

MINUTES

EAST SUSSEX COUNTY COUNCIL

MINUTES of a MEETING of the EAST SUSSEX COUNTY COUNCIL held at Council Chamber, County Hall, Lewes on 10 MAY 2016 at 10.00 am

Present Councillors John Barnes, Colin Belsey, Nick Bennett, Bill Bentley, Mike Blanch, Carla Butler, Frank Carstairs, Peter Charlton, Tania Charman, Charles Clark, Godfrey Daniel, Angharad Davies, Chris Dowling, Claire 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 MBE, Michael Phillips, Peter Pragnell (Vice Chairman), Mike Pursglove, Pat Rodohan, Judy Rogers, 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

1 To elect a Chairman of the County Council

Councillor Belsey (Chairman of the County Council) in the Chair.

1.1 The following motion was moved by Councillor Glazier and **SECONDED** –

‘To elect Councillor Ensor to serve as Chairman of the County Council for the ensuing year’.

1.2 There being no other nominations, the Chairman put the motion to the vote and declared Councillor Ensor elected as Chairman of the County Council for the ensuing year. Councillor Ensor made a declaration of acceptance of office and took the Chair.

Councillor Ensor in the Chair.

1.3 The Chairman, Leader of the Council and Group Leaders paid tribute to the way in which Councillor Belsey had carried out his duties as Chairman of the County Council over the past three years, acting as an ambassador for the County, hosting and attending a number of engagements and ensuring that the work of the Council was recognised in communities within and outside East Sussex. The Chairman, Leader of the Council and Group Leaders also paid tribute to Mrs Terri Belsey for her role and support as consort. Councillor Belsey responded to the comments made. The Chairman presented Councillor Belsey with the past Chairman's badge and presented Terri Belsey with a consort's badge and bouquet of flowers.

1.4 The Chairman thanked the Council for electing him as Chairman.

2 To appoint a Vice Chairman of the County Council

2.1 The following motion was moved by Councillor Glazier and **SECONDED** –

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'to appoint Councillor Pragnell to serve as Vice Chairman of the County Council for the ensuing year'.

2.2 There being no other nominations, the Chairman put the motion to the vote and declared Councillor Pragnell appointed as Vice Chairman of the County Council for the ensuing year. Councillor Pragnell made a declaration of acceptance of office and took his seat as Vice-Chairman.

3 Minutes of the meeting held on 22 March 2016

3.1 RESOLVED – to confirm the minutes of the meeting of the County Council held on 22 March 2016 as a correct record

4 Apologies for absence

4.1 Apologies for absence were received from Councillor Buchanan

5 Chairman's business

ELECTIONS

5.1 On behalf of the Council the Chairman passed on congratulations to those in the Chamber who were elected in the recent Hastings Borough Council elections and welcomed Councillor Rogers to her first County Council meeting

PRAYERS

5.2 The Chairman thanked the Right Reverend, Richard Jackson, Bishop of Lewes for leading the prayers before the meeting

PETITIONS

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

Councillors Butler and O'Keeffe	- calling upon the Council not to close Rodmell CE School and Pells CE School
Councillor Maynard	- calling on the County Council to introduce a 30 mph speed limit at Friars Hill, Guestling
Councillor O'Keeffe	- calling on the County Council to resurface Southover High Street, Lewes
Councillors Stogdon and Tidy	- calling upon the County Council to provide traffic calming measures in North and East Beeches Road, Crowborough
Councillor Wincott	- calling on the County Council to upgrade the pedestrian crossing from a zebra to a traffic light crossing outside Sandown Primary School, Hastings

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6 Declarations of Interest

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

<i>Member</i>	<i>Position giving rise to interest</i>	<i>Agenda item</i>	<i>Whether interest was prejudicial</i>
Councillor Daniel	Holder of a Blue Badge	Item 20(b) – Written questions	No

7 Reports

7.1 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
Economy, Transport and Environment Scrutiny Committee	-	paragraph 1

NON-RESERVED PARAGRAPHS

7.2 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.

