

COUNTY COUNCIL – 18 JULY 2023

QUESTIONS FROM MEMBERS OF THE PUBLIC

1. Question from Arnold Simanowitz, Lewes, East Sussex

I understand from Councillor Taylor that last year she emailed the Head of Pensions, with a list of papers, reports and experts that she believed the Fund should consult for its upcoming report on the “Merits of Divestment versus Engagement”.

In particular, I understand that she urged those doing the research for the report to contact: Dr Ellen Quigley (Senior Research Associate in Climate Risk and Sustainable Finance at Cambridge University's Centre for the Study of Existential Risk); Dr Theodor F Cojoianu (Associate Professor in Energy Finance at the University of Edinburgh); and Carbon Tracker.

In order to produce a balanced report do you agree that all relevant experts should be consulted and if so have the researchers taken evidence from those experts have the report's researchers taken evidence from those three experts?

Response by the Chair of the Pension Committee

The Pension Committee commissioned a report to assesses the fiduciary and legal consequences of fossil fuel divestment for the Fund; examine how such a move aligns with relevant guidance and advice; explore how practical an act it would be within the context of the government's pooling agenda; and review evidence on the efficacy of such an approach in promoting the energy transition. Some Members of the Pension Committee have sent in research papers to the investment consultant who is compiling the report. All materials shared by the Committee members will be taken into consideration in the compilation of the report.

2. Question from Rod Calder, Forest Row, East Sussex

In July 2022 Costain carried out hand lay carriageway resurfacing and extensive patching on A22 Lewes Road, Forest Row between Wall Hill Road and Tesco's. At a site meeting held on 11th January 2023 two senior Highway staff agreed that the works had not been laid to an acceptable standard and extensive remedials would be required. On 6th April another Highways representative wrote that “due to the extent of the failures” the work “has to be included in our planned work programme for delivery later this year”. This has not been done.

Costain's maintenance period expires this month and I now understand that Balfour Beatty will be carrying out the remedials.

So my question is, on behalf of the Forest Row residents and the A22 road users; What is the extent of the remedials to be carried out, what specific British Standard materials will be used and what proportion of Balfour Beatties invoice will be paid by Costain?

Response from the Lead Member for Transport and Environment

The works will include:

- 50mm HRA inlay surfacing/patching from the mini roundabout down to Blenheim Studio.
- Ground stabilisation using injected resin ('Geobear') to stabilise the unstable sub-strata for approximately 51m either side of the bridge deck and then resurfaced using 100mm of AC and 50mm of HRA.
- 50mm HRA inlay surfacing/patching up to the junction with Warr Hill Road.
- The gullies throughout this section will be cleaned as part of the works and the various ironworks will be adjusted/ replaced where required.

With regards to what proportion of the invoice will be paid by Costain - payments are withheld from the contractor for defective works identified under the contract. The final value of these for this and a number of other sites is still being concluded with the contractor so we are unable to say what the value is at this time.

3. Question from Anna Sabin, St. Leonards, East Sussex

By what date do you intend to have a comprehensive safe cycle network in every East Sussex town?

Response by the Lead Member for Transport and Environment

The delivery of active travel in the County is underpinned by the East Sussex Local Cycling & Walking Infrastructure Plan. This sets out a network of potential routes to support more walking, wheeling and cycling across eleven key towns in the County. This was approved by the County Council in September 2021.

The County Council and its partners, have been successful in securing a range of national funding streams, including Local Growth Funding through the South East Local Enterprise Partnership and Active Travel Funding from Active Travel England. This, alongside county council capital funding ringfenced for local transport improvements and development contributions, has been utilised to deliver a range of cycling and walking infrastructure improvements and initiatives which are working towards providing comprehensive safe cycle networks.

However, the ongoing delivery of the LCWIP network is dependent on funding being available, and our and partner's ability to secure this. You may be aware that there has recently been a £200m cut in the national budget for active travel in this parliamentary period. Therefore, it is not possible to provide a definitive date in respect of when these networks will be fully delivered.

We are currently reviewing our Local Transport Plan, which sets out the transport strategy for the County. With the need to decarbonise transport, our emerging LTP will strongly recognise the key role that active travel plays in supporting this on short or part of longer journeys. With our LCWIP being a 'live document' this will be updated to reflect our emerging LTP strategy to ensure that we and our partners are in a strong position to secure future funding and deliver an active travel network in East Sussex which is fit for purpose.

