

Meeting of  
East Sussex County Council  
on Tuesday, 15 October 2019  
at 10.00 am

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# EAST SUSSEX COUNTY COUNCIL

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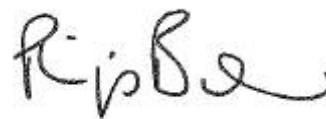
## To the Members of the County Council

You are summoned to attend a meeting of the East Sussex County Council to be held at Council Chamber - County Hall, Lewes, **on Tuesday, 15 October 2019 at 10.00 am** to transact the following business

- 1 Minutes of the meeting held on 9 July 2019** (Pages 5 - 18)
- 2 Apologies for absence**
- 3 Chairman's business**
- 4 Petition** (Pages 19 - 20)
- 5 Questions from members of the public**
- 6a Report of the Cabinet - 16 July 2019** (Pages 21 - 30)
- 6b Report of the Cabinet - 8 October 2019** (to follow)
- 7 Report of the Governance Committee** (Pages 31 - 34)
- 8 Report of the Lead Member for Strategic Management and Economic Development** (to follow)
- 9 Report of the Place Scrutiny Committee** (Pages 35 - 38)
- 10 Questions from County Councillors**
  - (a) Oral questions to Cabinet Members
  - (b) Written Questions of which notice has been given pursuant to Standing Order 44
- 11 Reports of the East Sussex Fire Authority** (Pages 39 - 46)

*Note: There will be a period for collective prayers and quiet reflection in the Council Chamber from 9.30 am to 9.45 am. The prayers will be led by Father Jim Horton, Priest in Charge at St Nicholas Church, Saltdean. The Chairman would be delighted to be joined by any members of staff and Councillors who wish to attend.*

County Hall  
St Anne's Crescent  
LEWES  
East Sussex BN7 1UE



PHILIP BAKER  
Assistant Chief Executive

7 October 2019

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## 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 9 JULY 2019 at 10.00 am**

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

#### **23 Minutes of the meeting held on 14 May 2019**

23.1 RESOLVED – to confirm as a correct record the minutes of the County Council held on 14 May 2019 as a correct record.

#### **24 Apologies for absence**

24.1 Apologies for absence were received on behalf of Councillors Sarah Osborne, Alan Shuttleworth and Trevor Webb.

#### **25 Chairman's business**

JULIAN CRAMPTON

25.1 I start with the sad news of the death of Professor Julian Crampton. As many of you will know Julian was a good friend and advocate of East Sussex, having not only lived in the County but promoted and fostered opportunities in the county during his time as Vice Chancellor at Brighton University, as Chairman of Seachange Sussex and as a deputy Lord Lieutenant. Julian believed that a higher education offer in Hastings was possible and in 2015 was awarded a CBE for services to education. Perhaps, most of all he will be remembered as the driving force behind Seachange Sussex, our regeneration board. Without his passion and belief I doubt we would be in the position we are in now. He oversaw the development of Havelock Road in Hastings, Pacific House in Eastbourne, the North Bexhill Access Roads, the Queensway Gateway Road and the employment space this has generated. Whilst these are achievements for which we shall forever be indebted I think the most important achievement Julian brought to East Sussex was his absolute belief in creating opportunity and the way in which he went about it with kindness and compassion for all he came into contact with. We will miss this and we will aspire to the behaviours and values that he displayed. The Council stood as a mark of respect to Julian.

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### EAST SUSSEX FOSTER CARE ASSOCIATION

25.2 On behalf of the Council the Chairman wish to congratulate the East Sussex Foster Care Association who had been honoured with the Queen's Award for Voluntary Service. The Association is a local independent charity serving the needs of Looked After Children within foster families, while simultaneously recognising the important role of the foster family and their own need for support. This award recognises the exceptional work achieved by the Association. This is a prestigious award, the highest award a voluntary group can receive in the UK and equivalent to an MBE.

25.3 The Chairman took the opportunity to remind all councillors that each year Christmas presents are collected at the main council offices in Eastbourne, Hastings and Lewes for children who would not otherwise receive a present. This project is very much valued by the children and families and I would ask that you support this when the 2019 Project Randolph is launched later in the year

### CHAIRMAN'S ACTIVITIES

25.4 The Chairman reported that he has attended a number of engagements since the last County Council meeting including: Attending the visit of the Duchess of Cornwall to Charleston, the Mayor Making ceremony of Lewes Town Council, the 1066 Community Awards, a citizenship ceremony in Hastings, the High Sheriff's Summer reception at Charleston and the Eastbourne Samaritans AGM. I also attended the visit of the Duke of Gloucester to the Royal Hippodrome Theatre in Eastbourne, the Eastbourne tennis event, the opening ceremony of the Eastbourne 999 combined emergency services display, the Lord Lieutenant's reception and open air concert at Herstmonceux Castle and an afternoon tea to celebrate national volunteers week.

### PRAYERS

25.5 The Chairman thanked Councillor Colin Belsey for leading the prayers before the meeting.

### PETITIONS

25.6 The following petitions were presented by members immediately before the meeting:

Councillor Belsey	- calling on the County Council to install a pedestrian crossing near to the Broadway shops on Lindfield Road, Eastbourne to ensure the safety of the children and young people crossing the road to Parkland School, Lindfield School and the Eastbourne Academy
Councillors Martin Clarke and Godfrey Daniel	- calling on the County Council to install either a Zebra or Pelican crossing where St Helen's Park Road merges with Downs Road in Hastings to enable children going to ARK Blacklands Academy to cross the road safely
Councillor Wallis	calling on the County Council to introduce traffic calming measures in Cavendish Avenue, Eastbourne

## 26 Questions from members of the public

26.1 Copies of questions from Rose Gauntlett from Seaford, Barbara Dye from Seaford, Gabriel Carlyle from St Leonards on Sea, Gemma Aellah from Eastbourne, Alice Burchfield

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from Peacehaven, Naomi Bos from Telscombe Cliffs and Scarlett McNally from Eastbourne and the answers from Councillor Standley (Lead Member for Education and Inclusion, Special Educational Needs and Disability), Councillor Claire Dowling (Lead Member for Transport and Environment) and Councillor Fox (Chair of the Pension Committee) are attached to these minutes. Supplementary questions were asked and responded to.

### **27 Declaration of Interests**

27.1 There were no declarations of interest.

### **28 Reports**

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

Cabinet report - paragraph 1 (Council monitoring) and paragraph 2 (Ashdown Forest Trust Fund)

#### **NON-RESERVED PARAGRAPHS**

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

Governance Committee report paragraph 1 – Procurement and Contract Standing Orders

### **29 Report of the Cabinet**

Paragraph 1 (Council Monitoring) and paragraph 2 (Ashdown Forest Trust Fund)

29.1 Councillor Glazier moved the reserved paragraphs of the Cabinet's report.

29.2 The motions were CARRIED after debate

### **30 Questions from County Councillors**

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

<b>Questioner</b>	<b>Respondent</b>	<b>Subject</b>
Councillor Field	Councillor Standley	Information regarding schools where there is a risk of exposure to asbestos
Councillor Philip Daniel	Councillor Claire Dowling	Action to tackle speeding on approach and exit roads that are through routes and also residential streets
Councillor Swansborough	Councillor Claire Dowling	Publication of the Walking and Cycling Strategy
Councillor Godfrey Daniel	Councillor Claire Dowling	Notification to all residential parking permit holders of proposed changes to parking charges

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Questioner	Respondent	Subject
Councillor Scott	Councillor Claire Dowling	Grass cutting and weed removal on verges adjacent to roads
Councillor Philip Daniel	Councillor Claire Dowling	Disposal of Tetra Paks under new contract
Councillor Ungar	Councillor Glazier	Timing of consultation in relation to proposed service changes and approval of the Council's budget
Councillor Stephen Shing	Councillor Claire Dowling	Cutting of grass verges by residents
Councillor Whetstone	Councillor Claire Dowling	Output of energy recovery facility at Newhaven

### WRITTEN QUESTIONS PURSUANT TO STANDING ORDER 44

22.2 Two written question were received from Councillors Field and Swansborough for the Lead Member for Transport and Environment and the Lead Member for Resources. The questions and answers are attached to these minutes. The Lead Members responded to supplementary questions

THE CHAIRMAN DECLARED THE MEETING CLOSED AT 11.44 am

The reports referred to are included in the minute book



## QUESTION FROM MEMBERS OF THE PUBLIC

### 1. Question from Rose Gauntlett, Seaford, East Sussex

Is the Lead Member aware of the environmental damage caused by ill-informed school grounds “maintenance” work? For example, at Seaford Primary School, where the grounds have been developed over a number of years for use as an outdoor laboratory, recent work cleared areas where birds lived and nested, removed undergrowth in wooded areas near an active badger sett, removed a new hedgerow planted to screen a nature trail, and cut completely the grass providing habitat for slow worms, thereby endangering a number of protected species and causing damage that in some cases may take up to five years to recover.

What criteria did the County Council use in selecting a school grounds maintenance company? How did they ensure that the company who won the tender:

- had the necessary skills, experience and training to meet the range of requirements of individual schools including those schools that are using their grounds as an open air laboratory?
- were able to tailor the work they undertake at each school to ensure the correct timing of tasks to fit in with the teaching programme for each season, to enable children to use the school grounds as part of their educational experience;
- understood the environmental impact of their work to ensure that work was carried out sympathetically to take account of breeding and flowering seasons?

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

The Lead Member has been made aware of specific works being carried out at Seaford Primary School. This Grounds Maintenance work was through a direct commission by Seaford Primary school with Glendales as the contractor and as such the County Council did not have any direct involvement. Glendales are however known to the County Council as they are also a provider of Grounds Maintenance work for the County Council.

