE MOTION

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

ABSTENTION

Councillor Godfrey Daniel

65 Questions from County Councillors

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

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Questioner	Respondent	Subject
Councillor Osborne	Councillor Bennett	Impact of charging for certain items at HWRS and working with borough and district councils to tackle the issue of fly-tipping
Councillor Philip Daniel	Councillor Glazier	Potential cost of preparation for Brexit, cost of delay and measures to mitigate traffic disruption at Newhaven if there is a no-deal Brexit
Councillor Field	Councillor Maynard	Number of patients per GP, requests for Adult Social Care help and staff vacancy rates in East Sussex against comparator authorities base on CQC report
Councillor Charman	Councillor Maynard	Recommissioning of services for former users of the Isabel Blackman Centre and the future use of the site
Councillor Scott	Councillor Bentley	Increase in violent crime and knife crime and funding for targeted youth support
Councillor Ungar	Councillor Maynard	Policies, procedures and protocols under which social workers in East Sussex operate
Councillor Webb	Councillor Glazier	Meeting of the 5 group leaders at ESCC to consider updates in relation to Brexit

WRITTEN QUESTIONS PURSUANT TO STANDING ORDER 44

65.2 One written was received from Councillor Lambert for the Lead Member for Transport and Environment. The question and answer are attached to these minutes.

65.3 The Lead Member responded to a supplementary question.

THE CHAIRMAN DECLARED THE MEETING CLOSED AT 12.43 pm

The reports referred to are included in the minute book

QUESTION FROM MEMBERS OF THE PUBLIC

1. Question from Ben Christie, Forest Row East Sussex

The East Sussex Pension Fund's Responsible Investment Policy states that 'The Fund will incorporate climate risk assessment as part of the annual investment strategy review (considering the Fund's investment strategy under a range of climate change scenarios, including a 2 °C scenario).'

Which climate change scenarios will this year's annual investment strategy review consider, and when will the latter be made available to the public? Will any 1.5 °C scenarios be included?

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

The Pension Committee has an annual strategy review which looks at all the investment risks that the East Sussex Pension Fund is facing. The agenda for the Strategy day has not been finalised, but it will include but not limited to Environmental, Social and Corporate Governance (ESG) and Responsible investment strategies.

The strategy day is neither a public meeting nor a formal decision making meeting of the Committee, but an opportunity to review the fund current investment strategy and to set the future investment priorities for the fund.

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

According to data provided by East Sussex County Council, in response to a Freedom of Information Act request, local schools and sixth-form colleges contributed over £9.8m to the East Sussex Pension Fund during the 2017-2018 financial year.

(https://www.whatdotheyknow.com/request/details_of_contributions_by_scho#incoming-1314141).

Can the Pension Committee confirm this figure and provide the figures for employers' and employees' contributions (in 2017/18) from each of the 'Active Participating Employers' listed on pages 54, 55 and 56 of its annual accounts

(<https://democracy.eastsussex.gov.uk/documents/s19554/Appendix%201%20-%202017-18%20draft%20Pension%20Fund%20Annual%20Report.pdf>)?

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

The Pension Committee recognises (for the few employers set out in the response to the Freedom of Information request) that their employer contribution for the 2017/18 financial year was £9.8million around 10.3% of the total employer contributions.

The total employer contribution into the Fund for 2017/18 was £95million. The total employee contribution into the Fund for 2017/18 was £29million. As some of the employer contributions contains employers in the Fund who only have a single active member within the scheme. Providing this data would enable the salaries of these members to be calculated.

3. Question from Frances Witt, Lewes East Sussex

A recent analysis by Jeremy Grantham, co-founder and chief investment strategist of Grantham, Mayo, Van Otterloo, one of the largest asset management firms in the world, used past data to test how an investment portfolio would be affected by divesting from a group of companies that are listed in the Standard & Poor's 500. Their analysis found that investors could divest from any sector without any impact on risk/return. ('The mythical peril of divesting from fossil fuels'

[\(http://www.lse.ac.uk/GranthamInstitute/news/the-mythical-peril-of-divesting-from-fossil-fuels/\)](http://www.lse.ac.uk/GranthamInstitute/news/the-mythical-peril-of-divesting-from-fossil-fuels/).

Are the East Sussex Pension Fund's fund managers and investment consultants aware of Grantham's analysis? Do they accept it and, if not, why not?

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

The Fund's investment managers do their own research on each company that they invest in. They will look at all aspects of the companies before investing. The Committee challenges its investment managers on their investment rationale including how they have considered Environmental, Social and Corporate Governance (ESG) risks.

The Fund's Investment Consultants have their own research team and are constantly considering the latest theoretical research. They inform the Committee of their view where this is considered, discussed and challenged – if necessary.

4. Question from Hugh Dunkerley, Brighton

At the December 2018 Full Council meeting Councillor Stogdon stated that 'The Pension Committee believes by increasing pressure on fossil fuel companies, through active shareholder engagement, we can get companies to improve their corporate behavior.' What "improvements" in the behaviour of fossil fuel companies does the Committee believe that it will be able to secure by 2030, and on what evidence does it base this belief?

