

EAST SUSSEX COUNTY COUNCIL

MINUTES of a MEETING of the EAST SUSSEX COUNTY COUNCIL held at COUNTY HALL, LEWES on TUESDAY, 10 FEBRUARY 2015 at 10.00 am.

Present Councillors Barnes, Belsey, Bennett, Bentley, Birch, Blanch, Buchanan, Carstairs, Charlton, Clark, Daniel, Davies, Chris Dowling, Claire Dowling, Earl, Elkin, Ensor, Field, Forward, Galley, Glazier, Hodges, Howson, Keeley, Lambert, Maynard, O'Keeffe, Phillips, Pragnell, Pursglove, Rodohan, Scott, Sheppard, S Shing, Shuttleworth, Simmons, Standley, Stogdon, St Pierre, Taylor, Tidy, Tutt, Ungar, Wallis, Webb, Whetstone and Wincott.

53 Minutes of last meeting

53.1 RESOLVED – to confirm the minutes of the meeting of the County Council held on 27 January 2015 as a correct record.

54. Apologies for absence

54.1 Apologies for absence were received from Councillors Butler and D. Shing

55. Chairman's Business

NEW YEAR'S HONOURS

55.1 The Chairman stated that, on behalf of the Council, he had written and congratulated all those of live or work in East Sussex who were recognised in the New Year's Honours

CHAIRMAN'S ACTIVITIES

55.2 I have attended a number of engagements since the last County Council meeting including: the Lewes Prison carol service, the Sussex Downs College Student Awards, the Sixteen Concert and reception at Glyndebourne, the Sussex Music Service Big Sing events, the Christmas Pontifical Sung vespers and a Holocaust memorial service and hosting a Christmas reception. The Vice Chairman also attended a number of events

CHINESE NEW YEAR

55.3 The Chairman indicated that the Chinese New Year begins on 19 February. The Chairman wished all present a very happy Chinese New Year.

PRAYERS

55.4 The Chairman thanked Jez Field for leading the prayers before the meeting.

PETITIONS

55.5 The Chairman informed the Council that immediately before the meeting he had received petitions from members as follows:

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| Councillor Galley | - calling on the County Council to reduce the speed limit on Shortbridge Road and Golf Club Lane, Piltdown to 40 mph |
| Councillor Rodohan | - calling on the County Council to look urgently at installing a Pelican Crossing at St Thomas a Becket Infant and Junior School, Eastbourne |
| Councillor Sheppard | - calling on the County Council to provide kerbs of an adequate height and specification at the bus stops outside the entrance to St Georges Park, Ditchling Common to enable wheel chair users to board and to alight from buses without the use of a ramp, and to include the necessary work within the 2015/16 Capital Programme for Local Transport Improvements |
| Councillor Simmons | - calling on the County Council to address excess traffic speeds in Flitterbrook Lane and Bakery Lane. Punnetts Town, Heathfield |
| Councillor Standley | - calling on the County Council to introduce a 7.5 tonne weight limit on the B2100 from Mark Cross to Rotherfield village centre |
| Councillor Whetstone | - calling on the County Council to introduce a 20mph speed limit at Station Road, Groombridge |

56 Questions from Members of the Public

56.1 There were no questions from members of the public

57. Declarations of Interest

57.1 There were no declarations of interest

58. Reports

CALLOVER

58.1 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
Lead Member for Transport and Environment	- paragraph 1

NON-RESERVED PARAGRAPHS

58.2 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.

59. CABINET REPORT – RECONCILING POLICY, PERFORMANCE AND RESOURCES

59.1 Under Standing Order 23, the Council agreed that the speeches of the Leaders of the six groups (or their nominees) on paragraph 1 of the Cabinet's report should be extended beyond five minutes.

59.2 The following amendment was moved by Councillor Blanch and seconded:

Delete paragraph 1.47 of the Cabinet's report and replace with:-

- (1) *approve, in principle, the draft Council Plan at Appendix 1 subject to any subsequent implications from recommendation (4) below and authorise the Chief Executive to finalise the Plan in consultation with the relevant Lead Members;*
- (2) *note the latest financial position for 2014/15 as set out at Appendix 2;*
- (3) *approve, including any amendments required as a result of changes made by recommendation (4) below, the Medium Term Financial Plan 2014/15 to 2015/16;*
- (4) *approve the net revenue budget estimates for 2015/16 set out in Appendix 3 with the following amendments:*
 1. *Delete the proposed saving of £100,000 for Mental Health Supported Accommodation;*
 2. *Delete the proposed saving of £332,000 for Commissioning Prospectus; reduction of resources available for retendering of services;*
 3. *Delete the proposed saving of £156,000 for Supporting People – countywide floating support;*

4. *Delete the proposed saving of £10,000 for the closure of a mental health accommodation based service for twelve clients;*
 5. *Reduce the proposed saving of £297,000 for reduction in agency foster care by £100,000 in order to protect the respite care service;*
 6. *Delete the proposed saving of £20,000 in Secondary Behaviour Support;*
 7. *Delete the proposed reduction of £81,000 for Targeted Youth Service; reduction in the provision of group activity and some targeted 1:1;*
 8. *Delete the proposed saving of £316,000 for the re-prioritisation of school improvement and intervention;*
 9. *Delete the proposed saving of £378,000 for SEN Personalised Transport;*
 10. *Delete the proposed saving of £62,000 for Economic Development and Skills;*
 11. *Delete the proposed saving of £100,000 for Road Safety;*
 12. *Increase the Gulley Emptying budget by £150,000 to reinstate the 2014/15 saving proposal;*
 13. *Reduce the capital programme by £5m in order to achieve a reduction of £0.45m in the revenue budget;*
 14. *Apply targeted slippage on staff turnover in order to achieve a saving of £500,000;*
 15. *Reduce the Communications budget by £500,000 which is equivalent to a 40% reduction;*
 16. *Reduce the Policy, Strategic Planning and Performance Review budget by £270,000 which is equivalent to a 10% reduction;*
 17. *Increase the Registration Service income budget by £100,000;*
- (5) *in accordance with the Local Government Finance Act 1992 to agree that:*
- (i) *the net budget requirement is £365.7m and the amount calculated by East Sussex County Council as its requirements for the year 2015/16 is £227.2m;*
 - (ii) *the amount calculated by East Sussex County Council as the basic amount of its council tax (ie for a band D property) for the*

year 2015/16 is £1203.93p and represents a 1.95% increase on the previous year;

- (6) advise the Borough and District Councils of the relevant amounts payable and council tax in other bands in line with the regulations and to issue precepts accordingly in accordance with an agreed schedule of instalments as set out at Appendix 6;*
- (7) agree the savings for 2015/16 as set out in Appendix 4 subject to the changes proposed in (4) above;*
- (8) authorise the Chief Operating Officer, in consultation with the Chief Finance Officer, Leader and Deputy Leader to make adjustments to the budget to reflect the final settlement;*
- (9) approve those fees and charges set out in Appendix 5 which relate to functions which are not the responsibility of the Executive and to delegate authority to the Chief Finance Officer to approve an increase of all other fees and charges which are not the responsibility of the Executive by up to 2%;*
- (10) approve the draft Capital Programme including further investment in essential programme need 2014/15 to 2017/18 as set out at Appendix 3.*
- (11) note the Medium Term Financial Plan forecast for the period 2016/17 to 2018/19 as set out in Appendix 3; and*
- (12) note the outcome of consultation exercises as set out in Appendix 8.*

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

FOR THE AMENDMENT

Councillors Birch, Blanch, Daniel, Field, Forward, Hodges, Lambert, Rodohan, Scott, S Shing, Shuttleworth, St Pierre, Tutt, Ungar, Wallis, Webb and Wincott

AGAINST THE AMENDMENT

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

ABSTENTIONS

Councillors Charlton and O'Keeffe

59.4 The following amendment was moved by Councillor Birch and seconded:

Delete paragraph 1.47 of the Cabinet's report and replace with:-

- (1) approve, in principle, the draft Council Plan at Appendix 1 subject to any subsequent implications from recommendation (4) below and authorise the Chief Executive to finalise the Plan in consultation with the relevant Lead Members;*

