

Meeting of  
East Sussex County Council  
on Tuesday, 3 December 2019  
at 10.00 am

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# EAST SUSSEX COUNTY COUNCIL

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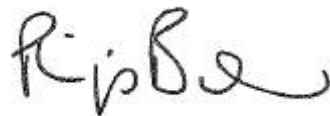
## To the Members of the County Council

You are summoned to attend a meeting of the East Sussex County Council to be held at Council Chamber - County Hall, Lewes, **on Tuesday, 3 December 2019 at 10.00 am** to transact the following business

- 1 Minutes of the meeting held on 15 October 2019** *(Pages 5 - 20)*
- 2 Apologies for absence**
- 3 Chairman's business**
- 4 Questions from members of the public**
- 5 Report of the Cabinet** *(Pages 21 - 28)*
- 6 Report of the People Scrutiny Committee** *(Pages 29 - 32)*
- 7 Questions from County Councillors**
  - (a) Oral questions to Cabinet Members
  - (b) Written Questions of which notice has been given pursuant to Standing Order 44
- 8 Report of the East Sussex Fire Authority** *(Pages 33 - 40)*

*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 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

25 November 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 15 OCTOBER 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, Sarah Osborne, Peter Pragnell, Pat Rodohan, Phil Scott, Jim Sheppard (Vice Chairman), Daniel Shing, Stephen Shing, Alan Shuttleworth, Rupert Simmons, Andy Smith, Bob Standley, Richard Stogdon, Colin Swansborough, Barry Taylor, Sylvia Tidy, David Tutt, John Ungar, Steve Wallis, Trevor Webb and Francis Whetstone

#### **31 Minutes of the meeting held on 9 July 2019**

31.1 RESOLVED – to confirm as a correct record the minutes of the County Council held on 9 July 2019 as a correct record.

#### **32 Chairman's business**

##### PROJECT RUDOLPH

32.1 The Chairman reminded all councillors that each year Christmas presents are collected at main council officers in Eastbourne, Hastings and Lewes for children whose families live in financial crisis and 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 Project Rudolph 2019 is launched.

##### VOLUNTEERS

32.2 The Chairman referred to the amazing contribution that volunteers make every day in East Sussex. There are many volunteers across the County and the Chairman stated that, on behalf of the Council, he would continue to show his appreciation to these unsung heroes.

##### CHAIRMAN'S ACTIVITIES

32.3 The Chairman reported that he had attended a number of engagements since the last meeting of the County Council including: memorial services for the Dieppe raids which he attended as the guest of the Mayor of Dieppe and The Mayor of Bexhill's service at which our former colleague, Stuart Earl, was posthumously awarded 'The Freedom of Bexhill'.

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### PRAYERS

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

### PETITIONS

32.5 The following petition was presented by a member immediately before the meeting:

Councillor O'Keeffe	- calling on the County Council to declare a climate emergency and to take action on a number of points to make East Sussex carbon neutral by 2030.
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### 33 Declarations of Interest

33.1 The following members declared personal interests in items on the agenda as follows:

Member	Position giving rise to interest	Agenda item	Whether interest was prejudicial
Councillor Philip Daniel	Self-employed economic consultant teaching public finance to graduate students and providing advice to the IMF and member states, which includes the fiscal treatment of extractive industry revenues	Item 4	No
Councillor Webb	Member of the Pension Committee	Item 4	No
Councillor Webb	Community organiser for the Greek Orthodox Church fund raising concert for the right to work for asylum seekers campaign	Item 8	No

### 34 Petition

34.1 Julia Hilton (a representative of the petitioners) addressed the County Council prior to the debate. The Council agreed to vary procedure to enable all councillors who wished to speak to do so.

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34.2 The following motion was moved by Councillor Bennett and seconded:

*In order to maintain the momentum of its responsible approach to Environmental, Social & Governance (ESG) considerations consistent with the Paris Agreement and the Special Report of the Intergovernmental Panel on Climate Change (2019), and building on the substantial progress on ESG matters made over the last 36 months by the Committee, this Council agrees to:*

- 1. Recognise the concerns raised through the petition.*
- 2. Note that the East Sussex Pension Fund is already recognized as having a strong approach to socially and environmentally responsible investment with a below benchmark exposure to both carbon and fossil fuels.*
- 3. Request that the Pension Committee asks its investment consultants to undertake a further investigation, with particular focus on the long term risks and opportunities to the Fund associated with climate change, and report back to the Committee on how, in the light of its need to fulfil its obligations to all pension scheme employers and members, it might further integrate ESG considerations including those relating to its approach to fossil fuel exposure, into its investment strategy.*

34.3 The following amendment was moved by Councillor Stephen Shing and seconded:  
To delete the motion and replace with –

*The County Council agrees:*

- 1) To note that the Council's current policy of "engaging" with fossil fuel companies has been unsuccessful, and its continued investments in fossil fuels are "no longer aligned with the interests of the East Sussex Pension Fund" and pose "a material financial risk" to the Fund*
- 2) that, in line with its Responsible Investment Policy, the East Sussex Pension Fund: (a) immediately freezes any new investment in the top 200 publicly-traded fossil fuel companies; and (b) divests from its existing investments in these companies within five years.*

