



LEAD MEMBER FOR RESOURCES

DECISIONS to be made by the Lead Member for Resources,
Councillor Nick Bennett

**TUESDAY, 25 JUNE 2019 AT 11.00 AM ++ OR AT THE CONCLUSION OF THE GOVERNANCE
COMMITTEE, WHICHEVER IS THE LATER ++**

COMMITTEE ROOM - COUNTY HALL, LEWES

AGENDA

- 1 Decisions made by the Lead Cabinet Member on 26 March 2019 (*Pages 3 - 4*)
- 2 Disclosure of Interests
Disclosure by all Members present of personal interests in matters on the agenda, the nature of any interest and whether the Members regard the interest as prejudicial under the terms of the Code of Conduct
- 3 Urgent items
Notification of any items which the Lead Member considers urgent and proposes to take at the appropriate part of the agenda.
- 4 Petition relating to the operation of Ringmer Swimming Pool for community use (*Pages 5 - 8*)
Report by the Chief Operating Officer
- 5 Balloon releases (*Pages 9 - 10*)
Report by the Chief Operating Officer
- 6 Isabel Blackman Centre, Winding Street, Hastings (*Pages 11 - 14*)
Report by the Chief Operating Officer
- 7 Future direction for Orbis Public Law (*Pages 15 - 20*)
Report by the Assistant Chief Executive
- 8 Any urgent items previously notified under agenda item 3

PHILIP BAKER
Assistant Chief Executive
County Hall, St Anne's Crescent
LEWES BN7 1UE

17 June 2019

Contact Simon Bailey, Democratic Services Officer,
01273 481935
Email: simon.bailey@eastsussex.gov.uk

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LEAD MEMBER FOR RESOURCES

DECISIONS made by the Lead Member for Resources, Councillor David Elkin, on 26 March 2019 at County Hall, Lewes

40 DECISIONS MADE BY THE LEAD CABINET MEMBER ON 22 JANUARY 2019

40.1 The Lead Member approved as a correct record the minutes of the meeting on 22 January 2019.

41 REPORTS

41.1 Reports referred to in the minutes below are contained in the minute book.

42 10 HARRISON ROAD, SEAFORD

42.1 The Lead Member considered a report by the Chief Operating Officer, together with the written comments in support of the recommendation from the Local Member.

DECISIONS

42.2 The Lead Member RESOLVED to (1) declare the asset surplus to operational requirements; and

(2) delegate authority to the Chief Operating Officer to secure best value through disposal in accordance with s123 of the Local Government Act 1972.

Reasons

42.3 The property cannot be adapted further to meet the changing physical needs of residents. The quality of accommodation is neither large enough or modern enough to meet needs and aspirations. Major improvements to the property are not financially viable and the footprint, space available and limitations of the configuration of the existing building make redevelopment of the current layout for supported housing use unviable.

43 LOWER WILLINGDON PRE-SCHOOL LEASE

43.1 The Lead Member considered a report by the Chief Operating Officer.

DECISIONS

43.2 The Lead Member RESOLVED to (1) agree to the implementation of a new 30 year lease to replace the exiting agreement for the pre-school provision at the Willingdon Primary School; and

(2) agree to delegate authority to the Chief Operating Officer to approve the details of the new lease.

Reasons

43.3 The new lease will allow the pre-school to carry out works to their external play area.

44 EXCLUSION OF PUBLIC AND PRESS

44.1 The Lead Member RESOLVED to exclude the public and press for the remainder of the meeting on the grounds that if the public and press were present there would be disclosure to them of exempt information as specified in paragraph 3 of Part 1 of the Local Government Act 1972 (as amended), namely information relating to the financial or business affairs of any particular person (including the authority holding that information).

45 WRITE-OFF OF DEBTS

45.1 The Lead Member considered a report by the Chief Operating Officer.

DECISIONS

45.2 The Lead Member RESOLVED to (1) authorise the writing off of thirty debts amounting to £225,893.23 in the County Council's 2018/19 accounts;

(2) note that provision is made for bad and doubtful debts; and

(3) note the positive steps being put in place to make improvements going forward.

Reasons

45.3 There is no prospect of recovering the thirty outstanding debts listed. A continuous improvement programme is embedded within the Accounts Receivable team who work in collaboration with Adult Social Care and Legal Services colleagues.