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

The Fund believes that its influence as a shareholder is better deployed by engaging with companies, in order to influence behaviour and enhance shareholder value.

Going forward the Fund's approach to engagement recognises the importance of working in partnership to magnify the voice and maximise the influence of investors as owners. The Fund appreciates that to gain the attention of companies in addressing governance concerns; it needs to join with other investors sharing similar concerns. It does this primarily through:

- Membership of representative bodies including LAPFF;
- Membership of the Pensions and Lifetime Savings Association (PLSA);
- Giving support to shareholder resolutions where these reflect concerns which are shared and affect the Fund's interests;
- Joining wider lobbying activities when appropriate opportunities arise.

Without Investor engagement the committee believes that ongoing changes in company's behaviour would not have happened. The Committee also believes that

companies have started to make public commitments that will increase pressure on other companies within the sector to do the same.

5. Question from John Enefer, Hastings East Sussex

At the December 2018 Full Council meeting Councillor Stogdon welcomed the publication of the Transition Pathway Initiative's discussion paper 'Carbon Performance Assessment in Oil and Gas' (<http://www.lse.ac.uk/GranthamInstitute/tpi/wp-content/uploads/2018/11/Oil-and-gas-discussion-paper.pdf>). The latter found that none of the ten largest publicly listed oil and gas companies had 'proposed to reduce its carbon intensity sufficiently to be aligned with a Below 2 Degrees benchmark or to achieve net zero emissions by 2050.' In his answer Councillor Stogdon wrote that the report meant that the Pension Committee would 'be better informed to challenge our Investment Managers to ensure that they are taking these risks into consideration when making investments.'

What steps has the Pension Committee taken since December to challenge its Investment Managers to ensure that they are taking these risks into consideration when making investments? What were the results of these steps?

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

The Pension Committee continues to directly challenge its investment managers (when necessary) on how they have incorporated Environmental, Social and Corporate Governance (ESG) risks when managers attend the Committee meetings. The committee also receives updates at training sessions on ESG/Responsible Investment risks and how investment managers incorporate them.

The Committee is working with the Fund Investment Consultants and Independent Advisor to incorporate ESG reporting into the Fund quarterly/annual performance reports.

6. Question from Lottie Rodger, Lewes, East Sussex

At the December 2018 Full Council meeting I asked Councillor Stogdon what steps the members of the Pension Committee were taking in the wake of the Intergovernmental Panel on Climate Change (IPCC)'s recent report 'Global Warming of 1.5 °C', to help ensure that global warming does not exceed 1.5 °C. In my question I quoted the assertion of Professor Nicholas Stern, who authored the Stern Review on the Economics of Climate Change for the UK government, that passing this threshold would bequeath my generation 'a world in which it will become increasingly difficult for us and future generations to thrive'. In his response Councillor Stogdon directed me towards 'the minutes of [the Pension Committee's] meetings' where, he said, I would 'see that very considerable consideration has been given to these issues'. These minutes do indeed show that some 'consideration' has been given to these issues, but this 'consideration' does not appear to have been matched by meaningful action. Given the meagre results of the Fund's policy of "engaging" with fossil fuel companies - a policy that appears to have no meaningful benchmarks or timeline - and the need for urgent action to avert the looming climate crisis, I would respectfully ask again: what meaningful steps are you and the other members of the Pension Committee taking to

help ensure that your generation fulfils its duty not to bequeath a 2 °C (or worse) warmed world to my generation

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

The Pension Committee believes by increasing pressure on fossil fuel companies, through active shareholder engagement, we can get companies to improve their corporate behavior. Improvements made by these engagements lead to an increase in the long term value of the Fund's investments.

The Fund's approach to engagement recognises the importance of working in partnership to magnify the voice and maximise the influence of investors as owners. The Fund appreciates that to gain the attention of companies in addressing governance concerns it needs to join with other investors sharing similar concerns. Along with its investment into the Climate Aware Fund, this provides an incentive to companies to move towards limiting climate change.

7. Question from Arnold Simanowitz, Lewes, East Sussex

At the last Full Council meeting I asked Cllr Stogdon whether he could 'point to anything specific achieved by [the Council's engagement with fossil fuel companies] that might help to limit global warming to 1.5 degrees?' In his response, Cllr Stogdon named one action ("the recent response ... of BP") which, he said "shows some indication that engagement is a constructive policy".

How does he square this judgement with Share Action's assessment that BP's 2019 Energy Outlook 'follows the well-trodden path of its predecessors, seeking to reinforce the status quo of fossil fuel domination in the energy matrix ... fail[ing] to provide for a world in which oil and gas are phased out more rapidly to reduce emissions in line with the Paris Agreement ... a move which would pose a more substantial risk to its business model and threaten its future profitability' (<https://shareaction.org/bp-energy-outlook-2019-a-dual-challenge-but-not-a-dual-commitment/>).