8 Notice by the Returning Officer certifying the election of a county councillor for the St Helens and Silverhill electoral division

8.1 The Council agreed to receive the Notice of the Returning Officer certifying the election of a County Councillor for the St Helens and Silverhill division at the by-election held on 5 May 2016

9 Petition

9.1 Scott Durairaj (representative of the petitioners) addressed the County Council prior to the Council debate of the petition. The Council agreed to vary procedure to enable all councillors who indicated that they wished to speak to do so.

9.2 The following motion was moved by Councillor O’Keeffe and seconded:

In view of the increasing need for Primary School places in and around Lewes in the next five years, the strength of public feeling shown by a petition of over 5,000 signatories and the emerging plans for the future at both Rodmell School and Pells School, the Council recommends to Cabinet that the process towards the closure of these two schools is halted at the end of the consultation to enable these plans to be put into place.

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

FOR THE MOTION

Councillors Blanch, Butler, Carstairs, Charlton, Charman, Clark, Daniel, Earl, Field, Forward, Howson, Keeley, Lambert, O’Keeffe, Phillips, Pursglove, Rodohan, Rogers, Scott, D. Shing, S Shing, Shuttleworth, St Pierre, Tutt, Ungar, Wallis, Webb and Wincott

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AGAINST THE MOTION

Councillors Barnes, Belsey, Bennett, Bentley, Davies, Chris Dowling, Claire Dowling, Elkin, Ensor, Galley, Glazier, Maynard, Pragnell, Sheppard, Simmons, Standley, Stogdon, Taylor, Tidy and Whetstone

10 Record of Delegation of Executive Functions

10.1 In accordance with the Constitution, Councillor Glazier presented a written record to the Council of his appointments to the Cabinet, their portfolios and his delegations of executive functions. A copy of the Leader's report is attached to these minutes.

11 Appointments to Committees and Sub Committees

11.1 Councillor Bennett moved, and it was seconded, that appointments be made to the Committees and Sub-committees, listed in item 10 of the agenda, in accordance with the list of nominations from political groups which was circulated in the Council Chamber.

11.2 The motion was CARRIED.

12 Appointment of Members to other Committees and Panels

12.1 Councillor Bennett moved, and it was seconded, that members be appointed to serve on the Committees and Panels listed in item 11 of the agenda, in accordance with the political balance provisions and the list of nominations from political groups which was circulated in the Council Chamber.

12.2 The motion was CARRIED.

13 Appointments to the Transport and Student Support Panel and the Education Performance Panel

13.1 Councillor Bennett moved, and it was seconded, that the political balance provisions would not apply to the membership of the Transport and Student Support Panel and the Education Performance Panel and that members be appointed to the Panels in accordance with the list of nominations from political groups which was circulated in the Council Chamber.

13.2 The motion was CARRIED (with no member voting against)

14 Confirmation of the continuation of other bodies

14.1 Councillor Bennett moved and it was seconded, that the bodies listed in agenda item 13 be continued, that the political balance provisions shall not apply to these Panels and that members be appointed by the Chief Executive as the need arises.

14.2 The motion was CARRIED (with no member voting against).

15 Appointment of Chairs and Vice Chairs of Committees

15.1 The following motion, moved by Councillor Bennett and seconded, was CARRIED:

'To appoint the following members to positions listed below':

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Committee	Chair	Vice-Chair
Regulatory	Stogdon	
Adult Social Care and Community Safety Scrutiny Committee	Davies	Webb
Audit, Best Value and Community Services Scrutiny Committee	Blanch	Barnes
Children's Services Scrutiny Committee	Field	S Shing
Health Overview and Scrutiny Committee	Belsey	O'Keeffe
Economy, Transport and Environment Scrutiny Committee	Stogdon	Pursglove
Governance Committee	Glazier	
Planning Committee	Daniel	Stogdon
Pension Committee	Stogdon	
Standards Committee	Stogdon	

16 Questions from members of the public

16.1 A copy of a question asked by Rita Ellis from Lewes and the answer from Councillor Elkin (Lead Member for Resources) are attached to these minutes. A supplementary question was asked and responded to.

17 Cabinet's priorities for the forthcoming year

17.1 Councillor Glazier outlined the Cabinet's priorities for the forthcoming year. The other Group Leaders commented on these, following which there was a debate

18 Report of the Cabinet - Reserved Paragraph

18.1 The Chairman reminded the Council that he was taking paragraph 1 of the Cabinet report with the report of the Economy, Transport and Environment Scrutiny Committee.