Through our enquiries, the County Council is aware that the project is part of a rejuvenation project of the site that has involved the clearance of vegetation and brambles so that bulbs and a wildflower meadow can be planted.

Before carrying out the works, the site was carefully inspected by Glendales. Invasive hogweed was discovered on the front bank, and behind the trim trail, which necessitated further clearance works for its removal. A badger sett was also on site, but of course left untouched.

The County Council fully recognises the concerns raised and, in its own direct contract work, takes full account of all statutory, environmental and Natural England issues. In response to the complaints raised, Glendale have already made a commitment to provide further planting to compensate for any that could potentially have been saved as part of the clearance works, and agreed by the school.

With regard to the secondary question over procurement, the grounds maintenance service forms part of a wider Grounds Maintenance and Arboricultural services contract which was tendered, evaluated and awarded in 2018. In awarding this contract the

County Council had comprehensive specialist arboricultural advice to both set the service quality specification for the County Council's contract and evaluate contract bidders on their responses, experience and references.

The contract started on 1 February 2019 and runs up to 31 March 2022. It was awarded, based on responses to a key set of questions around delivery and technical awareness, including compliance on environmental & other statutory legislation. Glendale were awarded the contract following this comprehensive process and this contract now serves ESCC's corporate and schools estate.

### **2. Question from Barbara Dye, Seaford East Sussex**

Does East Sussex County Council have a biodiversity action plan? I can't find any record of one on the internet. I am moved to ask this particularly because a lot of residents who seem to care more for appearances than biodiversity take it upon themselves to mow the verges outside their homes and recently I've noticed people using glyphosate weedkiller as well. Given the many doubts raised about the safety of glyphosate (by the World Health Organisation, with successful court cases against the makers of Roundup in the US, and proposed and enforced bans by many local authorities and indeed countries) surely it isn't wise or ethical for ESCC to be allowing residents to spray it unsupervised on what is, after all, public land?

### **Response by the Lead Member for Transport and Environment**

The Sussex Biodiversity Action Plan (BAP) was produced in the early 2000s by the Sussex Biodiversity Partnership of which East Sussex County Council was a member. The Sussex BAP was never a physical document or list, other than a collection of maps and individual Sussex Habitat Action Plans. The Sussex BAP consists of local Biodiversity Opportunity Area maps to prioritise areas for action, targets for maintaining, restoring and creating BAP habitats, and partnerships working together to conserve biodiversity. The Sussex Biodiversity Partnership now no longer exists, but has been replaced by the Sussex Local Nature Partnership which continues to work across sectors and organisations, including East Sussex County Council, to secure the healthiest ecological system possible thereby protecting and enhancing the natural environment and all that it gives us.

East Sussex County Council also maintains a schedule of Wildlife Verges and where possible, these are managed to protect their wildlife interest. These verges are marked with a small yellow flower shaped marker and can be seen in many locations around the county. Verges are included on the schedule for a variety of reasons, e.g. they may support rare and vulnerable species, plant communities of conservation value, visually attractive seasonal flowers, or be verges particularly valued by the local community. To help protect these habitats for wildlife, they are not normally cut by the County Council between 1 March and 31 August to allow wildflowers to set seed.

With respect to the use of glyphosate on road verges, the County Council only uses this for the control of Japanese Knotweed, which is an invasive non-native species listed on Schedule 9 of the Wildlife and Countryside Act. Otherwise, all of our verges are managed organically, and we are also looking at alternatives for treating kerbs and pavements. We are aware that some residents maintain the verges outside of their homes and may, in some instances, use weedkiller that contains glyphosates in doing so. The County Council would clearly prefer such chemical pesticides not to be used

and would encourage others to manage verges in similar ways to the Council in order to maximise the benefits for biodiversity. The Council will be looking at what more we can do in order to make residents aware of our position on this matter and encourage them not to use chemical pesticides. However, whilst banning the use of glyphosates by third parties on highway verges may seem a sensible proposition, the Council needs to be mindful of the enforceability of such a ban. This is considered to be difficult to achieve and therefore, for the time being, the Council will continue a discouragement approach on this matter.

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

Fossil fuel companies are forecast to invest \$4.9 trillion in developing new oil and gas fields (ie. oil and gas fields that are not already in production or development) over the next decade. Exxon alone – in which the East Sussex Pension Fund currently has millions of pounds of local people's pension monies invested - is forecast to invest \$167 billion on developing such fields.

According to one recent analysis that compared these forecasts to data from the IPCC's climate models, none of this capex is compatible with limiting global warming to 1.5°C ('Overexposed: The IPCC's report on 1.5°C and the risks of overinvestment in oil and gas', 23 April 2019, <https://www.globalwitness.org/en/campaigns/oil-gas-and-mining/overexposed>).

Given these facts – and the likely negative impact on the value of the Fund's fossil fuel investments under a 1.5°C scenario - will the East Sussex Pension Fund be incorporating a climate risk assessment of the Fund under a 1.5°C scenario at its annual investment strategy review on 10 July? If not, why not?

### **Response by the Chair of the Pension Committee**

The Pension Committee's strategy day schedule for the 10 July 2019 will provide the Committee with the opportunity to review the Fund's current investment strategy. It will also look at the potential risks the Fund will be facing in the future. The Committee will be looking at various macro-economic factors, including environmental, social and corporate governance (ESG) issues as part of the day. The risk that these may pose to the Fund's Investment Strategy and any potential impacts will be discussed. This will shape how the Fund develops its Investment strategy for the future.

### **4. Question from Gemma Aellah, Eastbourne, East Sussex**

Parents4future have been made aware of the continuing delays to the East Sussex Walking and Cycling Strategy 2019. We are very keen to support our children in walking and cycling to school and after school activities. Does The Lead Member consider that these ongoing delays are unacceptable and agree they are having a negative effect, in terms of active travel and a healthier, less polluted Eastbourne? Please could we have some clear information on the way forward.

### **Response by the Lead Member for Transport and Environment**

The Department for Transport (DfT) is encouraging Local Authorities to develop Local Cycling & Walking Investment Plans (LCWIPS). Whilst there is no requirement for local authorities to do so, or a definitive deadline for their submission, the County Council has

proactively chosen to develop a plan which will underpin the emerging Strategy to demonstrate our commitment and to support greater levels of investment in cycling and walking in the future. This in turn will support a raft of policy areas including supporting economic growth and providing improvements to health and the environment.

I can confirm that East Sussex County Council is in the process of developing a Countywide Cycling & Walking Strategy which we currently propose to publish for public consultation in autumn 2019. It is planned that the outcome of the public consultation will be reported to my decision making meeting in December 2019.

Whilst it has not been possible to get the draft Strategy to public consultation as quickly as originally intended, it is not considered that this is having a negative impact on active travel in Eastbourne. We have and are investing significantly in walking and cycling infrastructure and behavioural change initiatives in Eastbourne. In the past year, we have completed Phase 3 of the Horsey Cycle Route which has been positively received and is already well-used. Consultation on a further phase of the route linking to Eastbourne Station will take place later this year. Preliminary design work on a number of other routes in the town is continuing.

We have delivered an upgraded pedestrian crossing on Kings Drive to assist pedestrians accessing St Thomas A Becket Catholic Primary School and work to construct a new pedestrian crossing on Friday Street will commence later this year. We are also investing £8.25m from a range of funding sources in improving the pedestrian environment in Terminus Road, Cornfield Road and Gildredge Road to support the wider investment in The Beacon extension, with consultation for the next phase of improvements to Terminus Road planned for later this year.

In addition, as part of our Active Access for Growth Programme, a Sustrans Active Travel Officer is working with schools across the county, including Eastbourne, to deliver events and activities to develop the skills to travel to school by walking, scooting and cycling. This is, of course, complemented by a number of active School Travel Plans that have been adopted by schools in Eastbourne, all of which seek to encourage sustainable travel to and from school.

Therefore whilst the Strategy is yet to be consulted upon, we have and continue to invest in and deliver both infrastructure and initiatives in Eastbourne that encourage active travel, and thereby reduce carbon emissions and promote healthier lifestyles.

### **5. Question from Alice Burchfield, Peacehaven, East Sussex**

Who took the decision that Swale Academies Trust should be brought into Peacehaven Community School as school improvement? When did they take this decision and what other partners were considered? Following on from this, who then took the decision that Swale Academies Trust should be given Peacehaven Community School permanently? When did they take that decision and what other partners were considered?

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

The decision for Swale to become the school improvement partner was taken by the local authority in October 2015 in line with the Department for Education's Schools

Causing Concern guidance. The governing board at the school was consulted as required about this decision.

The local authority spoke to other trusts and local schools at the time to identify options for interim leadership. The leadership capacity identified by Swale represented the best solution for securing improvement at the school.

The Interim Executive Board (IEB) made the decision to convert to an academy with Swale at their meeting on 21 April 2017. The minutes of the IEB and consultation documents are available on the school's website.

### **6. Question from Naomi Bos, Telscombe Cliffs, East Sussex**

Peacehaven Community School has around 800 students.

The Interim Executive Board (IEB) minutes of 21 April 2017 state:

#### **4.1 Proposal to proceed with sponsored academy conversion**

4.1.1 The members reviewed the information circulated with the agenda. Loren advised that 8 response forms had been received from stakeholders and all had been positive in terms of converting to an academy with SAT. In response to a question Loren advised that all questions and queries raised in relation to academy conversion had been answered, either at the consultation meetings or via email following the meetings. The email responses had been drafted by Derek and checked by Penny before they had been sent. No further questions were raised.

