

MINUTES

EAST SUSSEX COUNTY COUNCIL

MINUTES of a MEETING of the EAST SUSSEX COUNTY COUNCIL held at Council Chamber, County Hall, Lewes on 18 OCTOBER 2016 at 10.00 am

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

30 Minutes of the meeting held on 12 July 2016

30.1 RESOLVED – to confirm the minutes of the previous meeting of the County Council held on 12 July 2016 as a correct record

31 Apologies for absence

31.1 Apologies for absence were received from Councillors Blanch, Davies, Claire Dowling, Pragnell and Rogers

32 Chairman's business

BRIAN GADD AND PHYLLIDA STEWART-ROBERTS

32.1 The Chairman paid tribute to a former colleague, Brian Gadd, and a former Lord Lieutenant Phyllida Stewart-Roberts following their recent deaths. Brian was a respected councillor and represented the Bexhill West Division from 2001 to 2013 and served as the Chair of the Children's Services Scrutiny Committee and Regulatory Committee. Phyllida served as Lord Lieutenant of East Sussex from 2000 to 2008. On behalf of the Council the Chairman offered condolences to Brian and Phyllida's family and friends.

32.2 The Council stood in silence as a mark of respect to Brian Gadd and Phyllida Stewart-Roberts

PHIL HALL

32.3 On behalf of the Council, the Chairman welcomed Phil Hall, the interim Chief Finance Officer, to his first County Council meeting

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SALLY MARKS

32.4 The Chairman welcomed Councillor Sally Marks, the Chairman of Surrey County Council, to the meeting and explained that she was attending as part of the initiative to develop closer links between the Chairmen of East Sussex, West Sussex and Surrey County Councils. The Chairman stated that he had recently attended Council meetings at the other 2 councils.

CHAIRMAN'S ACTIVITIES

32.5 The Chairman stated that it has been a huge honour to be Chairman of the Council and to be an ambassador throughout the County and beyond. I have attended the Council meetings of both West Sussex County Council and Surrey County Council, and observed their different style and processes. I have travelled to the four corners of the County and seen high technology and creative arts, young people's energetic activities and patient care for children with life limiting conditions. I have attended a number of engagements since the last County Council meeting, including: Respond Academy in St Leonards, University of Brighton graduation ceremony, Sussex 100 Cub Scout centenary camp at Ardingly, Hummingbird Sensing Technology in Crowborough receiving their Queen's Award for Innovation, Arts exhibitions in Rye, Bexhill, and Eastbourne, Tyefest in Telscombe, and the unveiling of the contemporary statue outside of the Seaford library. I have also made a visit to the Chestnut Tree House children's hospice that is supported by charitable sponsorship and donations, and also visited The Parchment Trust to see the tremendous work they do for adults with learning difficulties. All this and more has shown me just what a wonderful County we live in, and just how many community minded people we have in our midst. I was pleased to host two Volunteer Tea Parties, one at Mountfield Village Hall, the other at Ringmer Village Hall, where I was able to acknowledge the fantastic work of so many volunteers. I was pleased to have Councillors Chris and Claire Dowling joining me on both occasions. The Chairman referred to the Ashdown Forest Volunteers, because this year they were awarded the Queen's Award by the Lord Lieutenant Peter Field for all the diligent work they do for our community. On your behalf I attended the funeral services of Phyllida Stewart-Roberts, the former Lord Lieutenant, and also Brian Gadd, our former colleague. On your behalf, my wife and I attended two commemorations of significant battles. In August we joined the Mayor of Dieppe for the commemoration of the 74th anniversary of the Dieppe Raid in 1942 when six Nations joined in a solemn vigil to remember the lost of the second World War. Just last week we joined the crowds in Battle to commemorate the 950th anniversary of the Battle of Hastings in 1066. From Thursday 13 October when I welcomed the Saxon warriors arriving across the boundary of this Shire County of East Sussex at Bodium, having walked all of the 300 miles from Stamford Bridge where they had remembered the defeat of the Danish invasion, to the poignant service in St Mary's Church in Battle where both Saxon warriors and Norman soldiers in full battle dress faced each other across the choir stalls, and the Dean leading the service in both English and French, then to Battle Abbey Square for the beating of the retreat by the band of the Royal Engineers. It has been a truly memorable three months. The Vice-Chairman has also attended a number of events.

PRAYERS

32.6 The Chairman thanked Reverend Neville Barnett for leading prayers before the meeting

PETITIONS

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

Councillor Taylor

- calling upon the Council to gate the pedestrian entrance to Meads Road at Naomi Close, for the use of residents of the Close.