4. Question from Claire Carr, St. Leonards, East Sussex

Many children in this county apply for or have an Education and Healthcare Plan (EHCP) due to the need for extra support to successfully access education. Where there is a dispute to issue a plan or with some aspect of the plan a tribunal proceeding may be issued by the County Council to seek a resolution.

Can you tell me, for the last financial year, how many cases went into tribunal proceedings, how many were conceded by ESCC at any point during those proceedings, and also what was the overall cost of tribunal proceedings in relation to EHCPs in that year? Lastly when was this policy and process last received?

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

It is important to note that not all children with SEND need to have an EHCP in order to access additional support in school. Local mainstream schools are able to support children with a very broad range of Special Educational Needs as part of their universal offer. Additionally, East Sussex provides a comprehensive range of support services to our schools to help broaden expertise and ensure that children access a fully inclusive curriculum. 96% of children in East Sussex have their needs met in a local school without the need for an EHCP, this includes those with SEND.

In the last financial year, a total of 368 tribunals were lodged against decisions that we made; of these, we have conceded 88. Out of all of the decisions that we do make in a year which are open to challenge, 93% are not; the total number of tribunals, therefore, represents only a very small proportion of the decisions that we make each year. Where we do concede, in the vast majority of cases this is because of changes brought during the tribunal process. For example, additional evidence may be provided by a parent or a school may decide part way through that they can no longer offer a place.

Unfortunately it is difficult to easily isolate the costs of a tribunal as there are a range of factors included in them. What we do know is that we do not contest a tribunal lightly nor do we proceed with one where it is clear that there is no longer justification to do so. Our practice in regards to tribunals is under constant review to ensure that we act in line with the Children and Families Act and the associated Code of Practice.

5. Question from Brett Wright, Eastbourne, East Sussex

The Meads community in Eastbourne are very concerned about the potential loss of the sporting and community facilities linked to Brighton University following their announcement that they are withdrawing from the town. Please can the Leader of the Council inform me what actions ESCC have taken in order to secure them for the future benefit of local residents?

Response from the Leader of the Council

Whilst we respect the right of Brighton University to manage their services and estate as they see fit, we have, jointly with the Borough Council, discussed with the University the need for them to consider the impacts on the residents of Meads, Eastbourne and more widely on East Sussex, of a change. Although the provision of leisure facilities is not a

function of this Council, we would express our support for the Borough Council in seeking to ensure that provision is continued.

6. Question from Mark Etherington, Hastings, East Sussex

There is robust evidence regarding the negative health effects of air pollution from the transport sector, particularly upon the young. What traffic management measures do ESCC intend to implement to help address this hazard?

Response by the Lead Member for Transport and Environment

We are in the process of reviewing our Local Transport Plan (LTP). This is a statutory document developed with partners, setting out the transport strategy for the county. It is acknowledged that there is evidence demonstrating the impact of air pollution on health, with road vehicles producing nitrogen oxides and other emissions. Therefore, the opportunity for transport measures to support improvements in air quality is a key element of the emerging strategy. The LTP is programmed to be available for public consultation in the autumn 2023.

The types of measures which will support better air quality include those which will have a greater emphasis on active travel, improved access to public transport and electric vehicles. Therefore, to support the delivery of the LTP a series of supporting plans and strategies, including the Local Cycling and Walking Infrastructure Plan, the Bus Service Improvement Plan (BSIP) and the emerging Electric Vehicle (EV) Strategy will set out the types of measures which can be brought forward during lifetime of the plan.

Measures to support air quality include School Streets (or Zones) and Liveable neighbourhoods, which look to restrict access for vehicles and give greater priority for people walking, wheeling and cycling, particularly for school journeys and within local communities. Moreover, ESCC has a good track record of securing significant levels of funding = to deliver public realm, active travel and traffic management improvements to our town centres.

Our BSIP proposes bus priority measures on key corridors of movement, alongside real time information to make bus travel more attractive and reliable. This will be alongside bus timetable service enhancements for all journeys and bus fare reductions, particularly for children and young people. The council is also developing an EV Strategy which will set out proposals for the delivery of electric vehicle charging infrastructure, to support a move towards increasing the use of low carbon technology.

The review of the LTP does include recognition that to improve air quality alongside other key policy areas, including the decarbonisation of transport, will require changes to travel behaviour. Therefore, the LTP will continue to support travel behaviour change programmes, subject to the availability of funding.