In a letter to parents and carers on 7 May 2019 the Chair of the IEB, Penny Gaunt, wrote "I can assure you that the consultation process conducted in 2017 involved all stakeholders and all written responses we received supported the proposal for the school to become an academy with Swale Academies Trust (SAT)."

I wrote, and kept, a negative response at the time. It reflects that the message that Penny Gaunt gave to a large room of parents announcing the proposed academisation and up coming 'consultation' was that the 'consultation' would not affect or change the outcome of becoming a SWALE Academy. This is further demonstrated by the fact that a Director of Swale was drafting responses to the IEB 'consultation' before an official decision had been taken.

The claim that no responses were negative has been proven untrue, over 600 local parents have signed a petition, over 300 postcards have been signed in support of reinstating a Governing Body and for a fresh consultation and the majority of Peacehaven Town Council and both local MPs are asking for a pause and rethink.

Given no one could claim the 8 responses to the consultation is strong support where are you getting your evidence to say in press statements there is strong support?

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

The school has informed us that the formal responses to its own consultation in 2017 were all supportive of the proposal to convert to academy status as stated in the minutes of the Interim Executive Board on 21 April 2017.

**7. Question from Scarlett McNally, Eastbourne, East Sussex**

Why is the provision for cyclists and potential cyclists in Eastbourne getting worse, when this is the best way to reduce congestion, pollution and ill-health, and where has the funding gone?

**Response by the Lead Member for Transport and Environment**

Provision for current cyclists and potential new cyclists in Eastbourne is improving, not getting worse.

Alongside development contributions and the County Council's own funding allocation for local transport improvements, the County Council has secured £6.6m of external funding through the Local Growth Fund monies through the South East Local Enterprise Partnership for walking and cycling improvements in the Eastbourne and South Wealden area through the LEP's Growth Deal with Government.

The first tranche of the funding (£2.6m) was used to fund the development and delivery of the Phase 3 of the Horsey Cycle Route between Lottbridge Drove and Langney Roundabout, using Local Growth Fund (LGF) allocations secured from the South East Local Enterprise Partnership (SELEP). This high quality, off-road route is already being well used and provides access to local schools, workplaces and retail areas for a large number of residents in this part of the town. Consultation on the final phase of the wider Horsey Cycle Route starts later year.

Design work on a number of other routes on key alignments in the town is already under way as part of the 2019/20 Capital Programme for Local Transport Improvements, which will be delivered using the second tranche of £4m of Local Growth Fund monies.

The County Council has also worked hard to secure the Government's Department for Transport revenue funding previously for its Local Sustainable Transport Fund programme, and latterly for its Active Access for Growth Programme, which is delivering a wide range of interventions to encourage – and enable – residents of key towns such as Eastbourne to undertake sustainable travel journeys to school, work or for recreation.

Therefore we are delivering both infrastructure and complementary revenue funded initiatives that are improving the situation for cyclists in Eastbourne which will help to reduce congestion, pollution and encourage healthier lifestyles.

## **WRITTEN QUESTIONS PURSUANT TO STANDING ORDER 44**

### **1. Question by Councillor Field to the Lead Member for Transport and Environment**

What is the final destination of the County's plastic which is collected for recycling?

#### **Answer by the Lead Member for Transport and Environment**

Waste collection and disposal arrangements across the county changed on 29 June. In Hastings, Rother and Wealden a new collection contract with Biffa has commenced, whilst Eastbourne and Lewes councils have opted for an in-house collection service. Plastics, along with a wide range of other recyclable materials, are collected from East Sussex residents and are sent under new arrangements to the Viridor materials recovery facility in Crayford, Kent, under a new contract with the County Council.

The dry mixed recyclable materials that are collected on our doorsteps are sorted at the Crayford plant into the various material streams, compacted and baled. Plastics are then sent to one of Viridor's specialist plastic reprocessing plants in the UK to produce plastic pellets and flakes. This end product is then sold as a raw material that is used both in the UK and overseas in the manufacture of new products. Plastic sacks, shopping bags and film are reprocessed in the UK.

The resource market remains a global market, governed by the principles of supply and demand and where any material is sent abroad, Viridor only works with Environment Agency accredited and licensed facilities. Material is sold as an "end-of-waste product" or raw material for reuse in manufacturing. Viridor has a robust system of traceability across its supply chain and receives accreditation from the companies it works with, demonstrating reprocessing has taken place. Countries outside of the EU to which 'end of waste' plastic product has been and is sent to are Turkey, India, Thailand, Indonesia, Taiwan, Vietnam, China, Malaysia and the Philippines.

### **2. Question by Councillor Swansborough to the Lead Member for Resources**

The Orbis Public Law Partnership had been launched with a fanfare and heralded as a flagship inter-authority agreement.

You received a report at the Lead Member for Resources meeting on 25 June 2019 which extolled the benefits of the partnership and which highlighted the savings that had been made.

However, the report went on to say that Surrey County Council, had "embarked on a comprehensive transformation programme", as a result of which it had withdrawn from with the planned integration within Orbis Public Law and effectively had scuppered that plan.

Would you please let us know the actual savings that have been earned by Orbis Public Law during its lifetime and its expected financial position in the future? Will it still be earning savings in the future and if so, how much?

Apart from Legal Services, is Surrey County Council's "comprehensive transformation programme" expected to have any further implications for the remaining services

provided by the Orbis Partnership? Is Surrey County Council still committed legally and politically to that operation?

Is East Sussex County Council contemplating a similar "complete transformation programme" to bring administration costs more into line with its declining activity?

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

As a result of the Surrey County Council transformation programme Surrey Legal Services will be reviewed internally in the next 12 months and it is for this reason that they could not commit to the planned integration of the Orbis Public Law structures, budgets and the case management. Surrey will however remain part of existing initiatives

In light of SCC's decision and the impact that this has on the authority's contribution ratio the Sussex partnership decided not to move to full integration but will build on the collaboration already in existence and look for further benefits via collaborative projects and initiatives, although we will not now be able to achieve the more significant gains that were anticipated.

With ESCC having the lowest cost per hour<sup>i</sup> the main reasons for forming the partnership were to increase our resilience and improve Legal Service's staff development and retention opportunities. Although savings were not necessarily anticipated during the set-up process, benefits have been realised via the collaboration model without the integrated structure and these initiatives will continue.

Savings that have been realised by the partnership to date include:

- **Digital Court** – £90k saved annually across the partnership and an estimated 4.5 tonnes reduction in the use of paper.
- **Work sharing** – reduction in the partners undertaking the same work multiple times across the partnership. Estimated value at least £36k.
- **Training programme** – OPL has benefitted from 700 free training places with an estimated value of value of £70k
- **Insurance claims** – insurance claims handling in OPL will save the partnership £80k in its first full year
- **Legal Framework Contract** - jointly procured legal framework has resulted in reduced rates. £97.5K will be saved across the partnership in 19/20 on representation in Care cases alone.

In respect of the wider Orbis Partnership, the Chief Executives of the three Orbis partners jointly commissioned a review at the end of 2018. The central question to be addressed was:

*"How are the functions and services provided through the Orbis integrated business infrastructure partnership best arranged and managed to enable the delivery of efficient and quality services that best serve the needs, requirements and interests of each sovereign Council?"*

This review made recommendations for some changes to the scope of some services being delivered through Orbis as follows:



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Finance	Continuation of Finance Centres of Expertise for all Partners; Strategic Finance to remain for ESCC and BHCC but withdrawn for SCC.
HROD	Continuation of a fully integrated service for ESCC and BHCC but withdrawn for SCC
Property	Withdraw strategic property and strategic asset management for all partners and undertake a further review on what Property Centres of Expertise should continue to be delivered in Orbis.
Information Technology & Digital	Retain as a fully integrated service across 3 Partners
Procurement	Retain as a fully integrated service across 3 Partners
Business Operations	Retain as a fully integrated service across 3 Partners

All three partners are legally committed to the partnership to March 2020 and to a further 3 years following this. This has also been agreed by the Leaders of the 3 Partners.

In respect of East Sussex County Council, our administration costs are aligned with the overall activity of the Council.

The Council operates the Reconciling Policy Performance and Resources integrated service and financial planning process which as a feature inherently aligns the costs of administration with the priorities for the Council and therefore does not require a step change transformation programme approach to achieve this.

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<sup>i</sup> When staff costs are divided by productive hours.

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### PETITION

The County Council has received the following petition:

*Divest the East Sussex Pension Fund from fossil fuels*

*Investments in fossil fuels (oil, coal and gas) are damaging the balance of our climate and pose serious financial risks to investors, including many local pension holders.*

*Over 1,100 institutions, representing over \$9.9 trillion in assets, have already committed to divest (i.e. move their money away) from fossil fuel companies.*

*We the undersigned call on East Sussex County Council to follow their lead and divest the East Sussex Pension Fund from its holdings in fossil fuel companies.*

When submitted the petition contained 5,307 signatures. As the number of signatures exceeds 5000 the Council's Petition Scheme allows for the petition to be presented to, and debated by, the Full Council. A representative of the petitioners will be given five minutes to present the petition at the meeting prior to the debate. The relevant extract of the Petition Scheme is set out below

#### **Full Council debates**

If a petition has more than 5000 signatures it will be debated by the full council, unless it is a petition asking for a senior council officer to give evidence at a public meeting. This means that the issue raised in the petition will be discussed at a meeting which all councillors can attend.

The Council will try to consider the petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting. The petition organiser will be given five minutes to present the petition at the meeting and the petition will then be discussed by councillors for a maximum of 15 minutes. The Council will decide how to respond to the petition at this meeting. It may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant committee. Where the issue is one on which the Council's Cabinet is required to make the final decision, the Council will decide whether to make recommendations to inform that decision. The petition organiser will receive written confirmation of this decision.