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Councillor Ungar - calling on the County Council to review parking restrictions in Willingdon Road, Eastbourne

Councillor Whetstone - calling on the County Council to reduce the speed limit from 60 mph to 40 mph on the B2188 from the Lye Green junction to the Florence Corner junction in Groombridge

33 Questions from members of the public

33.1 A copy of a question asked by Wendy Gubby from Bexhill and the answer from Councillor Elkin (Lead Member for Resources) are attached to these minutes. A supplementary question was asked and responded to.

34 Declarations of Interest

34.1 The following member declared personal interests in items on the agenda as follows:

Member	Position giving rise to interest	Agenda item	Whether interest was prejudicial
Councillor Tutt	Any change in the transitional pension arrangements would impact on his household income	Lead Member for Resources report, paragraph 1	Yes

34.2 Councillor Tutt left the Council Chamber when this item was discussed.

35 Reports

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

Cabinet (19 July and 20 September)	-	paragraph 1
Cabinet (11 October)	-	paragraph 1
Lead Member for Resources	-	paragraph 1
Lead Member for Education and Inclusion, Special Educational Needs and Disability	-	paragraph 1

NON-RESERVED PARAGRAPHS

35.2 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.

36 Report of the Cabinet - 19 July and 20 September 2016

36.1 Councillor Glazier moved the reserved paragraph of the report

36.2 The motion was CARRIED after debate.

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37 Report of the Cabinet - 11 October 2016

37.1 Councillor Glazier moved the reserved paragraph in the Cabinet report.

37.2 The following amendment was moved by Councillor Barnes and seconded:

Amend paragraph 1.53 of the report of the Lead Member for Resources report as follows:

The County Council (insert)[recommends the Cabinet] (delete) [~~express a view on whether~~] to accept the Government's multi year settlement offer and to (insert) [approve] (delete) [~~comment on~~] the draft efficiency plan

37.3 The following amended was moved by Councillor Shuttleworth and seconded:

To add the following to the amendment moved by Councillor Barnes:

However, East Sussex County Council reaffirms its concerns about the effect of existing cutbacks and future cutbacks in Local Government funding in view of the effect these are having on residents in East Sussex and in particular the most vulnerable

37.4 Councillors Barnes and Sheppard indicated that they were willing to accept the amendment proposed by Councillor Shuttleworth.

37.5 The Council considered the following amendment

The County Council (insert)[recommends the Cabinet] (delete) [~~express a view on whether~~] to accept the Government's multi year settlement offer and to (insert) [approve] (delete) [~~comment on~~] the draft efficiency plan.(insert) [However, East Sussex County Council reaffirms its concerns about the effect of existing cutbacks and future cutbacks in Local Government funding in view of the effect these are having on residents in East Sussex and in particular the most vulnerable]

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

FOR THE AMENDMENT

Councillors Barnes, Belsey, Bennett, Bentley, Butler, Carstairs, Charlton, Chris Dowling, Earl, Elkin, Ensor, Field, Galley, Glazier, Howson, Lambert, Maynard, Phillips, Sheppard, D. Shing, S Shing, Shuttleworth, Simmons, Standley, Stogdon, Taylor, Tidy, Tutt and Whetstone

AGAINST THE AMENDMENT

Councillors Buchanan, Charman, Clark, Daniel, Forward, Keeley, O'Keeffe, Pursglove, Scott, Webb and Wincott

ABSTENTIONS

Councillors Rodohan, St Pierre, Ungar and Wallis

37.7 The following motion moved by Councillor Elkin, to adopt paragraph 1 of the Cabinet report as amended was CARRIED

The County Council recommends the Cabinet to accept the Government's multi year settlement offer and to approve the draft efficiency plan. However, East Sussex County Council reaffirms its concerns about the effect of existing cutbacks and future cutbacks in Local Government funding in view of the effect these are having on residents in East Sussex and in particular the most vulnerable

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

FOR THE MOTION

Councillors Barnes, Belsey, Bennett, Bentley, Carstairs, Charlton, Chris Dowling, Earl, Elkin, Ensor, Galley, Glazier, Howson, Lambert, Maynard, Phillips, Sheppard, D. Shing, S Shing, Simmons, Standley, Stogdon, Taylor, Tidy, Tutt and Whetstone

AGAINST THE MOTION

Councillors Buchanan, Charman, Clark, Daniel, Forward, Keeley, O’Keeffe, Pursglove, Scott, Webb and Wincott

ABSTENTIONS

Councillors Butler, Field, Rodohan, Shuttleworth, St Pierre, Ungar and Wallis

38 Report of the Lead Member for Resources

38.1 Councillor Tutt left the Council Chamber while this item was debated

38.2 Councillor Elkin moved the reserved paragraph in the report of the Lead Member for Resources

38.3 The motion was CARRIED after debate

39 Report of the Lead Member for Education and Inclusion, Special Educational Needs and Disability

39.1 Councillor Bennett moved the reserved paragraph in the report of the Lead Member for Education and Inclusion, Special Educational Needs and Disability.