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

An extract from the BP's 2019 Energy Outlook states thatThe Outlook considers a number of different scenarios. These scenarios are not predictions of what is likely to happen or what BP would like to happen. Rather, they explore the possible implications of different judgements and assumptions by considering a series of "what if" experiments. The scenarios consider only a tiny sub-set of the uncertainty surrounding energy markets out to 2040; they do not provide a comprehensive description of all possible future outcomes.

8. Question from Alice Burchfield, Peacehaven, East Sussex

What is the County Council's commitment to enabling schools to remain being managed by local authority, and not to have to convert to academy status? How are you going to support these schools in the future?

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

The Local Authority (LA) works with all schools, regardless of their status, to improve outcomes for pupils. We retain a strong focus on promoting high standards and having high expectations for all groups of pupils. One of the key priorities articulated in the LA's '*Excellence for All*' strategy for school improvement is creating a sustainable model of system-led improvement by developing and supporting a range of partnerships. A self-improving system led by schools is one where the best schools and leaders can take on greater responsibility, leading improvement work across the area and working together to improve outcomes for pupils. All schools across East Sussex are part of a range of partnerships and work closely with other schools to share good practice and provide school to school support.

As part of our strategy for school improvement, the LA works with school leaders and governors to support them to explore formal partnership arrangements. This is in response to the national policy context for academies and changes to school funding, as well as supporting the delivery of effective school to school support. Formal partnership arrangements include federations where schools remain within LA management and multi-academy trusts where funding and accountability moves to the Regional Schools Commissioner. Formal partnerships facilitate the sharing of leadership, staff and resources more effectively than informal partnership arrangements.

The decision about whether a school converts to academy status is the decision of the governing body, unless the school has been directed to convert by the Secretary of State. If I am asked to take a view on a particular school I would seek advice from officers, governors and parents.

9. Question from Emily O'Brien, Newhaven, East Sussex (on behalf of Community Action Newhaven)

My question is in relation to the Newhaven Port Access Road costing £23 million of public money, £13 million of which comes from ESCC's hard-pressed capital budget.

The route chosen runs alongside the brand new Enterprise Zone funded Eastside South business park, but bizarrely doesn't link to this important regeneration zone. Instead the business case sets out that all traffic from the new business park, as well as from the nearby Bevan Funnell regeneration site, will use Railway Road and Beach Road - these are the same roads that the Port Access Road is supposedly being built to relieve from commercial traffic.

The business case for the port access road estimates the following areas for the two sites:

Bevan Funnell 10,000 square metres
Eastside South 7,800 square metres

This is a substantial area given that with the route chosen, the only site to actually benefit from the road, East Quay, is just 9,750 metres.

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Clearly the traffic from Bevan Funnell and Eastside South sites will impact heavily on Railway and Beach Roads. We assume there must have been some kind of impact assessment around the effects on Beach and Railway Road in order to choose the most sensible route for the port access road, and ensure you are not robbing Peter to pay Paul. Can you confirm what assessments took place, and share with us what the anticipated impact of these two sites on Railway Road and Beach Road will be, in terms of traffic volumes, noise, pollution and air quality?

Response by the Lead Member for Economy

As Ms O'Brien will be fully aware from her previous correspondence with the County Council, the alignment for the Newhaven Port Access Road (NPAR) which is currently being constructed was approved in 1996, and latterly renewed in 2002 and 2007.

The commercial development unlocked by the NPAR has been part of the proposals from when the road was initially conceived, as demonstrated in the report to the then Highways and Transportation Committee recommending approval of the first public consultation in 1994. The report to the Committee stated that *"the new link road would serve many purposes; as part of an improved direct route from the trunk road network to the port, as an access road to the proposed Eastside industrial area extension, and as a relief road for Beach Road and Railway Road...."*

As highlighted in the business case approved by the Department for Transport (DfT), the construction of the Newhaven Port Access Road has a positive influence on the delivery of the Bevan Funnell and Eastside South Enterprise Zone sites by removing Port-related HGV traffic from local access roads of Beach Road and Railway Road, and thereby improving the attractiveness for business investment on these sites.

In addition, as part of the business case submitted to the DfT there is an assessment of the noise, air quality and air pollution (greenhouse gases) of the Port Access Road which is summarized in the appraisal summary table. In terms of noise, and air quality, the appraisal identified that the Port Access Road will resolve traffic and the associated environmental conflicts arising from Port traffic in residential communities on Railway Road/Beach Road. Therefore the decrease in the traffic flows will mean that there is likely to be a beneficial impact in terms of noise and air quality. In addition, the reduction in traffic will result in vehicles driving more efficiently and provide modest air pollution benefits.

The noise, air quality and transport impacts of these development sites would be considered as part of any planning applications for these sites. That information will be within the documentation submitted to the local planning authority.

In conclusion, the proposed alignment of the Port Access Road, for which we have planning approval and the funding to deliver, is the most appropriate as it will provide better access into the Port, remove the constraints on the Port's development and maximise the development opportunities of other Enterprise Zone sites including Bevan Funnell and Eastside South.