Report to:	Lead Member for Resources
Date of meeting:	25 June 2019
By:	Chief Operating Officer
Title:	Petition relating to the operation of Ringmer Swimming Pool for community use
Purpose:	To consider the petition with 141 signatures presented by Councillor Philip Daniel calling on East Sussex County Council (ESCC) guarantee that Ringmer Swimming Pool will remain open

RECOMMENDATIONS: The Lead Member is recommended to advise the Petitioners that:

- 1) There is a contract in place up to March 2020 to deliver the current service at Ringmer Swimming Pool;
- 2) East Sussex County Council has in place a very structured and well-informed annual process to ensure that available resources are prioritised to support the key priorities of the Council; and
- 3) East Sussex County Council:
 - a. Is not able to guarantee that Ringmer Swimming Pool will remain open as it considers funding decisions as part of an annual prioritisation process,
 - b. are reviewing arrangements post March 2020 as there is a need for new contract arrangements,
 - c. Agree that any proposed changes that may impact on community availability would be subject to consultation and this would include all relevant stakeholders.

1 Background Information

1.1 At the County Council meeting on 26 March 2019, Councillor Philip Daniel presented a petition to the Chairman, stating:

"We call on East Sussex 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 the Ringmer residents, the school and other authorities."

1.2 A copy of the petition is available in the Members' Room. Standing Orders provide that where the Chairman considers it appropriate, petitions are considered by the relevant Committee or Lead Member and that a spokesperson for the petitioners is invited to address the Committee. The Chairman has referred this petition to the Lead Cabinet Member for Resources.

2 Supporting Information

2.1 The Ringmer school site was transferred to Academy status on a 125 year lease in 2011; the swimming pool facility was excluded from the transfer and is retained by East Sussex County Council (ESCC).

2.2 The swimming pool is used by the Academy during school term time hours and is open for community use outside of academy hours. The pool has been in operation since 1981 under an original Joint Use Agreement between the County Council (ESCC), Lewes District Council (LDC), Ringmer Community College (RCC) and the Ringmer Community Swimming Centre Association (RCSCA) with the purpose to provide recreational and sports development activities to pupils and the local community.

2.3 ESCC, LDC and the Trustees of the RCSCA signed a Deed of Release Agreement in 2008, which releases the parties from performance of their obligations in the 1981 Joint Use Agreement, and in 2009 it was transferred under the Contract Standing Orders Protocol to a contract for services.

2.4 ESCC hold the concessions contract for the operation of Ringmer swimming pool, which expired in March 2019. The King's Academy Ringmer contribute towards the costs of running the service and a Management Committee made up of the Partners oversee the operation. The current arrangements are financially subsidised by ESCC.

2.5 ESCC ran a procurement process to be able to award a new concession contract but was not able to identify any interested party that could meet the required service and performance specification.

2.6 ESCC subsequently set in place a one-year extension contract with the current provider until 31 March 2020 to enable further negotiations with interested providers.

2.7 The provision of leisure services is not a responsibility of County Councils and therefore as part of the consideration of future arrangements ESCC will be engaging with interested stakeholders about options for the operation of the swimming pool post the current contract extension of March 2020.

2.8 Any consideration of options for how Ringmer swimming pool is managed post the current contract will be part of ESCC's annual prioritisation process and any potential changes will be considered through a formal engagement and consultation process.

3 Conclusion and Reasons for Recommendations

3.1 The Lead Member is recommended to advise the Petitioners that:

- i. There is a contract in place up to March 2020 to deliver the current service at Ringmer Swimming Pool.
- ii. East Sussex County Council has in place a very structured and well-informed annual process to ensure that available resources are prioritised to support the key priorities of the Council.
- iii. East Sussex County Council:
 - a. Is not able to guarantee that Ringmer Swimming Pool will remain open as it considers funding decisions as part of an annual prioritisation process.
 - b. are reviewing arrangements post March 2020 as there is a need for new contract arrangements.
 - c. Agree that any proposed changes that may impact on community availability would be subject to consultation and this would include all relevant stakeholders.