39.2 The following amendment was moved by Councillor Field and seconded:

East Sussex County Council:

- *Supports its school improvement strategy: Excellence for All, which has contributed to a significant improvement in school performance and outcomes for children and young people in East Sussex.*
- *Believes that existing local arrangements for ensuring the supply of good educational places in the county are robust and effective in ensuring that local communities have access to good educational provision.*
- *(insert) [Based on this County’s success and the positive outcomes achieved for young people in the County this Council strongly opposes the reintroduction of selective education and believes it to be detrimental to the wellbeing of children and will not contribute to the raising of educational attainment]*
- *(delete) [~~Would like to consider the government’s amended proposals further following the end of the consultation period]~~*

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

FOR THE AMENDMENT

Councillors Butler, Charman, Clark, Field, Forward, Lambert, Rodohan, D Shing, S Shing, Shuttleworth, St Pierre, Tutt, Ungar, Webb and Wincott

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AGAINST THE AMENDMENT

Councillors Barnes, Belsey, Bennett, Bentley, Buchanan, Carstairs, Charlton, Chris Dowling, Earl, Elkin, Ensor, Galley, Glazier, Howson, Maynard, Phillips, Pursglove, Sheppard, Simmons, Standley, Stogdon, Taylor, Tidy and Whetstone

ABSTENTIONS

Councillors Keeley and O'Keeffe

39.4 The following motion was moved and CARRIED

East Sussex County Council:

- *Supports its school improvement strategy: Excellence for All, which has contributed to a significant improvement in school performance and outcomes for children and young people in East Sussex.*
- *Believes that existing local arrangements for ensuring the supply of good educational places in the county are robust and effective in ensuring that local communities have access to good educational provision.*
- *Would like to consider the government's amended proposals further following the end of the consultation period in December.*

40 Questions from County Councillors

ORAL QUESTIONS TO CABINET MEMBERS

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

Questioner	Respondent	Subject
Councillor Tutt	Councillor Maynard	Possibility of charging at community recycling centres for members of the public being introduced
Councillor St Pierre	Councillor Maynard	Lopping of trees on rural roads to avoid branches being hit by tall vehicles
Councillor Rodohan	Councillor Simmons	Monitoring and progress of ESCC apprenticeships
Councillor Wincott	Councillor Bennett	Funding for Army Cadet Forces activities on school premises
Councillor Charman	Councillor Glazier	Representations to Police and Crime Commissioner regarding neighbourhood policing
Councillor Howson	Councillor Maynard	Possibility of street lights being switched off after midnight to deliver a saving

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Questioner	Respondent	Subject
Councillor S Shing	Councillor Maynard	Use of s106 funding to extend bus service in the Polegate area and plans to develop a bus corridor from Hailsham to Eastbourne
Councillor D Shing	Councillor Maynard	Clause 21 of the Bus Services Bill

WRITTEN QUESTIONS PURSUANT TO STANDING ORDER 44

40.2 Three written questions were received from Councillors Tutt and Lambert (2) for the Lead Member for Transport and Environment (2) and the Lead Member for Strategic Management and Economic Development. The questions and answers are attached to these minutes.

40.3 The Lead Members responded to supplementary questions.

THE CHAIRMAN DECLARED THE MEETING CLOSED AT 1.09PM

The reports referred to are included in the minute book

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QUESTION FROM MEMBERS OF THE PUBLIC

1. Question from Wendy Gubby, Bexhill, East Sussex

It has been noted that:

- Corporate tax evasion and avoidance tax are having a damaging impact on the world's poorest countries, to such a level that it is costing them far more than they receive in aid
- This is costing the UK as much as £30bn a year
- This practice also has a negative effect on small and medium-sized companies who pay more tax proportionately

It has further been noted that the UK Government has taken steps to tackle the issue of tax avoidance and evasion by issuing Procurement Policy Note 03/14. This applies to all central government contracts worth more than £5m.

There are other voluntary schemes promoting tax compliance such as the Fair Tax Mark, which can serve as an independent means of verification.

It is noted that the 2015 Public Contract Regulations which state (in section 4) that local government can choose to adopt Procurement Policy Note 03/14.