19 Report of the Economy, Transport and Environment Scrutiny Committee

SCRUTINY REVIEW OF HIGHWAY DRAINAGE

19.1 The Chairman reminded the Council that he was taking paragraph 1 of this report with paragraph 1 of the Cabinet's report

19.2 Councillor Stogdon moved the adoption of paragraph 1 of the Scrutiny Committee report.

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19.3 Councillor Glazier moved the adoption of paragraph 1 of the Cabinet's report. The motion, including the recommendations, was CARRIED after debate.

19.4 The motion to adopt paragraph 1 of the Scrutiny Committee's report, including the recommendations, was CARRIED after debate on the basis that implementation would be in accordance with the recommendations of the Cabinet.

20 Questions from County Councillors

ORAL QUESTIONS TO CABINET MEMBERS

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

Questioner	Respondent	Subject
Councillor Ungar	Councillor Bentley	Recompense paid by the County Council to the NHS in relation to the delayed transfer of care of people from hospital
Councillor St Pierre	Councillor Tidy	Recruitment of part time paediatric consultant to assist Adoption and Fostering Panels
Councillor Shuttleworth	Councillor Bennett	Notification to schools (and in particular special schools) of the outcome and financial impact of the review of the national funding formula for schools
Councillor Daniel	Councillor Maynard	Difference in cost of parking permits in Eastbourne and Hastings
Councillor Keeley	Councillor Bennett	Measures to promote sport in schools
Councillor Charlton	Councillor Bennett	Demand for school places in the county in 2016/17
Councillor Keeley	Councillor Glazier	Capital for infrastructure in relation to large developments in the county
Councillor Whetstone	Councillor Simmons	An update in relation to the broadband rollout within the county
Councillor Webb	Councillor Maynard	An update in relation to the consultation on cycle routes
Councillor Tutt	Councillor Simmons	Broadband coverage in the county
Councillor Field	Councillor Simmons	Representation to Government to ensure rural communities/businesses receive superfast broadband
Councillor Charlton	Councillor Maynard	Signage for the Bexhill to Hastings Link Road

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Questioner	Respondent	Subject
Councillor Davies	Councillor Simmons	Broadband coverage in rural areas
Councillor Barnes	Councillor Simmons	Rollout of superfast broadband

WRITTEN QUESTIONS PURSUANT TO STANDING ORDER 44

20.2 Five written questions were received from Councillors Daniel, Scott, S Shing, Field and D. Shing for the Lead Member for Adult Social Care, the Lead Member for Transport and Environment and the Lead Member for Education and Inclusion, Special Educational Needs and Disability. The questions and answers are attached to these minutes.

20.3 The Lead Members responded to supplementary questions.

THE CHAIRMAN DECLARED THE MEETING CLOSED AT 2.35 pm

The reports referred to are included in the minute book

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Delegations approved by the Leader of the Council – 10 May 2016

(a) *names of the County Councillors appointed to the Cabinet*

The Cabinet comprises the following members

Portfolio	Appointment
Strategic Management and Economic Development	Councillor Keith Glazier
Resources	Councillor David Elkin
Community Services	Councillor Chris Dowling
Economy	Councillor Rupert Simmons
Transport and Environment	Councillor Carl Maynard
Adults Social Care	Councillor Bill Bentley
Children and Families (designated statutory Lead Member for Children's Services)	Councillor Sylvia Tidy
Education and Inclusion, Special Educational Needs and Disability	Councillor Nick Bennett

(b) *the extent of any authority delegated to cabinet members individually as portfolio holders is set out in the Constitution of the County Council and below.*

In overall terms the areas of responsibility for each portfolio holder includes the following (subject to any subsequent amendment by the Leader at his discretion) principal services to be interpreted broadly. In accordance with the wishes of the Leader, principle services are not to be construed restrictively. In the event of any doubt in connection to a decision made by a Lead Member, the Leader confirms that he has delegated full executive authority to that decision maker:

Portfolio	Scope
Strategic Management and Economic Development	<ul style="list-style-type: none"> • Chairing and managing the executive and its work • Overall strategy and policy for the Council • Principal service area responsibilities: Communications Economic Development/LEP Policy and Performance Public Health Equalities South East Seven Partnership Democratic Services all ancillary activities

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Resources	<ul style="list-style-type: none">• Strategy and policy for all corporate resources matters• Principal service area responsibilities: Financial Management Property asset management Risk management Procurement Internal audit ICT Personnel and Training Legal all ancillary activities
Community Services	<ul style="list-style-type: none">• Strategy and policy for all Community Services matters• Principal service area responsibilities: Archives and records Coroner services Emergency Planning Gypsies and travellers Libraries Registration Services Road Safety Strategic Partnerships Trading Standards Voluntary Sector all ancillary activities
Economy	<ul style="list-style-type: none">• Strategy and policy for all economic development and regeneration projects and all ancillary activities• Principal service area responsibilities Culture
Transport and Environment	<ul style="list-style-type: none">• Strategy and policy for all Transport and Environmental matters• Principal service area responsibilities: Operational services Planning and developmental control Transport strategy Environmental and waste strategy all ancillary activities

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Adult Social Care	<ul style="list-style-type: none"> • Strategy and policy for all Adult Social Care and Community Safety matters • Principal service area responsibilities: Services for vulnerable adults including older people, learning disability, physical disability, mental health and all ancillary activities Community Safety
Children and Families	<ul style="list-style-type: none"> • Overall strategy and policy for all Children's Services (social care) matters • Principal service area responsibilities: Child protection and family support Fostering and adoption for children Residential care for children Other aspects of social care for children Youth justice Youth service all ancillary activities
Education and Inclusion, Special Educational Needs and Disability	<ul style="list-style-type: none"> • Strategy and policy for all Children's Services (education) matters • Principal service area responsibilities: Quality and standards in educational establishments Special educational needs School admissions and transport Early years and childcare School organisation and place planning all ancillary activities

(c) *appointment to the position of Deputy Leader*

Councillor Elkin to be appointed Deputy Leader of the County Council

(d) *the terms of reference and constitution of the Cabinet and any executive committees together with the names of cabinet members appointed to them*

Delegations to each of these positions will remain as currently set out in the Constitution of the Council

(e) *the nature and extent of any delegation of executive functions to local committees*

There is no delegation of executive functions to local committees

(f) *the nature and extent of any delegation to officers*

The delegations of executive functions to Officers will be as set out in the Constitution. The delegations to Officers can be viewed via the following link:

<http://www.eastsussex.gov.uk/yourcouncil/about/keydocuments/constitution/>

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or alternatively hard copies are available at County Hall, Lewes (please contact Andy Cottell – 01273 481955)

Councillor Keith Glazier
Leader of the Council

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QUESTION FROM MEMBER OF THE PUBLIC

1. Question from Rita Ellis, Lewes, East Sussex

What lessons do you believe have been learnt from the failure of signing a Community Asset Transfer with Subud Britain in relation to the former St Anne's School site, Lewes after nearly three years of lengthy and time consuming negotiations and does the Council now intend to re-run the tender under the terms of the Community Asset Transfer Policy published in 2014?

Response by Councillor Elkin, Lead Member for Resources

Whilst it may appear as though the negotiations have taken three years, it should be clarified that due to a number of challenges and a public scrutiny review, the negotiations have only been active for 18 months of this period.

Community Asset Transfers are complex by their nature and this was especially so for the St Anne's site due to the complexities with the site; the buildings and structures on the site; and the development of a specification for community services to be delivered from the site.

Both East Sussex County Council (ESCC) and Subud wanted to ensure the negotiations were given the opportunity to succeed in the best interests of meeting the aspirations of the Lewes community (expressed via public meetings and the community-led St Anne's Steering Group). We therefore allowed sufficient time to developing options that would provide a sustainable future for the site and the services to be delivered on it. The process could have been delivered more speedily but this would have been at the expense of giving the negotiations the greatest opportunity to be successful.

ESCC is a learning organisation and we always seek to capture lessons from activity that has either been successful or not successful. Through our experience of the negotiations relating to the St Anne's site, we are now better able to manage expectations around the timescales required to complete a Community Asset Transfer, and have been able to develop improved forms of legal contracts and management agreements that would support any future Community Asset Transfer processes.