WRITTEN QUESTIONS PURSUANT TO STANDING ORDER 44

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

Traffic congestion issues at Exceat Bridge have been a major concern in Seaford and the surrounding area for a number of years. Whilst I welcome the funding that appears to be in place now to help ease this congestion and understand the complexity and need to consult with numerous partners, I am nevertheless concerned about the timescale and the lack of information that is being made available to the public and indeed local councillors about progress on this important project. The latest information I have been able to find is a press release dated 12 October 2018.

Could the Lead Member please inform me:

1. What progress has been made on drawing up a proposal for Exceat Bridge?
2. What is a realistic timescale for completion of the project?
3. What plans are there to consult the public on designs?
4. Will the design take into account impact on the surrounding area, in particular, the need for a safe crossing between the bus stops and the internationally renowned meanders and a cycle route to link up with the popular routes in Friston Forest?
5. Will local councillors be kept in regular touch with progress so that we can, in turn, inform our residents who consistently raise concerns?

Answer by the Lead Member for Transport and Environment

Thank you Councillor Lambert for your question. I am aware that there is much public interest this scheme to replace the Exceat bridge. In response to your specific questions I am happy to provide the following responses:

1. As with every large civil engineering project like this, there is considerable feasibility study and pre-planning work that needs to take place. To that end the design consultant has completed the initial scoping work and preliminary design, including an options appraisal report and environmental screening. A topographical survey has been carried out and the necessary site investigation boreholes will begin shortly so that engineers can better understand the underlying geology and design the foundations accordingly. Because a new bridge will require planning consent our design team has met with the South Downs National Park Authority to understand their perspective and expectations and there will be further design review meetings with SDNPA along the way.
2. The current programme envisages a planning application being submitted to the SDNPA at the end of November and, subject to receiving planning consent, construction could start in July 2020. Construction is expected to take 12 -18 months to complete and therefore a new bridge might be open by the spring of 2021. However, Cuckmere valley is an extremely environmentally sensitive location and there are significant planning and environmental considerations to overcome / mitigate.
3. The bridge will require planning consent from the SDNPA and therefore the design is being progressed in consultation with officers from the National Park. The planning application and the design of the bridge will be subject to a

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planning consultation, which will be the opportunity for the public to comment on the design.

4. The scheme is for the replacement of the existing life-expired bridge, and a replacement bridge is being designed to modern design and transportation standards. As such consideration is being given to the safety and needs of all road users, including cyclists and pedestrians.
5. Local Councillors are being kept informed and press releases prepared at key milestones. As the project progresses a dedicated page of the East Sussex Highways website will be created to provide key project updates.

REPORT OF THE GOVERNANCE COMMITTEE

The Governance Committee met on 23 April 2019. Attendances:

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

1. Allocation of places on committees, sub-committees, Panel and other bodies

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. The proposed allocation is the same as that agreed by the Council in May 2018.

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

GOVERNANCE

covered in this report provisionally allocated to their group. The final list of nominations 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 Scrutiny and Audit Committees

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 (unchanged from 2018/19):

- 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 1.8.

2. Amendment to Constitution – Financial Regulations

2.1 The Council's Financial Regulations provide a framework of control, responsibility and accountability for the administration of the Council's financial affairs. A review of the Financial Regulations has been undertaken to ensure they remain relevant and fit for purpose. The proposed amendments are set out in Appendix 4. The following paragraphs set out a summary of the major changes.

2.2 Where outdated terminology, job titles, departments or regulations/publications are referenced in the Financial Regulations these have been updated to reflect current terminology/dates.

2.3 Financial limits have not been updated for a significant period of time and are now considered low in comparison with other authorities. The revised limits proposed are deemed more relevant in this financial climate taking into account the extra resource required to maintain these as they currently stand. The limits have been compared to other authorities and, having assessed the risk with amending the limits, the proposals update the limits to be in the region of other local authorities as well as being based on an analysis of the number and value of payments made in these categories. These changes will not impact on the robustness of the Council's systems and processes. In some cases, approval levels have also been revised to reflect the current structure of the Council. The table below shows the comparison across other Local Authorities.

GOVERNANCE

Council	Proposed East Sussex County Council	Brighton and Hove City Council	West Sussex County Council	Surrey County Council	Kent County Council
Write off stocks	Chief Officer up to £10,000, over £10,000 Lead Member Resources.	Not explicit in regulations.	Not explicit in regulations.	Up to £10,000 - Relevant senior leader and the Executive Director for Finance's nominee. Over £10,000 Cabinet.	Director up to £10,000.
Write off debts	Chief Officer up to £5,000. Chief Finance Officer £5,000-£10,000. Lead Member over £10,000.	All – Chief Finance Officer, if considered material, reported to Policy and Resources Committee.	Director of Finance with Director of Law and Assurance up to £15,000. Over £15,000 Cabinet Member for Finance.	Director of Finance up to £10,000. Over £10,000 Cabinet Member in Consultation with Leader.	Director up to £10,000.
Ex Gratia payments	Chief Officer up to £1,000. Chief Finance Officer with Assistant Chief Executive £1,000-£10,000. Lead member over £10,000.	Over £2,500 Chief Finance Officer.	Not explicit in regulations.	Not explicit in regulations.	Director up to £6,000. Over £6,000 Cabinet Member.