7. The same or similar questions were asked by:

Martyn Dunne, Lewes, East Sussex

Jennifer Mehra, St. Leonards, East Sussex

Penelope Steel, Brighton

Suzy Miller, Forest Row, East Sussex

Ben Seddon, Hastings, East Sussex
Michael Wyatt, Bexhill, East Sussex
Sarah Demoratti, Hastings, East Sussex
Malcolm Telfer, Brighton
Ian Bunch, Hastings, East Sussex
Hugh Dunkerley, Brighton
Louise Jolly, Hove
Jonathan Kennedy, Brighton
Mary Rice, St. Leonards, East Sussex
Lisa Katz, St. Leonards, East Sussex
Gary French, St. Leonards, East Sussex
Martin Ensom, Uckfield, East Sussex
Anne Massey, Hove
Ayesha Mayhew, Brighton
Antony Gordon, Heathfield, East Sussex
Adrian Ross, Lewes, East Sussex
Sam Burgess, Brighton
EJ Newbury, Lewes, East Sussex
Macha Farrant, Lewes, East Sussex
Lorraine Langham, Bexhill, East Sussex
Leon Panitzke, Bexhill, East Sussex
Clare Nickson, Brighton
Susan Williams, Brighton
Andrea Jones, Hove
Les Gunbie, Brighton
Wendy Gubby, Bexhill, East Sussex
Anne Fletcher, Seaford, East Sussex
Lawrence Studd, Hove
Ruth Simister, Hove
Clare Halstead, Brighton
Richard Wistreich, Hastings, East Sussex
Jane Wilde, Eastbourne, East Sussex
Valerie Mainstone, Hove
Jane Clare, Crowborough, East Sussex
Gabriel Carlyle, St. Leonards, East Sussex
Sarah Hazlehurst, Brighton
Penny Cloutte, Portslade, Brighton
Julia Dance, Bexhill, East Sussex
Laura Ribbons, Hastings, East Sussex
Guy Crawford, St. Leonards, East Sussex
Ezra Cohen, Seaford, East Sussex
Nadia Edmond, Brighton
James Turner, St. Leonards, East Sussex
Andrew Downs, St. Leonards, East Sussex
Alison Hooper, Hastings, East Sussex
Felix Lozano, Battle, East Sussex
Milan Rai, St. Leonards, East Sussex
Andrea Needham, Hastings, East Sussex
Rona Drennan, St. Leonards, East Sussex

Background

After years of 'engagement', the Church of England has finally lost patience with oil and gas companies' greenwash and made a public commitment to fully divest from fossil fuels. The announcement follows Shell's recent decision to abandon plans to cut oil production each

year for the rest of the decade, and BP's similar decision to scale back its plans to cut oil and gas production this decade.

The church said that it had decided to sell its holdings in Shell, BP, Exxon and Total and seven other big oil and gas companies by the end of the year 'after concluding that none are aligned with the goals of the Paris Climate Agreement'.

Question

When will the ESCC and the East Sussex Pension Fund stop providing political cover for these rogue companies and make its own public commitment to fully divest from fossil fuels?

Response by the Chair of the Pension Committee

The East Sussex Pension Fund is a Local Authority Pension Scheme (LGPS) Fund and must invest in line with LGPS regulations. The Fund's powers of investment, must be exercised in a manner calculated to ensure the security, quality, liquidity and profitability of the portfolio as a whole, and not for any other purpose including political. The Fund is constrained to ensure the best realistic risk adjusted return is the primary objective under its fiduciary duties.

This is very different to the Church of England pension fund which is an endowment fund with two duties, one to create long-term financial returns to fund some mission activities through the churches, cathedrals and dioceses and, secondly, to make sure that the investments bring benefits to the wider world in a way that consistently shows positive outcomes in its contributions to the common good. As the Church of England Pension is regulated differently it can make different investment decisions to that of an LGPS Fund.

The Pension Committee does not select individual companies within the Pension Fund's assets but makes strategic decisions for exposure to asset classes in line with the regulations. The Fund is also directed to invest in line with government guidance through LGPS investment pools, which mean that the Fund cannot direct the investment vehicle to invest or not in any specific company.

The Pension Committee commissioned a report to assess the fiduciary and legal consequences of fossil fuel divestment for the Fund; examine how such a move aligns with relevant guidance and advice; explore how practical an act it would be within the context of the governments pooling agenda; and review evidence on the efficacy of such an approach in promoting the energy transition. The outcomes of this project and research will help the Pension Committee assess its approach to climate change and its investment decision making and whether divestment can and should form a greater role within the strategy.