I therefore respectfully ask East Sussex County Council to consider an amendment to their procurement policies, to incorporate tax compliance questions to all companies bidding for contracts of services.

These tax compliance questions were set by central government in 2014

Procurement Policy Note 03/14

whereby all central government departments are now obliged to pose them to companies bidding for contracts of more than £5million.

I ask this council incorporate these questions into their procurement procedures, so that the companies bidding for council contracts are routinely expected to account for their past tax record.

At a time when councils are struggling with ever deeper cuts to their budgets, it makes sense that the Council uses its spending power to favour companies that pay their taxes.

After all, it is the tax payments of companies and individuals that ultimately fund council budgets.

Response by Councillor Elkin, Lead Member for Resources

Thank you for your question.

Our procurement process supports wider social, ethical and sustainability issues, and we take our responsibilities in doing so seriously. We work hard to strike the right balance between simplifying the level of bureaucracy involved in our procurement processes, and entering into contracts with suppliers with which we want to do business.

Over 45% of our business is through smaller and local suppliers, for which large scale international tax evasion is unlikely to be an issue. Even our largest suppliers, for example Kier and Care UK, are unlikely to fall into this category.

We fully adheres to the most up to date guidance provided in the Public Contract Regulations 2015 and that from Crown Commercial Services, and we already comply with the intent captured in Procurement Policy Note 03/14 (which is itself being updated by Central Government to reflect the latest legislation).

During the pre qualification stage, the Council can select which suppliers it wants to invite to fully participate in a procurement process, and it is here that we mandate areas such as tax, financial standing and other policy issues as appropriate for our more significant procurement activity, excluding those suppliers who 'fail' this stage.

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I have been reassured by our Head of Procurement that she and her team are again reviewing whether there are any further additional 'tests' for larger procurements, particularly those that could attract international bidders, whilst ensuring our processes are both proportional and appropriate.

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WRITTEN QUESTIONS PURSUANT TO STANDING ORDER 44

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

In December 2010 I asked your predecessor for dates when the un-adopted roads at Sovereign Harbour would be adopted. Please can you inform me whether any roads in this area remain un-adopted and if so, why it has taken so many years for their adoption to take place?

Answer by the Lead Member for Transport and Environment

A number of the roads that were unadopted in 2010 have since been adopted as public highway in June 2014. These roads were Martinique Way, Grenada Close, St Kitt's Drive, Leeward Quay, Santa Cruz Drive (part), Jamaica Way (part), Windward Quay (part) and the Outer Harbour Walkway.

The streets that still remain to be adopted are Ocho Rios Mews, Key West, Bermuda Place, Santa Cruz Drive (part) and Windward Quay (part).

These roads are all still under the control of Persimmon Homes. Currently there is no formal adoption agreement in place to adopt these roads and the County Council therefore has no control over when adoption will take place. We are entirely reliant on Persimmon in terms of when the adoption will commence, and we do not have the power to demand that roads are offered for adoption.

We are in regular discussions with Persimmon Homes over the adoption of these streets and have agreed the areas to be adopted as well as the process for adoption via section 37 of the Highways Act, 1980. We are however still waiting for the developers to formally submit drawings and serve notice on us. As some land adjacent to some of these roads has been transferred to a third party, by the previous developer, an easement is required before adoption can take place so a right of access to inspect and maintain walls that support the highway is secured. Resolving this issue is adding to the length of time it is taking for the developers to offer the remaining roads for adoption.

I am therefore unable to provide you with a timescale as to confirm when adoption is likely to take place but we do not foresee any problems with this ultimately being completed.

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

Parking across the county is becoming more difficult as more houses and flats are built and residents frequently own more than one car.

Residents in Seaford have asked for a parking permit scheme but have been turned down on the grounds that not enough people in the road asked for such a scheme.

It would appear that the County Council does not have a policy framework for assessing and implementing residents' permit schemes. Does the Lead Member agree that the time has now come for such a policy framework to be developed so that demands for permit schemes can be assessed in a transparent and equitable manner?

Answer by the Lead Member for Transport and Environment

Whilst there is no formal policy for the installation of new resident permit parking schemes, when assessing requests for residents permit parking schemes, County Council officers look at the number of requests or complaints received and generally would expect at least 40% of local addresses to support the installation of a permit scheme. It is not usual to introduce a resident permit scheme in a single road and this needs the support of the wider area so that the perceived problem is not simply transferred to adjacent residential areas.

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Resident permit parking schemes provide a reasonable chance for car-owning residents to park near to although not necessarily directly outside their houses.