2.4 The Capital Programme Management section has been revised to reflect updated governance arrangements which have been introduced to strengthen the management and monitoring of the Capital Programme.

2.5 For future updates, it is proposed that the Financial Regulations are reviewed every three years unless there is a significant restructure or a change in legislation, in such cases the Financial Regulations will be updated in advance of the three year period.

2.6 The Council's Constitution, including the Scheme of Delegation, will need to be updated following approved amendments to the Financial Regulations. It is proposed that the authority be delegated to the Assistant Chief Executive to make the necessary amendments.

2.7 The summary of changes incorporated within the Financial Regulations is attached at Appendix 3, and the proposed updates to the Financial Regulations (changes shown in blue) are presented in Appendix 4 to this report.

2.5 The Committee recommends the County Council to:

- ☆ 1) approve the revised Financial Regulations set out in Appendix 4 to this report; and
- 2) authorise the Assistant Chief Executive to update the Council's Constitution including the Scheme of Delegation to Officers accordingly.

23 April 2019

KEITH GLAZIER
(Chair)

REPORT OF THE CABINET

The Cabinet met on 23 April 2019. Attendance:-

Councillor Glazier (Chair)

Councillors Bennett, Bentley, Elkin, Maynard, Simmons, Standley and Tidy

1. Scrutiny Review of the Changing Care Market: Information and Signposting

1.1 The Cabinet has considered a report of the People Scrutiny Committee on its Review of the Changing Care Market: Information and Signposting. The report of the Scrutiny Committee is included elsewhere on the agenda (item 16). In June 2018 the People Scrutiny Committee established a Scoping Board to look into the range of challenges facing the local care market. The Scoping Board identified four key areas for further scrutiny:

- Public understanding and expectations of social care
- Social care workforce challenges
- Developing care markets
- Increasing community resilience, in particular addressing loneliness.

1.2 The Scrutiny Committee has completed its Review covering the first of these areas - public awareness, understanding and expectations.

1.3 The Scrutiny Review of the Changing Care Market: Information and Signposting is welcomed as it provides a timely opportunity to review the provision of information and advice, and to inform the scope of improvements underway such as the Digital Transformation Project.

1.4 In welcoming the findings of the Scrutiny Committee, the Cabinet has considered a report by the Director of Adult Social Care and Health (as set out in Appendix 1 to this report) on the specific recommendations and endorsed it as its response to the recommendations

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

- ✧ approve the response of the Director of Adult Social Care and Health on the implementation of the recommendations in the Scrutiny Committee's report.

2. Scrutiny Review of Road Repairs

2.1 The Cabinet has considered a report of the Place Scrutiny Committee on its Review of Road Repairs. The report of the Scrutiny Committee is included elsewhere on the agenda (item 17). In June 2018, the Place Scrutiny Committee agreed to establish a Review Board to undertake a Scrutiny Review of Road Repairs. The scope of the Review encompassed a number of highways maintenance issues, and in particular examined the Council's approach to pothole repairs. This was following concerns expressed to the Scrutiny Committee about the value for money of the current approach to pothole repairs; the quality of repairs and resurfacing; and dealing with more difficult highway drainage problems. The Review also examined the repair of pavements.

2.2 The Scrutiny Review of Road Repairs is welcomed and in particular the opportunity afforded by this Review to explain to Members how the service operates, the legislation and policies governing highway maintenance, and the Council's approach to maintenance. The Scrutiny Review has highlighted a number of Member concerns about the current approach to road repairs and the maintenance of pavements.

2.3 In welcoming the findings of the Scrutiny Committee, the Cabinet has considered a report by the Director of Communities, Economy and Transport (as set out in Appendix 2 to this report) on the specific recommendations and endorsed it as its response to the recommendations

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

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

3. Scrutiny Review of the effectiveness of School Travel Plans

3.1 The Cabinet has considered a report of the Place Scrutiny Committee on its Review of the effectiveness of School Travel Plans. The report of the Scrutiny Committee is included elsewhere on the agenda (item 17). In September 2018 the Place Scrutiny Committee agreed to establish a Review Board to undertake a Scrutiny Review of the effectiveness of School Travel Plans. The scope of the Review encompassed the monitoring of School Travel Plans secured through the planning process, and the existing information in relation to school travel initiatives and guidance in relation to school travel available to access for schools, parents and carers.

3.2 The Scrutiny Review of School Travel Plans is welcomed. School Travel Plans are an important consideration in the planning process, and are often a condition applied to planning applications, so it is important that they are effective when applied.