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### REPORT OF THE CABINET

The Cabinet met on 16 July 2019. Attendances:-

Councillor Glazier (Chair)

Councillors Bennett, Bentley, Maynard, Simmons, Standley and Tidy

#### 1. Reconciling Policy, Performance and Resources – State of the County

1.1 The State of the County report is part of the Council's Reconciling Policy, Performance and Resources (RPPR) process, its integrated business and financial planning cycle. The report considered by the Cabinet set out the context and provided an overview of the latest position in preparation for more detailed planning for 2020/21 and beyond. It builds on our 2018/19 year-end Council monitoring report to reflect on our achievements over the last year, the challenges in the year ahead arising from both local and national factors and in the light of all of this begins to refine our plans for the next three years to guide our business planning and budget setting processes.

1.2 The report set out the evidence base (appendix 1), the national and local policy and resources context (appendix 2) within which the County Council is working. It also provided an update on our Core Offer (appendix 3), Medium Term Financial Plan (appendix 4) and the Capital Programme (appendix 5).

1.3 The Council spends over £370m net each year and it is vital that these resources, in partnership with others, are deployed in the most effective way. The Core Offer developed last year, builds on our priority outcomes to ensure our spending is directed towards areas of highest need. The Core Offer sets a realistic and ambitious assessment of the services East Sussex residents could reasonably expect of a competent County Council in a time of austerity. This needs to be a dynamic offer, which changes with circumstances and the report provided the opportunity for members to review the Core Offer, including the proposed refinement of the public health Core Offer, to ensure that it still best meets local circumstances, taking account of likely resources.

1.4 Moving to the Core Offer will contribute further savings in the next two years, but these will not meet the shortfall in funding we anticipate if no additional money is available from the Government. This may mean members face some extremely challenging choices when setting the budget if the Government cannot be persuaded to continue the one-off funding we have received in recent years in the short term and does not make long term sustainable funding available to local government.

1.5 Huge uncertainty dominates the context within which we are working. The timing of Brexit and nature of any deal will have implications for the national and local economy, the services we provide and the prospects for public services in a spending review. The change in the Prime Minister may have implications for a range of policy areas affecting the Council and its services.

1.6 Against this background the report set out a proposed lobbying and communications activities to help us ensure that the Government is aware of the need for our funding gap to be addressed urgently if we are to maintain the Core Offer in the light of growing demand and ever diminishing resources.

#### Current Position

1.7 The County Council plays a key role in the quality of life of the residents, communities and businesses of East Sussex through services, employment, purchasing and how we work in partnership with others. Against a background of ever diminishing resources and increasing demand, especially in social care, the County Council has been working to ensure that the core set of services and infrastructure most needed from the Council is available to residents and

businesses and that we support people to be actively involved in their communities and solve the issues that are most important to them.

1.8 We have worked to ensure:

- What we do represents good value for money;
- Our activities are transparent and we can be held to account;
- We operate as One Council and focus on key areas for County Council action;
- We prioritise the investment available for front line service delivery by maximising the resources available to us through income generation, treasury management and working in partnership with other organisations;
- We remain true to our purpose and carry out all we do professionally and competently; and
- We remain ambitious, optimistic and realistic about what can be achieved.

1.9 The council continues to perform well. In our services we seek to provide a culture of strong leadership and supportive management, which empowers staff delivering services to be creative and innovative in their work to support the County's residents and businesses. We use evidence to understand the needs in the locality and to evaluate the work we do to maximise the benefits we can achieve for the investment we can afford. This culture has led to good outcomes and innovative practice across all departments.

1.10 The council is deeply committed to working in partnerships, other public sector agencies, the voluntary and community sector, the education sector, residents and businesses towards the common goal of improving the health, economy and wellbeing of all those in the county we serve.

1.11 These two threads run through all our work. We have continued to deliver good quality services, notwithstanding the difficulties we face through ever growing demand and diminishing resources. Some examples of the quality services we provide are set out below.

1.12 Our children's services have been recognised as outstanding by Ofsted, and the inspectors cited the "East Sussex model of 'connected practice', resulting in helpful, enduring and trusting relationships between practitioners, children and their families, sometimes over many years. Examples of creative and purposeful direct work with children are widespread, and this work leads to substantial improvements in children's lives." "An accurate understanding of strengths and weaknesses underpins targeted and purposeful investment in well-regarded and nationally recognised projects and initiatives. This approach firmly supports continual improvement."

1.13 In Adult Social care we have continued to work on integration with health with the focus on financial sustainability and innovative service improvement. This work has been held up by the Care Quality Commission as best practice. Our innovations include:

- Home First - discharging people from hospital before ongoing needs are assessed, so patients are seen in their own home and there are lower rates of admission to residential care
- High Intensity User services – providing health coaching to people who are frequent users of emergency health services
- A&E 5 Pathways puts ambulance staff and GPs in contact with our Crisis Response team preventing A&E admissions
- Reablement and rehabilitation - helps people to regain mobility and skills so they are more able to stay at home and need less support
- Care with confidence – helps people to find the help they need at home
- Technology Enabled Care Services – 8,500 clients are using sensors which can detect falls; respond to fire alarms, dispense medication and do welfare checks.

We will continue to contribute to and work in partnership with East Sussex NHS partners and more broadly with the STP on the NHS five year plan.

1.14 Our sustained investment in roads since 2013 has halted deterioration and shown marked improvement in the condition overall;

- A roads from 7% needing improvement to 5%.
- B and C roads from 9% needing improvement to 7%.
- Our unclassified roads from 25% needing improvement to only 9%.

Whilst we have invested in planned maintenance for the long term, we still respond to problems when they happen. Last year we repaired 25,000 potholes in addition to our extensive surfacing and patching programmes.

1.15 We know transport infrastructure is key to delivering growth, unlocking employment and housing land and encouraging inward investment. We have:

- done work in our town centres including Heathfield and Eastbourne
- completed the North Bexhill and started work on the Newhaven Port access roads
- worked with Highways England on improvements at Polegate and Drusilla's roundabout and the study into a new dual carriageway, which will be published in the autumn
- established TfSE to ensure a strategic approach and single voice maximises investment.

1.16 Where savings have been made, we have innovated and concentrated our resources to support those with the greatest needs. We have also encouraged community action where the Council is no longer able to support local services. The new East Sussex Libraries: The Way Forward Strategy (2018/19 – 2022/23) sets out our vision for a modern library service. In support of the four strategic aims of the strategy it includes a new Children and Young People's Offer, which provides literacy and numeracy support, including outreach work for pre-school and school age children and their families. Adults with low literacy are supported through accredited courses in English, Maths and ICT at Eastbourne and Hastings libraries and our community offer has seen libraries handed over to local groups to run in a number of community borrowing facilities opened in areas not previously served.

1.17 We have worked creatively and innovatively with others to ensure that our back office services are cost effective and support our front line workers effectively, contributing to the £1m savings in business services in the last year alone. We use our spend with suppliers to support local business wherever possible and to encourage social value such as apprenticeship opportunities and facilities offered to local voluntary groups. During 2018/19 we reduced the amount of CO2 arising from Council operations by 6%, 8.1% from schools; and a 4.6% reduction from the corporate estate, including street lighting.

1.18 The scale of savings we have had to make has not been easy or without impact on front line services. The Council has had to reprioritise its investment and reduce the extent and breadth of its service offer. This has meant significant impacts in community based Adult Social Care (ASC) services, in assessment and care management staffing levels, in family centres, in the universal youth service offer, in the libraries and cultural offer and the amount spent on the highways network and the public realm. The continued pressure on budgets in the future means that, despite continuing commitment to maximise efficiency and generate income, services will continue to be concentrated on those in most urgent need and a comprehensive offer of universal services to all residents will not be maintained.

#### Demographic and Demand Changes and Financial Background

1.19 Appendix 1 sets out the key factors in relation to demography, housing, deprivation, health and economy affecting the county and the impact they are having on demand for our services. The main changes affecting demand are set out below in below.

#### Older People

1.20 Demand for ASC will continue to increase, both as a result of the growth in the proportion of older people in the population and the complexity of their needs with increasing longevity. The proportion of people over 65 in East Sussex is considerably higher than nationally – 26% in East

Sussex compared to 18% in England. By 2023 this will have risen to 27% (19% in England). The proportion of those aged over 85 is already significantly higher in East Sussex than nationally and will continue to rise sharply. It is this group that are the most likely to need our services.

1.21 This increased demand is partially recognised by the Government, which has responded by making a series of short term, one-off funding streams available to Councils and the NHS. The Government last year announced an additional £20bn for the NHS between 2019/20 and 2023/24, through a series of above inflation annual increases. No additional ongoing money for social care has been announced, despite it serving the same population and being crucial to getting and keeping people out of hospital. In addition, there is significant concern that the allocation of the Better Care Fund, through Clinical Commissioning Groups to Local Authorities, could be under threat as funding of the NHS is realigned. The much heralded but delayed Social Care Green Paper is still awaited.

#### Children and Young People

1.22 The number of young people (aged 0-17) will increase by 3% in the next three years. Additional schools capacity in the right places to meet demand is either in place or planned.

1.23 The number of children in need of help and protection also continues to rise locally and nationally, linked to the increase in families experiencing financial difficulties. Additionally there is a growth in the numbers of children with statements of SEND or Education Health and Care Plans (EHCPs). Coupled with the extended period over which Councils have been made responsible for the education of children with SEND to 25 years old, which was unfunded, this has added considerably to the pressures in Children's Services.