34.4 A recorded vote on Councillor Stephen Shing's amendment was requested and taken.  
The amendment was LOST, the votes being cast as follows

### FOR THE AMENDMENT

Councillors O'Keeffe, Daniel Shing, Stephen Shing and Webb

### AGAINST THE AMENDMENT

Councillors Barnes, Beaver, Belsey, Bennett, Bentley, Boorman, Bowdler, Charman, Charles Clark, Martin Clarke, Godfrey Daniel, Davies, Chris Dowling, Claire Dowling, Earl-Williams, Elford, Elkin, Enever, Ensor, Fox, Galley, Glazier, Liddiard, Loe, Maynard, Pragnell, Scott, Sheppard, Simmons, Smith, Standley, Stogdon, Taylor, Tidy and Whetstone

### ABSTENTIONS

Councillors Philip Daniel, Field, Grover, Lambert, Osborne, Rodohan, Shuttleworth, Swansborough, Tutt, Ungar and Wallis

34.5 The following amendment was moved by Councillor Tutt and Seconded:

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To delete the motion and replace with –

*That East Sussex County Council believes that it would be possible for East Sussex Pension Fund to obtain either the same or greater return for the fund by divesting from shares in the fossil fuel based companies within their portfolio. To do so would also remove the financial risk that the fund has recognised such investments bring.*

*The Council therefore requests that the fund issue immediate instructions to their investment consultants (Hymans Robertson) to provide an analysis of the implications of fossil fuel divestments and its associated risks and opportunities. The outcome of such analysis will allow the fund to decide on whether it can meet its long term strategic objectives if it divests current fossil fuel holdings.*

34.6 A recorded vote on Councillor Tutt's amendment was requested and taken. The amendment was LOST, the votes being cast as follows

### FOR THE AMENDMENT

Councillors Charman, Charles Clark, Godfrey Daniel, Philip Daniel, Field, Grover, Lambert, O'Keeffe, Osborne, Rodohan, Scott, Daniel Shing, Stephen Shing, Shuttleworth, Swansborough, Tutt, Ungar and Wallis

### AGAINST THE AMENDMENT

Councillors Barnes, Beaver, Belsey, Bennett, Bentley, Boorman, Bowdler, Martin Clarke, Davies, Chris Dowling, Claire Dowling, Earl-Williams, Elford, Elkin, Enever, Ensor, Fox, Galley, Glazier, Liddiard, Loe, Maynard, Pragnell, Sheppard, Simmons, Smith, Standley, Stogdon, Taylor, Tidy and Whetstone

### ABSTENTIONS

Councillor Webb

34.7 A recorded vote was requested and taken on the motion moved by Councillor Bennett as follows:

*In order to maintain the momentum of its responsible approach to Environmental, Social & Governance (ESG) considerations consistent with the Paris Agreement and the Special Report of the Intergovernmental Panel on Climate Change (2019), and building on the substantial progress on ESG matters made over the last 36 months by the Committee, this Council agrees to:*

- 1. Recognise the concerns raised through the petition.*
- 2. Note that the East Sussex Pension Fund is already recognized as having a strong approach to socially and environmentally responsible investment with a below benchmark exposure to both carbon and fossil fuels.*
- 3. Request that the Pension Committee asks its investment consultants to undertake a further investigation, with particular focus on the long term risks and opportunities to the Fund associated with climate change, and report back to the Committee on how, in the light of its need to fulfil its obligations to all pension scheme employers and members, it might further integrate ESG considerations including those relating to its approach to fossil fuel exposure, into its investment strategy.*

34.8 The motion was CARRIED with the votes being cast as follows:

### FOR THE MOTION

Councillors Barnes, Beaver, Belsey, Bennett, Bentley, Boorman, Bowdler, Charman, Charles Clark, Martin Clarke, Godfrey Daniel, Philip Daniel, Davies, Chris Dowling, Claire Dowling, Earl-



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Williams, Elford, Elkin, Enever, Ensor, Field, Fox, Galley, Glazier, Grover, Lambert, Liddiard, Loe, Maynard, O'Keeffe, Osborne Pragnell, Rodohan, Scott, Sheppard, Daniel Shing, Stephen Shing, Shuttleworth, Simmons, Smith, Standley, Stogdon, Swansborough, Taylor, Tidy, Tutt, Ungar, Wallis and Whetstone

### AGAINST THE MOTION

Councillor Webb

### ABSTENTIONS

None

## 35 Questions from members of the public

35.1 Copies of questions from Nina Ovenden from Easons Green, Isaiah Keal from Easons Green, Anou Rothschild from Easons Green and Ingrid Burniston from Easons Green and the answers from 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.

## 36 Reports

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

Cabinet report (16 July 2019) - paragraph 1 (Reconciling Policy, