

WRITTEN QUESTIONS PURSUANT TO STANDING ORDER 44

1. Question from Councillor Lambert to the Lead Member for Resources and Climate Change

East Sussex County Council holds a number of large and valuable assets in Lewes including County Hall and Westfield House and the site of the old St Anne's school.

Post Covid and with the increase in home working, it is clear that both County Hall and Westfield House are substantially underused.

Nothing has happened on the St Anne's site for a number of years now to the dismay of local residents.

The under use of County Hall and Westfield House and the abandonment of ST Anne's site is of particular concern given the housing shortage and lack of affordable accommodation.

The lack of active management of the County Council's assets is also a concern given the pressure on budgets.

Can the Lead Member:

1. provide the current occupancy rates for both County Hall and Westfield House?
2. provide the current running costs for both properties?
3. provide the cost to the County Council of mothballing the St Anne's site?
4. outline proposals for either disposing or re-developing the St Anne's site?

Answer by the Lead Member for Resources and Climate Change

1. provide the current occupancy rates for both County Hall and Westfield House?

Westfield House was closed during the winter months but was opened up in April 2023 for meeting room use, including School Panels and other meetings. For April and May 2023, the total number of meeting rooms booked out in number of hours was 679 and 549 hours respectively. At County Hall, the head count for staff for each month was an average of 229 in March 2023, 242 in April 2023 and 232 in May 2023.

2. provide the current running costs for both properties?

The total running costs including reactive repairs for both properties is £932,000 for 2022/2023.

3. provide the cost to the County Council of mothballing the St Anne's site?

The Council has erected security gates at West car park and the cost was £3,500. The Council has employed additional security on site since late 2021 and this continues. The cost of this is £51,000 plus VAT. There have been no additional recent significant costs associated with the site.

4. outline proposals for either disposing or re-developing the St Anne's site?

The Council has commissioned an external company to set out some initial options and this includes County Hall, Westfield House and the former St Anne's site. It is envisaged the initial report will be drafted at the end of August 2023.

2. Question from Councillor Taylor to the Lead Member for Adult Social Care and Health, the Lead Member for Children and Families, and the Lead Member for Transport and Environment

I have had complaints from young people in my division that there are disposable vapes being sold in the local shops and that children are getting addicted to these ways of “smoking”. The vapes are sweet flavours and marketed for children’s tastes. Some of them have illegal levels of nicotine in them. In addition to the health impacts of this practice there is also a terrible environmental impact as the vapes are disposed of all over the place. They include lithium batteries, metal parts and plastic. Lewes District Council waste team also are aware of the problem because vapes are being dumped in regular rubbish and causing fires in the refuse collection vehicles. They’d like them banned. I know that central government has considered whether to ban these types of vapes, but there is no conclusion yet.

However there might be some action that local government can take.

Please can you tell me whether the public health team, the youth services teams or the waste team are aware of this problem and whether any of them are taking action to prevent the negative health impacts and the environmental impacts?

Answer by the Lead Member for Adult Social Care and Health, the Lead Member for Children and Families, and the Lead Member for Transport and Environment

Health impact: Vapes or e-cigarettes are an important aid to help people stop smoking. Although not without risk they are substantially less harmful than smoked tobacco. Smoking is the leading preventable cause of premature death in England. Despite an overall decline in prevalence, smoking continues to have a long term, negative impact on smokers, families and communities. Supporting smokers to quit is therefore the single biggest actionable activity to improve health and reduce inequalities.

There is [clear advice 1.6.3](#) from NICE (National Institute For Health & Care Excellence) and the CMO for England, that vapes should not be used by children and young people, or those who do not currently smoke, as nicotine is an addictive substance and the long term risks are not yet known. The law bans the sale of nicotine vaping products to persons under 18 and bans the proxy purchasing of these products to under-18s by adults.

Local action re: health impact:

- Regulation and compliance:
 - Trading Standards are enforcing under national underage sales legislation and compliance with regulations on vapes in East Sussex with the limited capacity they have. Enforcement of underage sales legislation and compliance relating to tobacco, vapes and alcohol are an important part of local work to reduce harm from alcohol and tobacco and it is important to ensure there is adequate capacity to do this work effectively. Public health has been supporting the enforcement and compliance work of trading standard for several years and are working with TS to ensure this work is adequately resourced in light of a growing problem with vapes.
- Advice and Guidance:

Managing Vapes in Schools guidance has recently been approved by the Association of Directors of Public Health and will be circulated to key partners locally.