- (2) *note the latest financial position for 2014/15 as set out at Appendix 2;*
- (3) *approve, including any amendments required as a result of changes made by recommendation (4) below, the Medium Term Financial Plan 2014/15 to 2015/16;*
- (4) *approve the net revenue budget estimates for 2015/16 set out in Appendix 3 with the following amendments for 2015/16 only:*
 1. *Reduce the revenue contribution to capital by £5m;*
 2. *Delete the planned transfer of £0.768m to the Corporate Waste Reserve and approve a revenue contribution to capital of £0.768m.*
 3. *Approve a transfer of £4.232m from the Corporate Waste reserve to ensure that the planned capital programme is maintained;*
 4. *Utilise £450,000 of the additional base funding identified post-Cabinet;*
 5. *Reduce the Communications budget by £100,000 including discontinuing Your County;*
 6. *Reduce the proposed saving for the Community Reablement Service by £2m; £800,000 community based and £1.2m intermediate bed based subject to the presenting needs of clients/patients;*
 7. *Reduce the proposed savings for Children's Services by £2m and to continue funding Thrive activities;*
 8. *Reduce the proposed savings for the Standards and School Effectiveness Service by £300,000;*
 9. *Reduce the proposed savings for SEN and Disability by £700,000;*
 10. *Reduce the proposed savings for the Targeted Youth Service by £100,000;*
 11. *Reduce the proposed savings for Passenger Transport by £450,000;*
- (5) *in accordance with the Local Government Finance Act 1992 to agree that:*
 - (i) *the net budget requirement is £365.7m and the amount calculated by East Sussex County Council as its requirements for the year 2015/16 is £227.2m;*
 - (ii) *the amount calculated by East Sussex County Council as the basic amount of its council tax (ie for a band D property) for the*

year 2015/16 is £1203.93p and represents a 1.95% increase on the previous year;

- (6) advise the Borough and District Councils of the relevant amounts payable and council tax in other bands in line with the regulations and to issue precepts accordingly in accordance with an agreed schedule of instalments as set out at Appendix 6;*
- (7) agree the savings for 2015/16 as set out in Appendix 4 subject to the changes proposed in (4) above;*
- (8) authorise the Chief Operating Officer, in consultation with the Chief Finance Officer, Leader and Deputy Leader to make adjustments to the budget to reflect the final settlement;*
- (9) approve those fees and charges set out in Appendix 5 which relate to functions which are not the responsibility of the Executive and to delegate authority to the Chief Finance Officer to approve an increase of all other fees and charges which are not the responsibility of the Executive by up to 2%;*
- (10) approve the draft Capital Programme including further investment in essential programme need 2014/15 to 2017/18 as set out at Appendix 3.*
- (11) note the Medium Term Financial Plan forecast for the period 2016/17 to 2018/19 as set out in Appendix 3; and*
- (12) note the outcome of consultation exercises as set out in Appendix 8.*

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

FOR THE AMENDMENT

Councillors Birch, Blanch, Daniel, Field, Forward, Hodges, Lambert, O'Keeffe, Rodohan, Scott, S Shing, Shuttleworth, St Pierre, Tutt, Ungar, Wallis, Webb and Wincott

AGAINST THE AMENDMENT

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

ABSTENTIONS

Councillor Charlton

59.6 The following motion was moved by Councillor Elkin, to adopt paragraph 1 of the Cabinet report:

- (1) *approve, in principle, the draft Council Plan at Appendix 1 and authorise the Chief Executive to finalise the Plan in consultation with the relevant Lead Members;*
- (2) *note the latest financial position for 2014/15 as set out at Appendix 2;*
- (3) *approve the Medium Term Financial Plan 2014/15 to 2015/16;*
- (4) *approve the net revenue budget estimates for 2015/16 set out in Appendix 3;*
- (5) *in accordance with the Local Government Finance Act 1992 to agree that:*
 - (i) *the net budget requirement is £365.7m and the amount calculated by East Sussex County Council as its requirements for the year 2015/16 is £227.2m;*
 - (ii) *the amount calculated by East Sussex County Council as the basic amount of its council tax (ie for a band D property) for the year 2015/16 is £1203.93p and represents a 1.95% increase on the previous year;*
- (6) *advise the Borough and District Councils of the relevant amounts payable and council tax in other bands in line with the regulations and to issue precepts accordingly in accordance with an agreed schedule of instalments as set out at Appendix 6;*
- (7) *agree the savings for 2015/16 as set out in Appendix 4;*
- (8) *authorise the Chief Operating Officer, in consultation with the Chief Finance Officer, Leader and Deputy Leader to make adjustments to the budget to reflect the final settlement;*
- (9) *approve those fees and charges set out in Appendix 5 which relate to functions which are not the responsibility of the Executive and to delegate authority to the Chief Finance Officer to approve an increase of all other fees and charges which are not the responsibility of the Executive by up to 2%;*
- (10) *approve the Capital Programme including further investment in essential programme need 2014/15 to 2017/18 as set out at Appendix 3.*
- (11) *note the Medium Term Financial Plan forecast for the period 2016/17 to 2018/19 as set out in Appendix 3; and*
- (12) *note the outcome of consultation exercises as set out in Appendix 8.*

