

## MINUTES

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# EAST SUSSEX COUNTY COUNCIL

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**MINUTES of a MEETING of the EAST SUSSEX COUNTY COUNCIL held at Council Chamber - County Hall, Lewes on 27 MARCH 2018 at 10.00 am**

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

### **55 Minutes of the meeting held on 6 February 2018**

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

### **56 Apologies for absence**

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

### **57 Chairman's business**

#### **BRAODBAND REVIEW**

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

#### **CHAIRMAN'S ACTIVITIES**

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

## MINUTES

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

### PRAYERS

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

### PETITIONS

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

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

### 58 Questions from members of the public

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

### 59 Declarations of Interest

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

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

### 60 Reports

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

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

## MINUTES

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### NON-RESERVED PARAGRAPHS

60.2 On the motion of the Chairman of the County Council, the Council ADOPTED those paragraphs in the reports of the Committees that had not been reserved for discussion as follows:

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

### **61 Report of the Cabinet**

Paragraph 1 (Council Monitoring)

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

61.2 The motion was CARRIED after debate

### **62 Report of the Governance Committee**

Paragraph 2 (Review of Scrutiny Arrangements)

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

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

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

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

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

#### FOR THE AMENDMENT

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

#### AGAINST THE AMENDMENT

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

#### ABSTENTIONS

Councillor Smith

The following motion was moved by Councillor Glazier and CARRIED:

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

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

## MINUTES

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

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

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

### **63 Report of the Lead Member for Transport and Environment**

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

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

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

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

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

### **64 Questions from County Councillors**

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

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

## MINUTES

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

### WRITTEN QUESTIONS PURSUANT TO STANDING ORDER 44

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

64.3 The Lead Members responded to supplementary questions

### **65 Report of the East Sussex Fire Authority**

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

THE CHAIRMAN DECLARED THE MEETING CLOSED AT 1.07 pm

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The reports referred to are included in the minute book  
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## MINUTES

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### QUESTION FROM MEMBERS OF THE PUBLIC

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

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

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

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

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

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

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

## MINUTES

### WRITTEN QUESTIONS PURSUANT TO STANDING ORDER 44

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

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

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

#### **Answer by the Lead Member for Adult Social Care and Health**

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

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

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

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

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

## MINUTES

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

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

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

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

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

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

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

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

## MINUTES

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

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

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

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

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

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

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

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

## MINUTES

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

### **Answer by the Lead Member for Resources**

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

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

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

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

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

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

## MINUTES

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

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

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

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

[URLs for reference]

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

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

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

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

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

### **Answer by the Lead Member for Resources**

#### *Open Contracting Principles:*

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

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

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

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

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

- The background and decision to buy

## MINUTES

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

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

### *Open Contracting Data Standards:*

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

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

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