Environmental impact: From a waste disposal perspective CET are fully aware of the problems caused by disposable vapes and in particular the lithium batteries. We work closely with our Borough and District Councils, who are the waste collection authorities, and regularly give out information out about safe ways to dispose to batteries and battery-operated devices, including vapes, and are about to embark on another round of communications.

Trading Standards Officers have not seen evidence, within the small to medium retail premises visited, of facilities to recycle used disposable vapes. The enforcement authority for this requirement is the Office of Product Safety and Standards.

Marketed at young people: central government are consulting on options to address this issue. Substance misuse and addiction form part of the regular preventative work that is carried out by our Youth Workers across county, ensuring that young people are properly informed of the potential health risks and costs arising from using vapes.

Illegal levels of nicotine: Trading standards noted that when visiting premises selling vapes, 95% to 98% of non-compliant vape products are due to excess liquid and only 2 to 3% exceed the nicotine capacity limit. (please note recent non-compliant actions taken by TS below).

Trading standards have noted the following observations from some of their recent compliance and enforcement activity as follows:

There has been an exponential rise in disposable vapes available for sale across the retail and on-line market places. Trading Standards Services locally, regionally and nationally have seen an increase of intelligence in the reporting of under aged sales of vapes.

- Trading Standards have been visiting some retail shops and seizing non-compliant disposable vapes (primarily due to being above the legal capacity limit). Officers have equally been giving advice to retailers on the law surrounding these age restricted products.
- Three covert test purchase operations have taken place – using a minor to attempt to purchase a disposable vape. To date two premises have sold to an under 18. The Trading Standards team are progressing matters in line with their Enforcement Policy.
- Non-compliant vapes East Sussex Trading Standards Service have seized in past 2 years to date?
 - 1st January 2022 > 31st Dec 2022 = 3,087 vapes
 - 1st January 2023 > 7th July 2023 = 1,763 Vapes
 - Total = 4850 vapes
- It is important to note that all manner of retailers sell vapes, from traditional newsagents through to clothes shops. This makes identifying the scope of retailers selling them very hard. There is no legal duty on a retailer to register to sell vapes like there would be to sell food or alcohol.

3. Question from Councillor Taylor to the Lead Member for Adult Social Care and Health, and the Lead Member for Education and Inclusion, Special Educational Needs and Disability

We have had three severe water supply cuts over the last year in Wealden, and there have been probably a number of less severe incidences as well. We know that some parish councils have lists of vulnerable people because of local voluntary organisations, so they are able to target water deliveries and support to those people. However there are many who

are slipping through the net, and local doctors' surgeries are not allowed to share information about their vulnerable patients. There are also some examples of parish councils developing their own emergency plans and these would probably include measures to address water shortages.

However there is no county-wide approach and we do need to consider how best to address this issue in the future. Of course the districts and boroughs have an important role, but they are not the responsible council for social care, and sometimes the water companies haven't a clue how to deal with the situation (staff from Wealden District Council were repeatedly offered to the water company on the last water cut situation, but the water company consistently turned it down. Also small plastic bottles (not v environmentally friendly) were delivered to people's homes, which clearly only covers some drinking water – not water for toilets and hygiene generally, which poses potential for public health risk in the future). The water companies are woefully unprepared to address issues around vulnerability, access to water, and public health risks.

Please could you tell me whether and how the County Council would go about protecting vulnerable people during this kind of crisis in the future.

Answer by the Lead Member for Adult Social Care and Health, and the Lead Member for Education and Inclusion, Special Educational Needs and Disability.

The County Council is committed to a countywide approach to emergency planning. We are a core part of ESREP, a countywide partnership which ensure East Sussex meets its statutory requirements under the Civil Contingencies Act. Under this Act, Local Authorities have clearly defined responsibilities in relation to civil emergencies, including as Category 1 Responders. In the case of East Sussex, ESREP member organisations (ESCC, all Borough and District Councils, and East Sussex Fire & Rescue Service) all fund a central emergency planning team to support each organisation to meet these statutory requirements. The County Council is also a member of the Sussex Resilience Forum, which maintains a number of emergency plans, including a Vulnerable People Data Sharing Plan in order to co-ordinate multi-agency support to a major incident. The Vulnerable People Data Sharing Plan provides a mechanism for organisation to share details in an emergency while protecting the personal information of those who are impacted following an incident. This is a tried and tested approach which covers not just vulnerable people, but also sites with groups of potentially vulnerable people, and allows for the County Council or NHS colleagues such as GPs to share safely.