3.3 Planning applications for new schools often draw negative reaction from local residents, principally around the unwanted effects of school 'drop off' and 'pick up' times. An increase in pupils may equate to an increase in the number of cars, congestion and inappropriate parking, all of which can impact negatively on a community.

3.4. The Communities, Economy and Transport Department fully supports the Committee's recommendations, and is grateful for the work of the Review Board.

3.5 In welcoming the findings of the Scrutiny Committee, the Cabinet has considered a report by the Director of Communities, Economy and Transport (as set out in Appendix 3 to this report) on the specific recommendations and endorsed it as its response to the recommendations

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

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

23 April 2019

KEITH GLAZIER
(Chair)

REPORT OF THE PEOPLE SCRUTINY COMMITTEE

The People Scrutiny Committee met on 7 March 2019.

Present: Councillors Charles Clark, Angharad Davies (Chair), Michael Ensor, Roy Galley, Tom Liddiard, Laurie Loe, John Ungar (Vice Chair), Trevor Webb, Francis Whetstone, Simon Parr (Catholic Diocese Representative) Mandy Watson (Diocese of Chichester), Nicola Boulter (Parent Governor Representative)

Also Present: Councillor Bob Stanley (Lead Member for Education and Inclusion, Special Educational Needs and Disability), Councillor Sylvia Tidy (Lead Member for Children and Families)

1. Scrutiny Review of the Changing Care Market: Information and Signposting

1.1 The People Scrutiny Committee has completed its Scrutiny Review of the Changing Care Market: Information and Signposting. A copy of the Committee's full report is attached at Appendix 1.

1.2. In June 2018 the People Scrutiny Committee established a Scoping Board to look into the range of challenges facing the local care market. Some of these were highlighted in the 2018 Care Quality Commission Local Area Review of East Sussex; others are well known locally and nationally and are linked to increased demand for services and resources which are declining in relative terms.

1.3 The Scoping Board identified four key areas for further scrutiny:

- Public understanding and expectations of social care.
- Social care workforce challenges.
- Developing care markets.
- Increasing community resilience, in particular addressing loneliness.

1.4 This Review addresses the first of these areas - public awareness, understanding and expectations - and is expected to be the first in a series of reviews by the People Scrutiny Committee which will look at the above challenges identified by the Scoping Board.

1.5 The People Scrutiny Committee **recommends** to the County Council that –

1.5.1 Adult Social Care (ASC) should undertake additional engagement, ideally in partnership with an independent organisation, to gain a better insight into how well-informed people in East Sussex feel about social care support and funding arrangements. The engagement should include people who are not existing ASC clients and the findings should be used to inform ongoing ASC communications and information provision.

1.5.2 The Council's response to the anticipated Adult Social Care Green Paper should highlight the need for a national awareness campaign to improve the public's understanding of social care services and funding. In particular, how modern social care services work and how people can help themselves to stay independent and plan ahead for their future social care needs.

1.5.3 ASC should publish information on standard local authority rates paid for care in East Sussex to help individuals and families make informed choices about care.

1.5.4 ASC should review the information on sources of financial advice provided online and in factsheets and consider whether signposting to accredited independent financial advisors could be improved.

1.5.5 ASC should ensure that the new digital content, particularly the availability of enhanced online self-assessment tools, is promoted to key groups who can support wider communication, for example voluntary and community sector organisations and county councillors.

1.5.6 Within the digital project particular attention should be given to the interface between the ESCC and NHS websites to ensure this is clear and seamless for users and minimises the risk of confusion.

1.5.7 ASC should check that leaflets are circulated to all community run libraries, as well as ESCC libraries.

1.5.8 ASC should engage with GP Practice Locality Groups and Patient Participation Group networks to promote the new digital offer, particularly self-assessment tools, and to refresh knowledge of Health and Social Care Connect. GPs should be encouraged to share this information with their practice staff.

1.5.9 Opportunities to align ESCIS and 1Space within available resources should be fully explored, for example co-locating links to the databases on the ESCC website. Opportunities to improve the way the directories are updated should also be explored.

1.5.10 All councillors should encourage local groups and organisations to ensure their entries on ESCIS are kept up to date. Councillors should also make use of the online reporting facility to flag out of date information relating to local organisations within their division.

1.5.11 The People Scrutiny Committee should further examine the role of social prescribing and how it is developing in East Sussex within the planned scrutiny review of community resilience and loneliness.

1.5.12 The ASC departmental guide for councillors should be updated to include links to useful information sources and to reflect the new digital offer. A briefing session for councillors should also be arranged to accompany the updated guide.

[See also Report of the Cabinet – 23 April 2019]

7 March 2019

ANGHARAD DAVIES
Chair

REPORT OF THE PLACE SCRUTINY COMMITTEE

The Place Scrutiny Committee met on 19 March 2019.