The County Council will now be reviewing options for the future use and development of the site before determining a new way forward.

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WRITTEN QUESTIONS PURSUANT TO STANDING ORDER 44

1. Question by Councillor Daniel to the Lead Member for Adult Social Care

- a) Please can the Lead Member supply a statistical breakdown into Boroughs and Districts of East Sussex regarding the “Crackdown on blue badge fraud” – in terms of numbers of prosecutions, seizure of badges and community resolutions?
- b) With the end of the start-up funding from the Government how does East Sussex intend to carry out this important task in future years?

Answer by the Lead Member for Adult Social Care

- a) The statistical breakdown is as follows:

Borough or District	2015 seized	2016 seized (part year)	Total seized to date	Prosecutions	Police Cautions + Conditional cautions with fine attached	Community Resolution Orders issued
Eastbourne	71	30	101	6	0	28
Hastings	42	22	64	7	2 with fine attached	7
Rother	18	25	43	1	0	14
Lewes	29	6	35	5	1	9
Wealden	3	2	5	0	0	2

In addition to the above figures, warning letters have been sent to several County Council badge holders, reminding them of their responsibilities regarding appropriate use of their badges. There are also a further four prosecutions currently awaiting a court date.

- b) It has been agreed that this important work should continue and that it will be funded by East Sussex County Council from its on-street parking account until 30 June 2018, when the existing enforcement contract comes to an end. The need to continue the work beyond that date will be assessed as part of the re-tender of the enforcement contract.

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

With Our Roads Infrastructure continuing to deteriorate as less funds are made available from Central Government and from within East Sussex County Council's own Resources would the Lead Member advise how much the total cost is to investigate and administer and settle claims against East Sussex County Council for damage sustained to motor vehicles as a result of potholes and poor road surfaces. What is the total cost to the East Sussex taxpayer?

Answer by the Lead Member for Transport and Environment

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I can confirm that the amount paid out for pothole related vehicle damage in 2015/16 was £32,928 (for 2014/15 this was £87,987 and in 2013/14 it was £168,584).

The cost of handling highway claims (including the majority of claims where no payment was made) was £63,707 for 2015/16.

In total for 2015/16 it cost £96,635 to investigate, administer and settle claims against East Sussex County Council for damage sustained to motor vehicles as a result of potholes and poor road surfaces.

Under the new highways contract that commenced on the 1 May, responsibility for third party claims has passed to Costain Ch2m to ensure there is a direct relationship between pothole repair, response times and the ability to defend third party claims.

3. Question by Councillor Stephen Shing to the Lead Member for Education and Inclusion, Special Educational Needs and Disability

School places in Willingdon and Polegate

At the busiest time allocating school places, a number of parents have reported that their child was not allocated to their preferred choice of school, one of the responses our council provided to the parents was:

“As arrangements for entry in 2016 were consulted on in 2014 it is impossible to take into account new developments and indeed we would see this to be the responsibility of the District Council in agreeing new developments in areas. They are required to ensure that the infrastructure which includes schools, nurseries and medical facilities can support the new developments.”

The parents are concerned that the County Council doesn't appear to be ensuring that the right infrastructure is in place before signing off on any new housing developments, in particular, sufficient school places. This is the view of many new residents. By not objecting to the lack of infrastructure, it appears that the County Council concedes that the provision of schools are sufficient.

As with any new major housing developments which have come before the planning authority, I have questioned whether adequate infrastructure contributions are being provided with that development.

- a) Why is it that families who moved to new developments which is near a school are having to send their children to schools which are further than their nearest one?
- b) Is this a widespread problem within our County and if so, how does the County propose to resolve this problem?

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

Where a school is heavily oversubscribed it can sometimes be the case that children living nearby are unable to attend. This is because the County Council's admission priorities prioritise looked after (or previously looked after) children, followed by siblings of children already attending the school, and then children living within the community area. All of these children are prioritised according to home to school distance. If the school cannot accommodate everyone who applies, then places will be offered up to the published admission number in accordance with these priorities, but this can mean that places are not offered to some children

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living close to the school, if there are large numbers of children requesting places who live even closer.