In the specific case of water outages, it is firstly the responsibility of the water companies to advise customers of any water outages and to provide an alternative supply for the duration of the outage (which we support via making sites available as distribution points if needed, or offering staff to assist if required). Water companies are also required to maintain a register of customers that need special assistance to access services; eligible customers register for this service on the South East Water website. Nonetheless, to ensure residents are supported in the right way, the County Council can and will safely share information relating to vulnerable people known to us.

It is worth noting that although East Sussex has an estimated 20,000 'pre-identified' or 'known' vulnerable people, this is not a static figure. Vulnerability varies, and there may be many individuals either 'unknown' to statutory authorities (perhaps receiving informal care and support from friends or family) or who are made vulnerable purely by the nature of the incident. In an emergency, the County Council will not only focus on the identification of 'pre-

identified' and 'known' vulnerable groups and individuals, but also make efforts to identify 'unknown' vulnerable people, as far as possible, through liaison with partner agencies.

In the recent outage in the Wealden area, South East Water did not declare a major incident. However the Sussex Resilience Forum still came together to support, and the County Council proactively shared its most up-to-date Vulnerable People database with South East Water for the impacted postcodes. In addition, Children's Services worked in conjunction with South East Water to ensure impacted schools received appropriate support.

4. Question from Councillor Hilton to the Lead Member for Transport and Environment

Please can you provide annual costs for the total amount of successful claims made against the county council for accidents and damage to vehicles, bikes and pedestrians caused by badly maintained roads and pavements in the past five years.

Answer by the Lead Member for Transport and Environment

Claims against the County Council for damages to property and personal injury are managed by our highways contractor who manage the road network on behalf of the Council. This includes inspecting and ensuring the network is safe as well as managing any third party claims. The majority of claims, typically around 90%, are unsuccessful as they can be reasonably defended in line with Council policies and statutory defence under the Highways Act including, that the Council was not aware of the defect at the time of the incident or that we were aware but the defect was repaired with the policy timeframes.

Claims and settlements may occur over more than one financial year. The table below covers a 5-year period from 2018/19 – 2022/23.

Cause Description	Vehicle Damage	Financial Loss	Personal Injury	Unknown	Total
Carriageway Defect	£2,785		£33,519		£36,304
Footway Defect	£1,453		£29,161		£30,518
Pothole	£159,559		£295,297		£454,856
Slip / Trip / Fall Highways		£7,565	£1,032,821	£1,100	£1,041,486
Total	£163,796	£7,565	£1,390,797	£1,100	£1,563,259

5. Question from Councillor Hilton to the Lead Member for Transport and Environment

At Full Council in February I asked if there could be signs encouraging drivers to turn off their engines at traffic lights for temporary road works. This was followed by a similar question by Cllr Field at the March 2023 Full Council. The answer stated "With the new highways contract from 1 May, for works of 3 days or longer duration that use temporary traffic signals, we are planning to introduce signage as part of the works that encourages drivers to switch off their engine while queuing. Whilst this will apply to highway works, we cannot insist that this applies to utility or developer works. However, we will be encouraging these organisations to follow a similar approach. I have seen no anti idling signs at road works in Hastings since May.

Can you confirm that these signs are being used and if not, when will this start to happen? Has the council written to the utility and developers asking them to change their policies re providing anti idling signage as part of road works? Have other council contractors such as

school taxis and couriers also been encouraged to share anti idling recommendations with their drivers?

Answer by the Lead Member for Transport and Environment

New signs have been ordered for such works but so far under the Balfour Beatty tenure most of our major roadworks have been carried out under full road closures and therefore such signs would not need to be applied. We anticipate using the new signs on temporary traffic signal-controlled works from August onwards.

As previously stated, we cannot insist that utility companies and developers use these signs because they are not legally enforceable, but we will encourage their use in traffic management discussions when utility companies apply for a Permit to work on the public highway.