Present: Councillors Richard Stogdon (Chair), Colin Belsey, Martin Clarke, Godfrey Daniel (Vice Chair), Claire Dowling, Simon Elford, Nigel Enever, Darren Grover and Barry Taylor

Also present: Councillor Nick Bennett (Lead Member for Transport and Environment), Bill Bentley (Lead Member for Communities and Safety), Councillor Rupert Simmons (Lead Member for Economy), and David Elkin (Lead Member for Resources)

1. Scrutiny Review of Road Repairs

1.1 The Place Scrutiny Committee has completed its Scrutiny Review of Road Repairs. A copy of the Committee's full report is attached at Appendix 1.

1.2. A Review Board was established in June 2018 and was comprised of Councillors Chris Dowling, Claire Dowling, Simon Elford, Nigel Enever, Pat Rodohan, Stephen Shing, Richard Stogdon (Chair) and Barry Taylor. The review examined a number of highway maintenance issues including the repair of clusters of potholes, the condition of pavements and other road maintenance concerns reported to the Committee.

1.3 The scope of the review includes:

- Road repairs, both reactive pothole repairs and planned resurfacing work;
- The repair of pavements.
- How the Council tackles highway drainage problems; and
- The quality of repairs;

1.4 Overall the Review Board found that the Council's arrangements for road repairs are robust and there is a commitment to continuously improve the approach to highways maintenance. The Board has made a number of recommendations which it believes will help improve road maintenance, respond to residents' concerns and highlight issues that warrant further attention such as the condition of pavements.

1.5 The Place Scrutiny Committee **recommends** to the County Council that –

1.5.1 The Council examines how it could better communicate with residents on highways maintenance policies and practices, and the Committee would welcome the opportunity to work with Officers to achieve this (e.g. how the Council achieves value for money).

1.5.2 Officers conduct a pilot into the feasibility of introducing a new approach to repair all neighbouring potholes at the same time, within a given distance of a category 2 or 3 intervention standard pothole using the funding allocated from the Department for Transport (DfT) pothole fund for the pilot.

1.5.3 Scrutiny should be consulted on the use of any future one-off highways funding from Government, before work has been programmed via a Review Board of the Committee.

1.5.4 That the existing level of capital investment in roads through planned maintenance and the Asset Management approach is maintained and if possible increased, as this is the most cost effective way of repairing potholes.

1.5.5 The Council explores the possibility of identifying additional funding to improve the condition of pavements, via existing sources of funding and partnership working.

1.5.6 The condition of the remaining 50% of pavements is surveyed, and a measure of the condition of pavements is developed within the next 2 years, so that their condition can be monitored and the impact of any additional investment can be assessed.

1.5.7 The Council considers using its powers to ban parking on pavements and verges in problem areas, as part of regular parking reviews.

1.5.8 Safety defect intervention criteria are defined for the different types of pavement surfacing, and insurance claims for pavements are separately recorded.

1.5.9 Increase the amount of sampling and inspections to 20% to monitor and assure the quality of road repairs or reinstatements, and the work carried out prior to resurfacing, particularly those carried out by utility companies.

1.5.10 Officers develop a work programme to complete the Council's knowledge of the highway drainage network, including determining the cost and timeframe for this work, focussing initially on utilising the remaining additional capital investment to gain knowledge of parts of the network that require repair and replacement as a priority. The work programme is to be reported to the Scrutiny Committee in September 2019.

1.5.11 Joint work is undertaken with District and Borough Councils to improve street sweeping, particularly in autumn, to prevent highway gullies and other drainage becoming blocked with leaves and other debris.

[See also Report of the Cabinet – 23 April 2019]

2. Scrutiny Review of the effectiveness of School Travel Plans

2.1 The Place Scrutiny Committee has completed its Scrutiny Review of the effectiveness of School Travel Plans. A copy of the Committee's full report is attached at Appendix 2.

2.2 A Review Board was established and was comprised of three members of the Place Scrutiny Committee: Councillors Claire Dowling, Nigel Enever and Godfrey Daniel.

2.3 The Review Board's report, which the Place Scrutiny Committee endorsed, makes seven recommendations to:

- Support greater effectiveness of the monitoring of school travel plans secured through the planning process, and
- Ensure existing information in relation to school travel initiatives and guidance in relation to school travel is readily available to access for schools, parents and carers.

2.4 A recurring feature of objections to expansions of schools in the County is the effect on traffic conditions in the area, particularly anti-social parking at pick-up and drop-off times. In the minds of objectors an increase in pupil numbers equates to an inevitable increase in cars, traffic and negative impact on their amenity. Members of the County Council's Planning Committee have expressed reservations as to the enforceability and effectiveness of School Travel Plans.

2.5 The Place Scrutiny Committee **recommends** to the County Council that –

2.5.1 Schools continue to return data on pupils' modes of travel through the school census run by the IT&D Team, to enable schools which have travel plans to monitor these with a consistent set of data.

2.5.2 Communities, Economy and Transport Officers encourage schools to nominate a senior post-holder to have responsibility for the review of the School Travel Plan, and for this to be included in the School's Development Plan.

2.5.3 Further promotion of the active travel initiatives offered by the Active Access for Growth Programme 2017-2020 to educational establishments.