KEVIN FOSTER
Chief Operating Officer

Contact Officer: Pauline Young
Tel. No. 01273 481180
Email: Pauline.Young@eastsussex.gov.uk

LOCAL MEMBERS

Councillor Philip Daniel

BACKGROUND DOCUMENTS

Petition

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Report to: Lead Member for Resources

Date of meeting: 25 June 2019

By: Chief Operating Officer

Title: Balloon releases

Purpose: To seek Lead Member approval to introduce a general ban on the releasing of balloons from County Council owned land and property.

RECOMMENDATIONS

The Lead Member for Resources is recommended to:

1. agree to banning the release of balloons on Council owned and leased land and buildings; and
 2. delegate authority to the Chief Operating Officer to take any action they consider appropriate to give effect to or in consequence of recommendation 1.
-

1 Background

- 1.1 The County Council has recently received a query from the RSPCA about whether the County Council has any bans or motions in place to prevent the release of sky lanterns and balloons on council land. In October 2014 the Council agreed to ban the release of Sky Lanterns on Council owned land but does not have a similar ban on balloon releases.

2 Supporting information

- 2.1 Balloons considered within this report are those made of latex or foil that are inflated with helium gas and are generally 25cm – 30cm in height. These balloons may be released for various reasons, including at weddings and memorials. However, there are no specific uses of balloon releases from County Council land.
- 2.2 A 2013 report for DEFRA and the Welsh Government considered the overall impact of balloons released into the environment to be negative but relatively small. Impacts include:
- Animal welfare: this can relate to fright caused by airborne balloons as well as potential ingestion of the balloons once they reach ground or water.
 - Litter: the degradation of different balloon materials in different environments is not well understood. However, the Marine Conservation Society UK recently reported a rise in balloon litter found during beach cleans.
 - Travel: aviation and rail can be impacted by balloon releases. Network Rail has raised concerns, including the risk of balloons becoming tangled around overhead high voltage wires. This occurred recently in the West Midlands, resulting in travel delays and associated economic costs.

- 2.3 Organisations that support a ban include the Marine Conservation Society, RSPCA and National Farmers Union, and various Councils around the country have banned the release of balloons on their estates including Lewes District Council.
- 2.4 It is acknowledged that a ban may be difficult to enforce in some instances, such as on larger land assets. However, Property is supportive of the introduction of a policy to ban their use on the following grounds:
- A clearly communicated policy to ban their use should act as a deterrent to anyone wishing to use them;
 - It would demonstrate political leadership and commitment to the effective stewardship of our assets and environmental sustainability;
 - It would be reasonable to assume that a ban would receive public support.
- 2.5 The ban would initially be implemented via the following mechanisms:
- Inclusion in Council Asset policy documents;
 - Inclusion within new leases, licences and other agreements relating to third party occupation of Council owned land and buildings;
 - Communication of the ban to users of Council land and buildings, including schools and tenants;
 - Inclusion within country parks notices at the point they are next reviewed;
 - Refusal of requests to release balloons on Council land.
- 2.6 The recommended ban on the use of helium balloons on Council owned and leased property will have no anticipated revenue impact as it is not proposed to support the policy change with any specific enforcement measures for which the Council has no budget.

3. Conclusion and reasons for recommendations

- 3.1 The recommendation is that approval is given to a policy banning the release of balloons on Council owned land and buildings and that officers are mandated to implement the ban, including through the measures set out above.

KEVIN FOSTER
Chief Operating Officer

Contact Officer: Andy Arnold, Environment Team Manager
Tel. No. 01273 481606
Email: andy.arnold@eastsussex.gov.uk

Committee: **Lead Cabinet Member for Resources**

Date: **25 June 2019**

Title of Report: **Isabel Blackman Centre, Hastings**

By: **Chief Operating Officer**

Purpose of Report: **To seek Lead Member approval to (1) declare the property surplus to the County Council's requirements and to (2) secure best value through a disposal on the open market**

RECOMMENDATION: The Lead Member is recommended to:

(1) declare the property known Isabel Blackman Centre, Hastings, surplus to the County Council's operational requirements; and

(2) delegate authority to the Chief Operating Officer to secure best value terms for a disposal in accordance with s. 123 of the Local Government Act 1972.