#### Housing and Infrastructure

1.24 The key issues in this area are the growth in the number of households in the county and the need to provide suitable accommodation for the new and smaller households that will constitute the increase. In addition, the affordability gap between house prices and wages means that home ownership is unachievable for many. This has resulted in greater reliance on the private rented sector.

1.25 The number of households living in temporary accommodation in the County more than doubled between 2015/16 and 2017/18, with the largest numbers in Eastbourne. In addition, more households are being affected by the reduction in the benefit cap. The cap sets a national limit on how much benefit can be received by any households. In 2016 the cap was reduced from £26,000 to £20,000 for those with dependent children and from £18,200 to £13,400 for those without children. There has been more than a fourfold increase in households affected since the change was made. The cap is likely to affect households in the South East more than the rest of the Country due to high market rents for property and may be contributing to the number of families becoming statutorily intentionally homeless. These families cannot claim housing benefit or universal credit to help with the cost of housing resulting in the County Council meeting the cost to prevent children becoming destitute. The Council spent £423,000 on 20 such families in 2018/19.

1.26 The Council is supporting growth by making and attracting investment into the County. There is still much that needs to be done in terms of road and rail investment in particular to support the housing growth the county needs and to allow people in and moving to the county to access high quality employment

#### The Economy

1.27 Whilst improving, the economy in East Sussex still underperforms the rest of the South East. We need to keep on creating good quality jobs so that the county's economy continues to improve and to ensure that people have the right skills to take advantage of those jobs, to help local residents live prosperous, healthy and self-sufficient lives.



### Resource Background

1.28 In addition to the pressures set out above, cost pressures arising from general inflation, contract prices and wage rises place a significant burden on service budgets to just stand still.

1.29 The next three years will see major change to the way local government is financed. Revenue Support Grant (RSG) will disappear to be replaced with a system of local government funding entirely through business rates and Council Tax. There is expected to be some continued redistribution of business rates across the country, based on a fair funding review of relative need and the Government has said that it will carry out a spending review in the autumn. However, the timing of both of these is uncertain and likely to be delayed due to Brexit and there is no indication that either will provide significant new resources for local government. The national uncertainty regarding the timing and deliverability of the Spending Review (SR), Fair Funding Review (FFR) and Business Rates Retention Review (BRRR), places a greater challenge in setting a balanced budget for 2020/21.

1.30 Any growth in the Council's resources will therefore need to come from either local Council Tax or business rates. Council Tax for East Sussex County Council is the 4<sup>th</sup> highest of any county in England. When district/borough precepts are taken into account, Council Tax in East Sussex borough and district areas is higher than in other English areas. Business rate growth in East Sussex has been historically fairly flat.

1.31 The national context in which our local issues are set, and which will need to be taken been taken into account in the Council's plans, is set out in appendix 2. The change in Prime Minister may also impact on a range of national policies

### Council Priority Outcomes and Core Offer

1.32 The Council's business and financial planning is underpinned by its four priority outcomes, which provide a focus for decisions about spending and savings and will direct activity across the Council.

1.33 The current four priority outcomes are:

- Driving sustainable economic growth;
- Keeping vulnerable people safe;
- Helping people help themselves; and
- Making best use of resources.

The priority outcome that the Council makes the "best use of resources" is a test that is applied to all activities.

1.34 Those services across all departments which make the most significant contribution to achieving the outcomes under each of the priority areas have been prioritised for investment and, where possible, given relative protection from the requirement to make reductions. The scale of the savings the Council has delivered over an extended period means, however, that the scope for making savings in non-priority areas is very constrained and therefore savings in areas which support our priorities continue to be inevitable.

1.35 It was in the light of this challenge that the Core Offer was developed last year, to set as clearly as possible the services the Council believes local people need as a minimum. The Core Offer is set out in appendix 3, to which a refinement of public health offer has been added.

### Public Health

1.36 The public health Core Offer sets out how we will meet our mandated responsibilities and to make the best use of the resources available, by targeting action where health inequality is greatest and by using evidence to ensure that interventions are effective. Currently our public health work is funded by a ring-fenced grant from the Government. The Government's current

proposal under the fair funding review is for this grant to be subsumed into local funding. Even if the specific grant continues, it is expected to reduce over the next few years. The process of prioritising work on public health to identify the areas where risks to health are greatest, to create a healthier, happier and fairer County has therefore begun, with the development of a new public health Core Offer. Work will begin over the summer to identify specific changes and to develop savings proposals. A report on progress and areas of search for savings will be brought to Cabinet in October as part of the RPPR process.

#### East Sussex Core Offer

1.37 The Core Offer represents a level of service below which we should not go in order to meet the needs of residents, not only for the services we provide but to play our part in supporting them in their wider health and wellbeing needs. This includes access to well paid jobs, decent affordable housing and good mental and physical health. Over the next year we will seek to work with partners to ensure a clear, shared vision of what achieving those aims would look like for local people and to ensure that we are maximising the public value from spend to support those outcomes. Whilst this work is not anticipated to contribute significantly to savings, it will help further focus efforts to ensure the best use is being made of every public pound that is spent in the County. It will include continued work: with the NHS on integration of health and social care; with Team East Sussex on the economy, with our colleges on skills and with the voluntary and community sector on a wide range of local issues. We will also review our contributions to other important partnership activities in the County, for example housing, to see if there is more that we could do to help those with lead responsibilities meet local need.

1.38 One of the most urgent partnership endeavours over the coming years will be helping to reduce and mitigate the effect of climate change. The Council is already doing a great deal of work to reduce its carbon footprint and will review its actions to see what more could be done, both on our own and with others, to reduce our impact and to plan for the effects of change.

1.39 Cabinet has reviewed the current priorities and Core Offer (Appendix 3), including proposals for public health and agreed them as the basis for future business and financial planning.

#### Medium Term Financial Plan

1.40 The Medium Term Financial Plan (MTFP) is set out in appendix 4. The level of government funding that ESCC will receive between 2020/21 – 2022/23 is yet to be confirmed, but based on latest information and assumptions, Government funding will reduce by £1.1m. In the same period there are unavoidable costs to cover projected inflation, demographic and service pressures of £60.6m. This equates to a real term loss of purchasing power of £61.7m over the next three years. Increased Council Tax receipts are forecast to bring £27.3m additional funding, but this still leaves a shortfall in spending power of £34.4m; the current forecast savings requirement.

<b>Medium Term Financial Plan</b>	<b>2020/21 £m</b>	<b>2021/22 £m</b>	<b>2022/23 £m</b>
Total Resources	(380.606)	(390.571)	(401.297)
Total Expenditure	401.024	416.459	435.717
<b>Total Budget Deficit</b>	<b>20.418</b>	<b>25.888</b>	<b>34.420</b>
<b>Annual Budget Deficit</b>	<b>20.418</b>	<b>5.470</b>	<b>8.532</b>

1.41 Areas for search for savings to bring services to the Core Offer were approved at Council in February 2019. These would contribute towards mitigating this deficit:

	2020/21 £m	2021/22 £m	Total £m
Communities, Economy & Transport	1.462	0.917	2.379
Children's Services	2.337	0.268	2.605
Adult Social Care	0.248	0.000	0.248
Business Services / Orbis	1.161	0.787	1.948
<b>Total Departments</b>	<b>5.208</b>	<b>1.972</b>	<b>7.180</b>

1.42 The impact of these savings would be to reduce the total budget deficit to £27.240m:

	2020/21 £m	2021/22 £m	2022/23 £m
<b>Total Budget Deficit</b>	<b>15.210</b>	<b>18.708</b>	<b>27.240</b>
<b>Annual Budget Deficit</b>	<b>15.210</b>	<b>3.498</b>	<b>8.532</b>

1.43 The uncertainty arising from anticipated delays in future national funding reform and, the Spending Review, combined with an increased use of one-off funding which is not guaranteed beyond 2019/20, means it is difficult to plan for 2020/21 and beyond. The position presented above excludes the potential positive impacts of a number of national funding streams for which we have been lobbying, that could be implemented either ahead of reform or as part of it.

1.44 The budget for 2019/20 relied on one-off funding and embedded grant funding, which needs to be confirmed and to continue into 2020/21:

	£m
<b>Grant / One-off Funding</b>	
Social Care Support Grant	4.417
CSD High Needs Block	1.138
Winter Pressures	2.586
	<b>8.141</b>
<b>Business Rates</b>	
Business Rates Pilot: post-2019/20 mechanism	1.600
Business Rates Levy Surplus	1.133
	<b>2.733</b>

1.45 Income received to support core Adult Social Care services from the Better Care Fund (BCF) and Improved Better Care Fund (iBCF) is subject to pooled funding arrangements which requires agreement from both ESCC and local NHS Partners, and sign-off by NHS England.

1.46 Whilst ESCC is confident the BCF will be sufficient to meet demand in 2019/20, there is a real possibility that there may be additional conditions attached to future funding streams which could constrain the Council's ability to meet the assessed care needs of the local population and put significant financial pressure on local NHS services.

	£m
<b>Better Care Fund (BCF): supporting services and packages of care</b>	
BCF: original allocation	11.708
BCF: joint working	9.046
iBCF	18.551
	<b>39.305</b>

### Capital Programme

1.47 The approved programme has now been updated to reflect the 2018/19 outturn, approved variations and other updates, the details of which are set out in appendix 5, including the revised programme.