2.5.4 Future external funding be sought to support active travel with schools and other organisations, alongside signposting to schools of other funding streams which they can apply for, to support these types of measures.

2.5.5 The Planning Team include a Condition requiring a new or revised (as appropriate) School Travel Plan, including a stipulated review period. Consideration should also be given to including an Informative, encouraging schools to nominate a senior post-holder to undertake responsibility for its review, and for this to be included in the School Development Plan.

2.5.6 The Communities, Economy and Transport department ensure that advice and guidance to develop School Travel Plans and Walking Buses is available electronically, on CZone (the Intranet for schools) and the East Sussex County Council website.

2.5.7 Staff to continue to co-ordinate work in relation to active travel, to support the delivery of key departmental objectives relating to the economy, planning, the environment and health.

[See also Report of the Cabinet – 23 April 2019]

19 March 2019

RICHARD STOGDON
Chair

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STANDARDS

REPORT OF THE STANDARDS COMMITTEE

The Standards Committee met on 23 April 2019.

Present Councillor O’Keeffe (in the Chair),
 Councillors Martin Clarke, Godfrey Daniel, Taylor and Tutt

1. Code of Conduct for Members – proposed amendments

1.1 In April 2018, the County Council responded to consultation on local government ethical standards. The terms of reference for the review were to:

a) examine the structures, processes and practices in local government in England for:

- maintaining codes of conduct for local councillors;
- investigating alleged breaches fairly and with due process;
- enforcing codes and imposing sanctions for misconduct;
- declaring interests and managing conflicts of interest;
- whistleblowing;

b) assess whether the existing structures, processes and practices are conducive to high standards of conduct in local government;

c) make any recommendations for how they can be improved; and

d) note any evidence of intimidation of councillors, and make recommendations for any measures that could be put in place to prevent and address such intimidation.

1.2 The Committee on Standards in Public Life has published its report following the consultation. The Committee considered whether there is a need for a centralised body to govern and adjudicate on standards. It has concluded that whilst the consistency and independence of the system could be enhanced, there is no reason to reintroduce a centralised body, and that local authorities should retain ultimate responsibility for implementing and applying the Seven Principles of Public Life in local government. The Committee has made a number of recommendations and identified best practice to improve ethical standards in local government. The Committee’s recommendations are made to government and a number of changes to primary legislation, which would be subject to Parliamentary timetabling, but also to secondary legislation would be required. The Committee’s report is available via the following link: [Local Government Ethical Standards](#). The Committee’s best practice recommendations for local authorities are to be considered a benchmark of good ethical practice. It is expected that these should be implemented by 2020.

1.3 The 15 best practice recommendations are set out in Appendix 1 of the report. This appendix provides a brief summary in relation to the current position in East Sussex for each of the best practice recommendations. Recommendations 1 and 2 of the best practice guide require the Code of Conduct adopted by the Council to be amended. Recommendation 1 proposes that bullying and harassment should be referred to in the Code and recommendation 2 states that councils should include provisions in their Code

STANDARDS

requiring councillors to comply with any formal standards investigation and prohibiting trivial and malicious allegations by councillors. The current Code has been adopted by the county and the district and borough councils in East Sussex in order to maintain a level of consistency across the geographical area, particularly in relation to twin-hatted Members. The proposed changes to the Code have therefore been circulated to borough and district councils who are to make similar changes to their Codes.

1.4 The proposed amendments to the Code of Conduct are set out in Appendix 2 and reflect the need to refer to bullying and harassment in the Code, including definitions of each, and the requirement for councillors to comply with any formal standards investigation. The proposed changes also reflect the requirement that councillors should not use the standards process for trivial or malicious allegations.

1.5 The Committee on Standards in Public Life has recommended that the Code of Conduct should be reviewed each year (best practice recommendation 3). Based on the relatively low number of complaints alleging breaches of the Code, it would appear that the Code is understood, fit for purpose and adhered to by councillors. In order to comply with the best practice recommendations of the Committee on Standards in Public Life, the Standards Committee recommends the County Council to agree the changes to the Code set out in Appendix 2.

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

☆ agree to the amendments to the Code of Conduct of Members as set out in Appendix 2 to this report

2. Annual Report of the Standards Committee

2.1 Between 1 April 2018 and 31 March 2019 three complaints were received against Members of the County Council.

2.2 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 10 years:

Year	No. of complaints considered
2018/19	3
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

STANDARDS

Applications for Dispensation

2.3 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 2018/19 there were no applications for dispensations.

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

Register of Members' Interests

2.5 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.

2.6 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.

2.7 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

2.8 Following the election on 4 May 2017 and the by-election on 10 January 2019, 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.

Standards in Public Life Local Government Ethical Standards

2.9 In April 2018 the County Council responded to consultation from the Committee on Standards in Public Life on local government ethical standards. A report on the Committee's report including its recommendations and proposed amendments to the Council's Code of Conduct for Members is set out in paragraph 1 of this report.

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

- ☆ agree the Annual Report

RUTH O'KEEFFE
(in the Chair)

23 April 2019

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