1. Background information

- 1.1 The Property comprises a day care Centre, circa 1970's build, with a split-storey flat above, accessed by a separate stairway.
- 1.2 Adult Social Care have withdrawn services from the property and declared the site surplus to ASC requirements.
- 1.3 The County Council ownership extends under the adopted highway. Land under the adopted highway will be retained for highway purposes. Only the ESCC freehold that remains outside the highway extent is to be declared surplus and sold.
- 1.4 The asset has been listed as an asset of community value and thus the sale will be required to allow a period of up to 6 months for a community group to prepare and submit a bid, under the right to bid legislation.

2. Supporting information

- 2.1 A plan of the property (hatched) is attached in Appendix 1 and extends to approx. 380 sq metres.
- 2.2 Internal consultation with Adult Social Care Department has confirmed that there is no further service requirement for this property.
- 2.3 The Local Member has been consulted on this matter and raised no objection to the proposal.

3 Conclusion and Reason for Recommendations

- 3.1 The property offers no future operational use for the County Council and, whilst vacant, would continue to incur costs for security and maintenance.

- 3.2 The Council is not in a position to lease the flat above the centre separately, without incurring security of tenure and right to buy issues. The property would also require moderate level of refurbishment.
- 3.3 It is recommended that this property be declared surplus to the County Council's requirements and terms for its disposal delegated to the Chief Operating Officer in accordance with the requirements of Section 123 of the Local Government Act 1972
- 3.4 The capital receipt from the disposal will contribute to the funding for the Capital Programme.

KEVIN FOSTER
Chief Operating Officer

Contact Officer: Graham Glenn
Tel. No. 01273 336237
Email: graham.glenn@eastsussex.gov.uk

LOCAL MEMBER:
Councillor Tanya Charman

Background Documents
None

Appendix I (not to scale)



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Report to: Lead Member for Resources

Date of meeting: 25 June 2019

By: Assistant Chief Executive

Title: Future direction of Orbis Public Law

Purpose: To provide an update on the direction of the partnership and seek the dissolution of the Joint Committee.

RECOMMENDATIONS

The Lead Member is recommended to:

- 1) Agree to the proposed direction of travel for the partnership as set out in the report;**
 - 2) Delegate authority to the Chief Executive to amend or enter in any agreements necessary to give effect to this; and**
 - 3) Approve the dissolution of the Joint Committee.**
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1 Background Information

- 1.1 In January 2015 the Leader agreed to the creation of a Legal Services Partnership with Brighton & Hove City Council, Surrey County Council and West Sussex County Council to be known as Orbis Public Law.
- 1.2 Orbis Public law (OPL) has a vision to be a single, resilient, sustainable, cost-effective legal service with the public service ethos and an ability and ambition to grow.
- 1.2 It was agreed that the Legal Services function would be overseen by a Joint Committee, and the partners have entered into an Inter-Authority Agreement which sets out the basis and terms of the Partnership, and the arrangements for making officers available to the other partners.
- 1.3 Since then the Partnership has led to a number of benefits:
 - 1) Digital court – implementation of the digital court project in the family courts in Surrey and Sussex. Conservatively this will release £90k savings per annum across OPL alongside the good reputation OPL has established within the judiciary.
 - 2) Child care advocacy – the recruitment of an OPL children’s social care advocate, to represent all OPL authorities at court. This builds in-house capacity and reduces the reliance on external legal spend.

- 3) Joint case management - all partners are managing their cases with the same prescient plus case management system. Plans are underway to merge all systems into one single database instance of this system, hosted by Surrey County Council (SCC). Contracts have been renegotiated with a £68.5K saving.
- 4) Resilience through work sharing – for example an Environment Lawyer maternity leave is being covered by OPL, removing the need to recruit a backfill. Work sharing with Adult Social Care has helped alleviate a staffing pressure experienced by one partner.
- 5) OPL 'shared hours', where one lawyer acts for all partners is recorded. To February 2019 OPL has reached nearly 1300 shared chargeable hours; equivalent to 1 Full Time Equivalent (FTE). This is therefore between 2-4 FTE worth of work because work is done once, not 2, 3 or 4 times over.
- 6) Facilitated networking across the partners through workshops, pathfinder projects, staff forums and joint training. In from April 2017 - 708 places of free training has been provided by Chambers. If this was notionally costed at £100 per head this is 70k worth of free training.
- 7) Insurance claims – OPL and Orbis Finance have been developing an area of expertise for insurance claims. Following detailed analysis and consultation with staff, in September 2018, Orbis Finance transferred the handling of liability and litigated insurance claims for Brighton & Hove City Council and SCC from Orbis to OPL. East Sussex County Council (ESCC) and West Sussex County Council claims handling is already carried out by OPL where there is extensive expertise in this area. The OPL claims team design is included as part of the OPL Litigation discipline. Savings of £40k have been realised in the first six months.
- 8) Monitoring activity - Since January 2018, ESCC has been running a pilot to monitor the time spent on certain types of work. Time recording data is good in terms of understanding hours spent on a file however it does not record whether matters are being dealt with efficiently. In a drive to review and improve efficiency, fixed amounts of time have been established for a number of standard work types. Practice management monitor time spent and if the established time is exceeded on a file this is looked at in more detail. This has helped build a picture of the common tasks and with a view to reducing the average time taken for these and help plan resource management.