1.48 A summary of the movements in the gross programme are set out in the table below, further information on each item can be found in appendix 5:

	£m
Total Programme at Feb 2019 (gross)	363.2
2018/19 Outturn	(85.1)
Net nil variations	2.6
Specialist Provision in Secondary schools (Business Case)	2.3
Underspend	(0.9)
<b>Total Programme at July 2019</b>	<b>282.1</b>

1.49 The borrowing requirement at February 2019 was £85.6m. Use of borrowing in 2018/19 to support the capital programme was £3.0m. The borrowing requirement at June 2019 has increased to £88.2m, primarily due to proposed investment in Specialist Provision in Secondary Schools of £2.3m; a net reduction in grants of £3.4m; reduced funding from the revenue contribution to capital of £4.0m; and the removal of Valuing People Now receipts of £2.5m. This has been offset by the £4.6m from Treasury management underspend, additional s106 contributions of £1.3m; and an underspend on Hastings Library of £0.7m that can support the current planned programme. This does not include borrowing for the risk provision which remains at £7.5m to support the current programme.

1.50 The development of the Capital Strategy to 2029/30 continues and will be presented in the autumn.

### Lobbying and Communications

1.51 The anticipated delay in the spending review means that the best outcome we can expect for next year is a continuation of the one-off funding we received in the last budget round as a minimum, which we will ask to be uplifted to reflect our real pressures. It is likely that all Central Government spending departments will be under pressure from their services and stakeholders. It is unlikely that the needs of local government will be addressed unless there is consistent pressure from MPs across the Country. The Council has been successful over the last year in raising the need for local government funding to be put on a long term and sustainable footing. We need to continue to press for the retention of the one-off funding and for a realistic settlement for the future, both directly with Ministers and Government departments and indirectly through our MPs, partners and stakeholders.

Next Steps

1.52 We will continue to press the case that there is urgent need for the Government to make additional funding available for local government. Even if there is some form of spending review in the autumn, the announcements about outcomes may not come in time for our budget planning. In this case we will use our RPPR process to plan our services within the resources available.

16 July 2019

KEITH GLAZIER  
(Chair)

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### REPORT OF THE GOVERNANCE COMMITTEE

The Governance Committee met on 20 September 2019. Attendances:

Councillor Glazier (Chair)

Councillors Bennett, Godfrey Daniel, Simmons and Tutt

#### 1. Amendment to the Constitution – Scheme of Delegation to Officers

1.1 The County Council's Scheme of Delegation provides the Director of Communities, Economy and Transport with authority to perform a number of functions and make certain decisions across the range of services that make up the directorate. Some of these functions concern the work that the County Council undertakes in producing and reviewing a Waste and Minerals Local Plan for the county. Some of the functions also concern the input that the County Council provides, particularly through our statutory planning consultee roles, in the development and review of Local Plans produced by other planning authorities (particularly the District and Borough Council's in the county).

1.2 Over recent years, the Government has made it clear that they are concerned with the time it takes for Local Plans to be produced. Various measures have been introduced to attempt to address this concern, one of which has been the requirement for planning authorities to prepare Statements of Common Ground with other parties, which are seen as a way of addressing cross-boundary strategic planning matters and demonstrating compliance with the Duty to Co-operate. This requirement has been set out in the Government's National Planning Policy Framework (NPPF)<sup>1</sup>.

1.3 The County Council will be expected to secure Statements of Common Ground in support of our own Waste and Minerals Local Plan. We will also be asked to agree Statements of Common Ground that support plans prepared by other planning authorities. These instances will generally relate to the County Council's roles as Highway Authority, Lead Local Flood Authority and/or a neighbouring County Planning Authority. It is anticipated that other authorities will often request the County Council's agreement to a Statement of Common Ground at relatively short notice, particularly when responding to matters raised by a Planning Inspector for a Local Plan Examination. It should be noted that Statements of Common Ground will not be setting policies for Local Plans. Instead, they will be articulating factual evidence and/or previously stated position(s) on the Local Plan in question.

1.4 In light of the above, it is proposed to add the following paragraph to Table 6 of Part 3 of the County Council's Scheme of Delegation. This will follow on from the current paragraph 38, which is within the sub-section entitled "*Development Plans and Consultation*".

*"39. To consider, agree and sign Statements of Common Ground that are prepared in support of Development Plans by both the County Council and other planning authorities."*

1.5 The Scheme of Delegation provides delegated authority to respond to consultations from government departments and other statutory and non-statutory organisations. However, this is only within the context of the County Council's role as County Planning Authority. There have been and will be times when the County Council, within its statutory planning consultee roles, also wishes to respond to such consultations (e.g. updates to the

<sup>1</sup> See paragraphs 24 to 27 of the NPPF;

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/810197/NPPF\\_Feb\\_2019\\_revised.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf)

National Planning Policy Statement, consultations issued by the likes of the Environment Agency, etc). More often than not, these consultation periods are only for around 6 weeks, meaning that it is often not possible to submit a response to the consultation that has been formally approved by a Lead Member decision. In light of this it is proposed to amend the current delegation as follows (additional text underlined).

*“40. To respond on behalf of the Council as County Planning Authority, Highway Authority and/or Lead Local Flood Authority to consultations from government departments and other statutory and non-statutory organisations.”*

1.6 A current delegation to the Director of Communities, Economy and Transport concerns applications for Prior Approval, which may in some instances be required in order for certain developments/works to exercise their Permitted Development rights as set out below:

- (a) *To determine, where there are less than 2 objections relating to siting and/or appearance, the determination of (a) whether or not prior approval is required and (b) whether or not prior approval is granted in relation to applications made under Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015.*
- (b) *To determine applications for developments ancillary to mining operations made under part 17 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015*
- (c) *To determine applications under Part 11 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 for the prior approval of the demolition of buildings*

1.7 An application for Prior Approval has a limited scope for the matters that the planning authority can consider. To date, few such applications have been received by the County Planning Authority. At present, the Scheme of Delegation makes specific reference to certain parts of the legislation that could result in an application for Prior Approval. However, this is not exhaustive and therefore to ensure that all such applications are captured in the Scheme of Delegation, it is proposed to replace the current delegation with the wording set out below, which is consistent with the criteria that determines whether a planning application is referred to the Planning Committee, or not.

*“21 a) To determine whether an application for prior approval is required under Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015.*

*b) To determine, where there are less than two objections relating to matters that can be considered by the County Planning Authority under Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015, applications for prior approval under the aforementioned legislation.*

1.8 The current Scheme of Delegation to Officers contains the following delegation:

In accordance with the policy of the County Council to authorise...

*e) an employee to use his/her private vehicle on official business and, in consultation with the Director of Communities, Economy and Transport and Chief Operating Officer, to grant applications for loans under the County Council's Assisted Car Purchase Scheme.*



1.9 The Assisted Car Purchase Scheme has been replaced by the opportunity to apply for a loan to purchase a car under the employee loan policy. In practice, there is no involvement for the Director of Communities, Economy and Transport or the Chief Operating Officer in the approval of employee car loans. It is therefore proposed to amend the Scheme of Delegation to Chief Officers as set out below

Current	Proposed
8. In accordance with the policy of the County Council to authorise...  e) an employee to use his/her private vehicle on official business and, in consultation with the Director of Communities, Economy and Transport and Chief Operating Officer, to grant applications for loans under the County Council's Assisted Car Purchase Scheme	8. In accordance with the policy of the County Council to authorise...  e) an employee to use their private vehicle on official business  f) approval of applications for loans to employees in accordance with the Employee Loans Policy

1.10 The Committee recommends the County Council to:

☆ (1) approve the amendments to the Scheme of Delegation to Officers as set out in paragraphs 1.4, 1.5, 1.7 and 1.9 of the report.

20 September 2019

KEITH GLAZIER  
(Chair)

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### REPORT OF THE PLACE SCRUTINY COMMITTEE

The Place Scrutiny Committee met on 18 September 2019.

Present: Councillors Bob Bowdler (Chair), John Barnes, Colin Belsey, Phil Boorman, Godfrey Daniel (Vice Chair), Chris Dowling, Darren Grover, Pat Rodohan, Stephen Shing, Andy Smith and Barry Taylor.

Also present: Councillors Nick Bennett (Lead Member for Resources), Claire Dowling (Lead Member for Transport and Environment), and Councillor Rupert Simmons (Lead Member for Economy).

#### 1. Notice of Motion: Climate Change

1.1 The following Notices of Motion have been submitted to the Chairman of the County Council:

By Councillors Trevor Webb (Proposer) and Phil Scott (Seconder)

*East Sussex County Council:*

*(i) recognises the Climate Emergency and will commit resources where possible and will align its policies to address this;*

*(ii) will set a target of achieving carbon neutrality from its activities and those of its trading companies by 2030 using the Carbon Trust framework, with an Action Plan for achieving this;*

*(iii) will report annually at the May County Council Meeting on its progress towards the target; and*

*(iv) will work with partners and contract providers and will investigate all possible sources of external funding and match funding to support this commitment, as well as writing to central government with respect to the emergency to request funding to implement swift appropriate actions in response.*

By Councillors Nick Bennett (Proposer) and Claire Dowling (Seconder)

*East Sussex County Council:*

*supports the aim and implementation of the UN Sustainable Development Goals;*

*declares a 'Climate Emergency';*

*will build upon the work we have undertaken to date. We will use our Environment Strategy to provide a strong unified voice in lobbying for support to address this emergency, sharing best practice across East Sussex and more widely through other partners; and*

*will, with our Environment Strategy partners, set out a clear plan of action not only to reduce our carbon emissions but to enhance and protect our environment.*

1.2 In line with County Council practice, the matter was referred by the Chairman to the Place Scrutiny Committee for consideration to provide information and inform debate on the Motions.

#### Supporting Information

1.3 The Place Scrutiny Committee considered a report at the meeting on 18 September 2019 on the two motions that have been submitted. The report outlined the background to this issue and the Council's previous and current work on climate change, which is summarised below.