Polegate Community Primary School will be admitting a bulge class this year to accommodate the growth in population in the local area. This means that there were 90 places available this year instead of 60. However, there were still 159 applications, of which 101 were first preferences. 31 of these places were offered to children who already had older brothers or sisters attending the school, and the remaining 59 places were offered to children living within the community area, with the furthest child able to be offered a place living 1763 metres from the school.

Unfortunately this meant that children living 1800 metres away from the school were not able to be offered places at Polegate. For some of these children, Polegate will be the closest school to their family home, but because other children live closer to Polegate than they do, we cannot offer them a place. In this situation, if we are not able to offer a place at another of the family's preferred schools, we offer the nearest school to the family home with a place still available after other families' applications have been considered. In some cases this will be further from the family home than the preferred school.

While this situation is regrettable, in that it has not been possible to meet parental preference in all cases, it is not possible to make arrangements to accommodate every child in their parents' first preference school. The County Council has changed its admission arrangements for 2017/18 to try to meet the needs of more local children by restricting the sibling link so that it only applies to children living in the community area who have siblings already at the school. However this may have a limited impact as Polegate serves a shared area which covers all of Eastbourne.

The County Council works very closely with local planning authorities on their housing strategies and the implications for education infrastructure. Information on development locations, dwelling mix and house building trajectories are entered into our pupil forecasting model to produce forecasts of future pupil numbers. This data is used to inform our short term and longer term place planning strategies to ensure we are able to discharge our statutory duty to provide sufficient school places.

It is worth noting that the County Council does not sign off housing developments – it is one of a number of consultees in relation to infrastructure provision. It is for the local planning authority to grant planning permission for housing developments. In areas of significant house building it might be more appropriate to establish new schools rather than enlarge existing schools. In this instance, we work with the local planning authority and developers to secure land on which to build new schools. Sometimes the timing of land coming forward versus the demand for places does not coincide and we have to consider establishing bulge classes at existing schools to meet current demand.

Members will be aware of the need to deliver additional places within the Capital programme which requires a range of competing demands to be considered, whilst ensuring the most cost efficient delivery of places.

4. Question by Councillor Field to the Lead Member for Transport and Environment

Parliament decided in the 2000 Countryside and Rights of Way Act s53 that 1 January 2026 is to be the cut off date for accepting hitherto unrecorded Rights of Way and that after that date no further Definitive Map orders for them would be accepted/processed. Therefore there is an opportunity between now and 1 January 2026 to research these "lost ways" and submit them for processing into Definitive Map orders.

- a) How is it intended that ESCC will proceed with this matter?

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- b) Will ESCC act quickly to plan for “lost way” submissions to be processed through the initial assessment process in order to register them before the 2026 cut off date?
- c) Will ESCC’s Access to the Countryside Strategy take account of these processing needs and in view of the timescale prioritise this work?

Answer by the Lead Member for Transport and Environment

In 2000, the CROW Act proposed the ‘closure’ of the definitive map to ‘historic’ path claims. That is, claims for routes to be recorded where historic evidence may indicate public use before 1949. This means that paths, which existed before 1949 and which are not recorded on the definitive map by 31 December 2025, will be extinguished.

Since 2000, that section of the CROW Act has not been enacted. However, the Deregulation Act 2005 will finally introduce the 2026 cut-off date for pre-1949 claims of public rights of way.

It is important to note that, after 2026, it will still be possible to claim public rights of way based on user evidence - where 20 years continuous use without the landowner’s permission - can be proved. Claims based on ‘user evidence’ currently form the bulk of ESCC’s caseload.

DEFRA had been proposing that the Deregulation Act should come into force on the 1 April 2016, formally starting the ‘count-down’ to 2026. However, as much of the legislative detail and guidance has not yet been produced, that date has been missed and it is now proposed that the Act come into force on the 1 July. (It is possible that this date will again be delayed further into autumn 2016 if guidance cannot be produced by DEFRA in time.)

ESCC, as well as other Highway Authorities in England, are currently waiting for this guidance, which is fundamental to assessing how we are able to proceed with pre-1949 claims, to be published. In lieu of this guidance, it is not yet possible to put processes, policies and procedures in place to deal with an increase in historic public right of way claims.