59.7 A recorded vote on Councillor Elkin's motion was taken. The motion was CARRIED with the votes being cast as follows:

FOR THE MOTION

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

AGAINST THE MOTION

Councillors Birch, Blanch, Daniel, Field, Forward, Hodges, Lambert, O'Keeffe, Rodohan, Scott, S Shing, Shuttleworth, St Pierre, Tutt, Ungar, Wallis, Webb and Wincott

ABSTENTION

Councillor Charlton

60 Lead Member for Transport and Environment report – Notice of Motion: Parking Outside Schools

60.1 Councillor Maynard moved the reserved paragraph of the Lead Member for Transport and Environment report.

60.2 The motion was CARRIED after debate.

61. Questions from County Councillors

ORAL QUESTIONS TO CABINET MEMBERS

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

Questioner	Respondent	Subject
Councillor Lambert	Councillor Maynard	Provision of footbridge at Exceat
Councillor Tutt	Councillor Maynard	Review of process for scheduling highway works
Councillor St Pierre	Councillor Maynard	The programme and co-ordination of flood management issues

Questioner	Respondent	Subject
Councillor Forward	Councillor Bennett	Possible reduction of 64 teaching and support staff posts by the Ark Academy (William Parker and Helenswood)
Councillor Daniel	Councillor Maynard	Parking enforcement in areas where there are paperless parking permits
Councillor Ungar	Councillor Glazier	Discretionary East Sussex Support Scheme
Councillor Scott	Councillor Maynard	Public response to recent changes to street lighting
Councillor O’Keeffe	Councillor Maynard	Provision of paper parking permits for visitors
Councillor Barnes	Councillor Bentley	Delayed discharge from hospitals
Councillor Whetstone	Councillor Bennett	Cost of making footpath from Forest Row to East Grinstead usable

WRITTEN QUESTIONS PURSUANT TO STANDING ORDER 44

61.2 Two written questions were received from Councillors Tutt and Whetstone for the Lead Members for Strategic Management and Economic Development and Learning and School Effectiveness respectively. The questions and answers are attached to these minutes.

61.3 The Lead Member for Learning and School Effectiveness responded to a supplementary question from Councillor Whetstone.

THE CHAIRMAN DECLARED THE MEETING CLOSED AT 1.17 pm

The reports referred to are included in the minute book

WRITTEN QUESTION PURSUANT TO STANDING ORDER 44

1. Question by Councillor Tutt to the Leader and Lead Member for Strategic Management and Economic Development

During the debate on subsidised bus routes at the Cabinet meeting on 16 December it was stated that there is a legal requirement for Cabinet to make certain decisions and that these cannot be delegated to Full Council. Please can you inform me whether there is any legal reason why Cabinet cannot chose to seek the view of the Full Council on any particular decision and abide by the majority view of that body?

Answer by the Leader and Lead Member for Strategic Management and Economic Development

The starting place on this issue is that the County Council operates a 'Leader and Cabinet' style of executive arrangements, as prescribed by Local Government Act 2000 ('LGA 2000'). Under this model, functions of the County Council are divided into "executive" and "non-executive. Subject to a small number of local choice functions, the County Council has no discretion to determine whether matters should be decided by Cabinet or by Full Council as this is determined by legislation. Furthermore the LGA 2000 provides that any function which is the responsibility of an executive of a local authority under executive arrangements may not be discharged by Full Council. Consequently, where a function is an executive function by virtue of the Regulations, Cabinet cannot delegate responsibility for taking decisions relating to that function to Full Council.

In response to the first part of your specific question Cabinet can choose to seek the view of Full Council on a particular matter before reaching its decision, the Cabinet would then be entitled to take account of what the full Council had resolved when it came to take its own decision. The Cabinet would attach such weight to that Council resolution as its members thought fit – which might be considerable. So in response to the second part of your question, the Cabinet could not decide to abide by the majority view in advance, the Cabinet would genuinely have to make up its own mind about the right course of action. If the Cabinet simply agreed to abide by the Council decision this would in substance amount to an unlawful delegation, or a fettering of the Cabinet's discretion.

2. Question by Councillor Whetstone to the Lead Member for Learning and School Effectiveness

How much does it cost the County Council to provide free home to school transport to Sackville School, East Grinstead for children living in East Sussex within the three mile walking limit because the footpath is considered unsafe/dangerous?

Answer by the Lead Member for Learning and School Effectiveness

The daily cost is £143.41 for a 49 seat coach supplied by Crawley Luxury Coaches. We will work with colleagues in highways to look at the costs associated with making this route safe.