1.4 The Sustainable Development Goals (SDGs) referred to in the Motion were agreed by world leaders at the United Nations (UN) in 2015 and are a call for action by all countries to 'end poverty and protect the planet'. The 17 Goals are not legally binding but all signatories are expected to contribute to them internationally and take ownership domestically by driving delivery through their own policies, plans and programmes. East Sussex County Council's (ESCC) policies and work programmes support a number of the SDGs. Goal 13 on climate change is supported through our progress in reducing our corporate carbon footprint and supporting businesses to do the same.

1.5 The 2018 report by the UN's Intergovernmental Panel on Climate Change (IPCC) concluded that "rapid, far-reaching, and unprecedented changes in all aspects of society" will be required in order to limit a global temperature rise to 1.5<sup>0</sup>C above pre-industrial level. Modelling indicates that to achieve this requires an estimated 45% reduction in global CO<sub>2</sub> emissions by 2030 from 2010 levels. Even half a degree above that will significantly worsen the risks of drought, floods, mass extinctions of animal species, and extreme heat and poverty for hundreds of millions of people.

1.6 The predicted impacts in East Sussex include an increase in heat-related deaths, particularly amongst the elderly, disruption and higher costs to businesses and service providers caused by flooding, and increased costs for the County Council, for instance due to greater damage to highway assets from more frequent and intense flooding and episodes of extreme heat.

1.7 The County Council has a strong track record on climate change and has reduced emissions from its own activities by about 46% between 2008-9 and 2017-18, through implementing a wide number of measures, and has supported a range of programmes to enable schools, businesses and those in fuel poverty to reduce their carbon emissions. In addition, the County Council has recently set up the Environment Board, which is accountable to Team East Sussex, to work with a range of partner organisations to update the 2011 Environment Strategy for East Sussex. The revised Strategy will provide an up-to-date evidence base, reflect the range of new national environmental policies and strategies that have emerged since 2011, and will aim to set out a clear plan of action for all members of the Board to work together to reduce carbon emissions as well as enhance and protect our environment.

1.8 However, there is increasing evidence of a change in public mood on environmental issues. This is evident from the Extinction Rebellion protests, the rise of school and student protests around climate change, and the recent local and

European election results. The County Council is also facing increasing requests from partner organisations to see what more we can do to address specific aspects of climate change.

1.9 Many organisations, including Parliament, have declared a climate emergency, and in June 2019 Parliament agreed a new target, which is legally-binding on the Government, for the UK to achieve net carbon neutrality by 2050. There are currently no legally binding carbon targets on local government. However, over 200 Local Authorities have declared a climate emergency to date, though only a minority have committed to making either their administrative areas or just their own operations carbon neutral by 2030, with most Local Authorities either committing to becoming carbon neutral by 2050 or not setting a particular date.

1.10 This probably reflects the significant uncertainty as to how carbon neutrality might be achieved, particularly as most of the large scale interventions required to achieve rapid and far-reaching change are driven by international and national financial and regulatory requirements. In East Sussex, Eastbourne Borough Council and Hastings Borough Council have committed to becoming carbon neutral towns by 2030; Lewes District Council has committed to its own estate becoming carbon neutral by 2030; Wealden District Council has committed to its own estate and the district becoming carbon neutral by 2050; and Rother District Council has committed to its own estate and the district becoming carbon neutral by 2030.

1.11 There is currently no clear pathway to carbon neutrality for the County Council's own operations, not least because technology is evolving at a rapid pace. In the absence of a clear pathway and an understanding of potential costs and benefits, it is recommended that the County Council commits to:

- the principle of its own operations becoming carbon neutral by 2050, in line with the new national target;
- carrying out modelling to understand the scale and pace of change required, the range of options available to achieving carbon neutrality, and the likely resource implications;
- preparing 5 year carbon action plans, in line with the national approach set out in the Climate Change Act of 2008, to set out a package of short and medium term measures along the pathway to carbon neutrality. This will enable the County Council to review and update the package of measures to reflect changes in legislation, technology and access to finance, which could enable the target date of 2050 to be brought forward.

1.12 The principles of the two Motions are supported, as the evidence of the need for action is urgent and Local Authorities play a significant role in leading by example and working with partners to shape a community response to these issues.

#### Response to Notice of Motion

1.13 As there is general agreement on the need for action and to avoid confusion it is recommended that Council considers one joint Motion that combines the Notices of Motion received from the Conservative and Labour groups, which sets out a realistic target of carbon neutrality for those activities within the direct control of the County Council, and that this includes a commitment to develop a plan with partner organisations to reduce carbon emissions across East Sussex.

1.14 Following consideration at the Place Scrutiny Committee, the Committee resolved to recommend that Council agrees the Motion below:

*East Sussex County Council:*

- (i) supports the aims and implementation of the UN Sustainable Development Goals.*
- (ii) recognises and declares a Climate Emergency.*
- (iii) will set a target of achieving carbon neutrality from its activities as soon as possible and in any event by 2050, in line with the new target for the UK agreed by Parliament in 2019.*
- (iv) will build upon the work we have undertaken to date, will commit resources where possible and will align our policies to address the Climate Emergency.*
- (v) will set out a clear plan of action to reduce our carbon emissions.*
- (vi) will report annually at the May County Council Meeting on its progress towards the target.*
- (vii) will investigate all possible sources of external funding and match funding to support this commitment, as well as writing to central government with respect to the emergency to request funding to implement swift appropriate actions”.*
- (viii) will use our Environment Strategy to provide a strong unified voice in lobbying for support to address this emergency, sharing best practice across East Sussex and more widely through other partners”.*

1.15 The Place Scrutiny Committee recommends that the County Council:

☆ (1) agrees the Motion set out in paragraph 1.14 of this report.

18 September 2019

BOB BOWDLER  
Chair

### EAST SUSSEX FIRE AUTHORITY

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**Report of a meeting of the East Sussex Fire Authority held at County Hall, St. Anne's Crescent, Lewes BN7 1UE at 10:30 hours on Wednesday, 3 July 2019.**

Present: Councillors Galley (Chairman), Lambert (Vice-Chair), Barnes, Boorman, Dowling, Ebel, Evans, Grimshaw, Osborne, Powell, Pragnell, Scott, Smith, Taylor and Theobald

N.B. Apologies were received from Councillors Earl-Williams, Hamilton, Peltzer Dunn and Tutt. Cllr Grimshaw was attending as substitute for Cllr Hamilton.

The agenda and non-confidential reports can be read on the East Sussex Fire & Rescue Service's website at <http://www.esfrs.org/about-us/east-sussex-fire-authority/fire-authority-meetings/> A brief synopsis and the decisions relating to key items is set out below.

#### **1 RESTRICTING EXIT PAYMENTS IN THE PUBLIC SECTOR – CONSULTATION ON DRAFT REGULATIONS**

- 1.1 The Fire Authority received a report informing them of the Government's proposal to introduce a cap on exit payments in the public sector. A revised draft response to the consultation on the regulations to implement the cap was circulated at the meeting.
- 1.2 The Authority were informed that this was a nationwide consultation and that responses had been submitted by many organisations including local authorities, the National Fire Chiefs Council (NFCC) and Trade Unions. The Authority were informed that the consultation did not include the level at which the cap would be set as this was already set in legislation, but the consequences of capping too low were recognised. The reasons why the cap was not supported were outlined within the report. The Authority raised many concerns about the cap, including the potential effect on those who might need to retire early due to ill-health and the impact that the cap might have on both recruitment and retention of staff.
- 1.3 It was questioned whether the proposal affected too many employees and not just those in receipt of the highest salaries, Authority felt that the cap had been set too low and there were some things that should not be included in it at all. It was agreed that it was essential the response clearly addressed why the cap was thought inappropriate and should be more closely targeted and set at a much higher rate. It was generally felt that the introduction of a pay cap at this level was wrong and that the intention behind the original proposal had been forgotten, initially it was felt the aim had been to address large payments to higher earners. There were concerns that the attempt to make it apply to all was not appropriate.

- 1.4 That the Fire Authority agreed to note the Government's proposal to implement a Public Sector Exit Payment Cap and agreed the proposed draft response to the consultation on the regulations to implement the cap and delegate authority to the Assistant Director HR, OD, Training & Assurance to respond to the consultation, reflecting the Authority's views.

**EXCLUSION OF PRESS & PUBLIC**

The Fire Authority agreed that item no. 9 be exempt under paragraph 3 of Schedule 12A to the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 and accordingly is not open for public inspection on the following grounds: it contains information relating to the financial or business affairs of any particular person (including the authority holding that information).

**2 SUSSEX CONTROL CENTRE PROJECT & FUTURE MOBILISING OPTIONS  
PROGRESS UPDATE**

- 2.1 The Authority considered a report which presented Members with a confidential update on the current status of the Sussex Control Centre (SCC) mobilising project, the progress to terminate the current joint mobilising partnership with West Sussex County Council and the current work to identify options for the Authority's future mobilising arrangements.

**COUNCILLOR ROY GALLEY**  
**CHAIRMAN OF EAST SUSSEX FIRE AUTHORITY**  
3 July 2019



## **EAST SUSSEX FIRE AUTHORITY**

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**Report of a meeting of the East Sussex Fire Authority held at County Hall, St. Anne's Crescent, Lewes BN7 1UE at 10:30 hours on Thursday, 5 September 2019.**

Present: Councillors Galley (Chairman), Lambert (Vice-Chair), Boorman, Earl-Williams, Ebel, Evans, Hamilton, Osborne, Peltzer Dunn, Powell, Pragnell, Sheppard, Smith, Taylor, Theobald and Tutt

N.B. Apologies were received from Councillors Barnes, Dowling and Scott.