In assessing applications for new resident schemes or extensions to existing schemes, officers need to be guided by the level of local support for such schemes and have to take into account local conditions such as proximity to railway stations, shopping areas, hospitals, schools and other mitigating factors which may affect the level of parking by non-residents. Each request needs to be considered in its own merit, and all requests for a permit parking scheme are processed in a fair and consistent way.

More and more households now own more than one vehicle, placing a greater strain on the available kerb-space, and often generating complaints from other residents.

The times of operation need to be considered as well as prospective enforcement. It may be that a request for a permit scheme is not the most appropriate for example if most residents have suitable off-road parking. Equally there may be other remedies to combating commuter parking and school drop-off problems.

It must also be noted that there is a cost to introduce permits. The cost of the permits pays for the introduction, installation, ongoing maintenance, and enforcement of the scheme.

For these reasons outlined above it is felt that the assessment of and potential introduction of resident permit parking schemes should not be policy driven, but instead remain managed on an operational basis, with due consideration to the circumstances surrounding each application.

3. Question by Councillor Lambert to the Lead Member for Strategic Management and Economic Development

Residents using Southern rail services have experienced unprecedented disruption and misery for months. People have lost jobs, students have missed critical exams and family life has been reduced to a shambles. The chaotic lack of a service is having a serious effect on the local economy as well as on individuals' health and wellbeing.

Southern have now issued a consultation document which appears to do away with the direct trains from Seaford to London, forcing people to change at Lewes. This is simply unacceptable. Seaford is the biggest town in Lewes District and we cannot allow it to be cut off in this way.

East Sussex County Council, West Sussex County Council and Surrey County Council are putting in a devolution bid to the government which argues that the south east has been a driver for the UK's return to economic growth. The partnership is also proposing to establish a Sub National Transport Body to provide a mechanism for the area to speak with one voice on transport infrastructure and to provide a single platform for strategic transport and infrastructure issues. How can this have any credibility with the current state of Southern?

Will the Leader write to the Secretary of State for Transport expressing serious concern about Southern's proposals and demand that the direct service from Seaford through Newhaven to London is kept to the level it was at before the strikes began and before Southern withdrew the service?

Answer by the Lead Member for Strategic Management and Economic Development

Rail plays an important role in East Sussex in getting people of all ages to and from their daily work, education, shopping, leisure and visiting purposes, whilst enabling connections between businesses to ensure they sustain and grow.

The County Council remains greatly concerned that despite ongoing conciliatory negotiations between Govia Thameslink Railway and the RMT Union they still remain at an impasse in

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resolving the dispute about the new role of On Board Supervisors. We have written to the Secretary of State, Chris Grayling, highlighting the considerable adverse impact that the strike action has had on the daily lives of the residents and business of the county, including those in Newhaven and Seaford who were subjected to a sporadic rail service over the summer. We also asked that the Secretary of State directly intervene in brokering a deal to resolve the stalemate between the train operating company and the union so that the timetabled services can return to normal.

As you highlight, GTR has recently published their consultation on the proposed timetable changes which would come into effect in 2018. One of the proposals on the timetable is that the direct peak trains between Seaford and London Victoria are no longer provided meaning that passengers would be required to change trains at Lewes with a connection time of 5 minutes in the morning and 9 minutes in the evening. GTR's rationale is that this would assist in reducing journey times between Eastbourne and London Victoria.

Any loss of a direct peak train service from the Seaford and Newhaven area would be retrograde step in supporting the significant investment in the economic growth of one of our key growth corridors. Therefore, our response which is currently being developed by officers will unequivocally ask that the direct Seaford and Newhaven peak trains to London Victoria are retained.

Turning to your comments on Devolution, as part of any 3SC deal one of the 'asks' of Government will be that we become involved in the drafting of specifications for future rail franchises affecting the 3SC area and also in their award. This will mean that we would have a greater say in setting the terms of the franchise.

The establishment of the Sub National Transport Board, covering the south east area, will be a mechanism for the local authorities, the LEPs as well as the likes of Highways England, Network Rail, the ports and airports, to speak with one voice to Government on the transport infrastructure priorities for the area. If established this Board will also be able to directly influence the future investment programmes of the major infrastructure providers such as Highways England and Network Rail, where currently there is no established route or mechanism for doing so.

In summary, whilst I can't say with 100% confidence that proposals through 3SC and the proposed Sub National Transport Board will stop what is happening with GTR Southern at the moment, they will both provide formal engagement routes to get involved directly to put us in a much stronger position to influence the future rail services and rail infrastructure improvements in the county.