2. Continued Collaboration

- 2.1 In January 2018, the OPL Joint Committee endorsed OPL's business plan which set out the aims and ambitions and plans for OPL.

- 2.2 The implementation of the single service has been following a staged approach working through the 5 C's model; Contact > Cooperation > Coordination > Collaboration > Convergence.



- 2.3 Collaboration has been achieved and OPL is at a critical point in moving to a fully integrated service during 2019/2020. The OPL Interim Leadership Team undertook significant work last year on starting to design single teams.
- 2.4 In the last year OPL's largest partner, Surrey County Council, has embarked on an ambitious and comprehensive transformation programme. As part of that SCC has decided to review its Legal Services function, and have indicated they do not consider it right for them to commit to an integrated staffing structure and pooled budget in the medium term.
- 2.5 Should integration proceed without SCC, OPL will still need to invest the same in the management of OPL and given Surrey have 31% budget, this brings into question the value of the benefits in terms of the costs and disruption single teams will bring. The proposal also included utilising significant vacancies in the Commercial and Governance area, many of these Surrey roles. It was planned that these would help make that saving and the loss of economy of scale would reduce the amount even further in reality and make the savings negligible. Consequently there is far less confidence in the amount of saving/efficiency that could in reality be unlocked, which when weighed up against the significant disruption that a restructure would entail in a challenging employment market, calls into question whether full integration is now the correct way forward for the remaining three partners.
- 2.6 It is therefore recommended that the Partnership does not progress to integration but instead seeks to continue with collaboration, which to date has delivered some success, but without disruption at a time of high demand for services.
- 2.7 It is proposed to build on well established relationships between specialised teams between the Orbis Public Law partners and using the shared case management

system and common approaches to case working the following arrangements for greater collaboration in work allocation and workload and resource planning is proposed. In areas of specialism there will continue to be regular exchanges of information and work planning between team leaders or designated service leads of each partner. This will include

- Training needs and plans
- Staff and other resources, workforce planning and recruitment
- Current and planned workload
- Capacity for additional or specific work types
- Options to undertake work for other partners

2.8 Each partner will be prepared to undertake work for another partner in circumstances where

- There is capacity in their team for the work needed by the other
- That capacity is at the right level or the right level can be made available
- That capacity can be freed by other less valuable work being outsourced or postponed
- The work is provided in a timely way and with full instructions

2.9 Each partner will ensure that all workforce planning is shared on a regular basis among partners (current and planned staff resource data) and that recruitment is undertaken, save in cases of urgency, after dialogue with the other partners.

2.10 The regular exchange of information, general advice, professional updates, training, workforce data and all other activity to enable the effective running of these partnership arrangements will continue.

3. Conclusion and recommendations

3.1 The Lead Member is recommended to approve the continued collaboration as outlined in the report. The enhanced collaborative arrangement will require an amendment to the Inter Authority Agreement that has been entered into between the partners and it is recommended that authority be delegated to the Chief Executive to amend or enter in any agreements necessary to give effect to this.

3.2 As there is no longer an intention to integrate the services and each authority will retain its own service it is recommended that the Joint Committee be dissolved and that the services are overseen by the arrangements within their sovereign bodies as before.

PHILIP BAKER

Assistant Chief Executive

Contact Officer: Philip Baker
Tel. No. 01272 481564
Email: philip.baker@eastsussex.gov.uk

LOCAL MEMBERS

All

BACKGROUND DOCUMENTS

None

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