The agenda and non-confidential reports can be read on the East Sussex Fire & Rescue Service's website at <http://www.esfrs.org/about-us/east-sussex-fire-authority/fire-authority-meetings/> A brief synopsis and the decisions relating to key items is set out below.

### **1 URGENT ITEMS AND CHAIRMAN'S BUSINESS**

- 1.1 The Chairman reminded Members that the East Sussex Fire & Rescue Service Awards were being held in October. He thanked those Members that were attending, and urged more to take up the invitation in future. The Chairman informed the Authority that he was keen to encourage improved Member attendance at Service events, including Station Open Days and reminded Members that all such dates were included in the weekly email update.

### **2 2018/19 ANNUAL PERFORMANCE OUTCOME REPORT**

- 2.1 The Fire Authority considered the report presenting details of East Sussex Fire & Rescue Service's performance for the period April – March 2018/19. The report summarised the 2018/19 performance outcomes for East Sussex Fire & Rescue Service, providing a single view of information and allowing the Service to be held to account. The report provided comparison against last year's performance, and illustrated the Service's direction of travel and whether or not performance had improved, stayed the same or declined. There was a lengthy discussion around the content of the report.
- 2.2 Members queried if it was anticipated that grass fires would increase due to the impact of climate change. In the UK in 2017/18 there had been 76 open grass fires consuming more than 24 hectares, rising to 96 by July 2019. The trajectory of these fires showed that there were more of them and that they were bigger. The NFCC has stated that Climate Change is an issue for Fire & Rescue Services nationally and it is an issue now. Whilst data does not show there a significant local issue, ESFRS ensured any operational learning was gathered from other services and was are confident that it had appropriate levels of resource to match the risk.

- 2.3 The report showed that sickness absence was a priority for the Service and performance had improved on last year, ESFRS had a sickness policy that was adhered to, and that was implemented in line with a strong case management approach. Each case of long-term sickness was approached in an empathetic and caring way on its own merits. The culture at ESFRS was not one of presenteeism with each situation dealt with sensitively, patiently and jointly with the employee.
- 2.4 The Authority noted almost half the total ESFRS incidents were false alarms and sought confirmation that property owners were given guidance to stop them happening and whether consideration had been given to introducing fines to repeat offenders. Although there were still a high proportion of Automatic Fire Alarms (AFA) there had been a reduction through the year and the experience at ESFRS mirrored the national challenge. Whilst consideration was being given to charging repeat offenders, observing trials by other services suggested this approach yielded limited success and presented its own challenges. Every AFA callout was used as an opportunity, if false, to conduct a robust education piece as part of the wider business safety discussion and work was undertaken with repeat offenders.
- 2.5 The Fire Authority approved the performance results and progress towards achieving the Service's purpose and commitments. They also approved the performance results and remedial actions that had been taken to address areas of underperformance in priority areas.

### **3 REVENUE BUDGET AND CAPITAL PROGRAMME MONITORING 2019/20**

- 3.1 The Fire Authority consider issues arising from the monitoring of the 2019/20 Revenue Budget and Capital Programme as at 31 July 2019. At this early stage in the financial year with the delayed completion of the audit of the 2018/19 accounts this report focused principally on the risks to the revenue and capital budgets.
- 3.2 The Revenue Budget was forecast to be £36,000 underspent, reflecting where forecasts could be made with some certainty. The overall Capital Programme was projected to be £90,000 underspent, the current year's Capital Programme was projected to be underspent by £952,000 (comprising of slippage of £862,000 and £90,000 underspend). The Authority maintained Earmarked Reserves and General Reserves in order to assist in managing its spending plans across the financial year, a summary of current planned use of Reserves was presented at Appendix 4 to the report.

- 3.3 It was queried whether suppliers of vehicles were compared with other Fire & Rescue Services. ESFRS is a participant in national work on vehicle provision and a member of a national purchasing framework, the vehicle purchase programme had been paused to ensure all new purchases were locally appropriate. Members had some queries regarding the projected overtime bill. It was important to consider this spend of approximately £300,000 in the context of the overall budget for that department of £20.6m. The projected cost was not of immediate concern, the use of overtime provided flexibility but would continue to be monitored closely. The use of overtime was an operational matter, and Members were reassured it was managed correctly. Members were informed that the Preston Circus project was progressing well following extensive consultation with the employee representatives. All stages of each project would be undertaken with the appropriate level of stakeholder engagement.
- 3.4 Members asked why the average return on investments remained at 1%, it was confirmed that ESFRS had commissioned ORBIS to research alternative investment options and the findings would be presented to Members at a future meeting. The Fire Authority noted the risks to and the projected Revenue Budget underspend, the risks to and the projected underspend in the Capital Programme, the use of reserves, the monitoring of savings taken in 2019/20 and the current year investments. They agreed to vary the Capital Programme to reintroduce the purchase of an Animal Rescue Vehicle.

#### **4 2020/21 STRATEGIC SERVICE PLANNING AND MEDIUM TERM FINANCIAL PLAN**

- 4.1 The Authority received a report presenting plans to roll forward the medium term service planning strategy and medium term financial plan (MTFP) for 2020/21. The ADR/T explained to Members that this year the MTFP was essentially a roll forward of that agreed by the Authority in February 2019 with an additional year included. Closer alignment of business and resource planning was necessary to ensure that the Authority could continue to deliver its corporate strategy and Integrated Risk Management Plan (IRMP) outcomes more effectively, this would continue for the 2020/21 budget setting process.
- 4.2 There was continued uncertainty about the future of local government funding. Despite this the Authority would need to continue to drive through the service and budget planning process, identification of pressures and savings and cashable efficiencies. It was important that consideration was given to the replenishment of reserves. The Government's Spending Round announcement that had been made the day prior to the meeting. This was for one year only and contained no specific reference to fire services.

- 4.3 The Spending Round indicated baseline funding for local authorities would be protected in real terms for 2020/21 but would not know what this meant until the draft Local Government Finance Settlement was announced possibly in December. It was unclear at this stage whether the one off grant to fire services to cover additional pension costs in 2019/20 (worth £1.7m to this Authority) would be rolled forward into 2020/21. Government intended to consult on a 2% Council Tax referendum threshold, in line with current modelling. The Fairer Funding Review and changes to Business Rates Retention were to be delayed, it was hoped a Comprehensive Spending Review would be announced next year. The MTFP had been modelled for a reduction in funding, but could yet be mitigated by the Government proposals in 2020/21. ESFRS would continue to push for savings to ensure flexibility. There remained significant concerns about funding and financial sustainability in the medium term.
- 4.4 The reduction in sprinkler contributions was queried, Members were reminded that we were approaching the end of 2 years additional funding that the Fire Authority had agreed to budget for, this would cease as planned in 2021. There was still significant funding available, but it was important to be clear the offer had been to promote fitting of sprinklers and to encourage behavioural change, it was never the intention that ESFRS would fund this for Local Authorities.
- 4.5 Members requested that the difference in revenue of a 1.99% Council Tax increase compared to the currently intended 1.94% be calculated, and what the potential difference an additional 0.05% might be. The Fire Authority approved the updated MTFP for 2020/21 to 2024/25 and its underlying assumptions, considered the risks set out in the report and considered their modelling preferences for Council Tax, should the Government set the referendum threshold higher than the 2% currently included.

## **5 FIREFIGHTER PENSION SCHEMES UPDATE REPORT**

- 5.1 The Authority received a report informing them of pensions issues identified within the Firefighter Pension Schemes and setting out action being taken or proposed to resolve them. The Authority received a recap on the findings of the Norman v. Cheshire case. There was no national guidance to deal with the judgement of this case, therefore a local exercise had been undertaken. Early assessment indicated there was potentially up to £44,000 of unpaid employees' contributions, if these amounts could not be recovered through repayment plans or other means the current view was that the impact would be on the Pension Account. The Pension Advisor was working to put in place payment plans where possible.
- 5.2 The report demonstrated there was a large amount of work in the area of Pensions and Members sought reassurance that there was enough capacity to undertake it. It was agreed that this was an intensive process and the Pensions Advisor had performed a 'healthcheck' in order to identify issues. This work had uncovered issues resulting from the actions of both ESFRS, the Scheme Manager, and ORBIS, the Scheme Administrator. The Service was changing Firefighter Pension provider from ORBIS to the West Yorkshire Pension Fund (WYPF) due to Firefighter Pensions becoming increasingly complex. The WYPF would provide ESFRS greater resilience and expertise and were already supporting and administering Firefighter Pension Schemes on behalf of fourteen Fire & Rescue Services.

- 5.3 There was some suggestion that ESFRS should seek some recompense from ORBIS but the key focus was on ORBIS providing immediate resources in order to rectify the issues and not on seeking a rebate. It was added that this was not purely a local issue and there had been difficulties encountered by Pension Administrators across the Fire sector, some were historic but some were annual issues dealt with by all services. There had been a separate regulatory assessment which established that none of the issues presented were reportable breaches. Audits had been conducted on the Firefighter Pension Scheme by ESFRS' internal auditors and Members would be kept informed of the findings.
- 5.4 The Fire Authority noted the current pension issues and activities as identified in Appendix 1 to the report and confirmed that they were content with the action proposed to resolve them. They requested that a further report be presented to a future meeting of the Fire Authority once the Pensions Board had discussed and considered the issues and actions.

**COUNCILLOR ROY GALLEY**  
**CHAIRMAN OF EAST SUSSEX FIRE AUTHORITY**  
5 September 2019

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