- a) ESCC currently has a list of around 13 path claims. These are all based on user, rather than historic/pre-1949 evidence and are processed on a chronological basis, with the earliest applications being dealt with first.

With the closure of the definitive map to historic claims, however, several user groups (primarily the Ramblers and Open Spaces Society) have started a ‘Don’t Lose Your Way’ campaign, with the intention of researching and submitting historic claims.

The Rights of Way Team has recently met with the ‘Don’t Lose Your Way’ group in East Sussex, to discuss the closure of the definitive map. Whilst this campaign is currently at an early stage, it is likely that 100-200 new ‘historic’ claims will be submitted to ESCC in the ten years prior to the closure of the definitive map.

- b) The Deregulation Act will introduce a 3-month deadline for ESCC to make an initial assessment of submitted claims. If this deadline is not met, then the applicant can appeal to magistrate’s court, which may then choose to set a timeline for ESCC to follow.

Following the initial assessment, ESCC will need to make a final determination regarding the order within 12-months from initial application. Again, if this timeline is not met, then the applicant can appeal to magistrate’s court, which may decide to set a timescale for ESCC to follow.

The intention of this section of the Deregulation Act is to ensure that Highway Authorities process new claims quickly and prior to the 2026 cut-off.

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With that in mind, the Rights of Way Team will be reviewing its processes and procedures, as well as making any necessary policy changes, to be in a good position to handle new applications that are generated due to the 2026 cut-off. However, ESCC cannot yet make these changes, as the guidance and detail of the Deregulation Act is yet to be published. (DEFRA's current intention is to give Highway Authorities a 21-day notice period before the guidance is published.)

c) The draft Implementation Plan, which was appended to the Countryside Access Strategy, includes a reference to the 'governance changes' necessary to take account of the Deregulation Act.

However, the timing of these changes is dependent on the final legislative guidance and detail being published by DEFRA. Nevertheless, the 'staff restructure' referred to in the draft Implementation Plan will look to ensure flexibility within Rights of Way Team staff resources, especially in light of the 2026 cut-off and an expected increase in pre-1949 claims.

5. Question by Councillor Daniel Shing to the Lead Member for Transport and Environment

In view of new powers for councils to remove unnecessary road signs, what action will the County Council take to remove such signs? In addition, will the Council ensure that in future, signs such as 'new' layout ahead will have 'remove by dates' on the back so they are not needlessly left in place for years and that signs are removed in line with these dates? Removal of such signs will improve our county's road environment and image.

Answer by the Lead Member for Transport and Environment

National legislation relating to traffic signs and road markings has been updated, with a new Traffic Signs Regulations and General Directions published on 22 April 2016. The new regulations do not provide any additional powers to Highway Authorities to remove traffic signs. However, the new structure offers significant deregulation, providing more flexibility for local authorities enabling the delivery of schemes suited to the local environment. There are a number of relaxations in the regulations that may be applied where appropriate but advice on best practice for signing remains largely unchanged. Consistency and continuity in signing will be key to continued safety and a drivers understanding of restrictions. Any deviation from current practices will need to be carefully considered and documented but, when applied appropriately; the new flexibilities will be particularly advantageous where there are environmental considerations.

We are aware that there are considerable limitations to what a driver is able to notice and safely respond to. An overload of information or any unnecessary distraction from the road compromises safety. The purpose of signing is to provide adequate information to the motorist to enable them to make safe decisions. Concise signing and good design are essential to the success of any traffic management scheme.

The inclusion of a 'remove by' date on 'new road layout signs' is welcomed as many of these signs are installed by developers and other outside bodies and it will help local residents and our Highway Stewards keep track of when they need to be removed.

Removal of unnecessary signs (de-cluttering) has always been exercised across the County where appropriate. For example the removal of 'no waiting at any time' plates has been undertaken as part of our normal maintenance work. With the reduction in local authority funding and the need to ensure that this funding is used appropriately we do not have a specific programme of assessing, evaluating and removing traffic signs. However, this approach is applied as part of any new traffic management or road safety scheme that we may introduce.

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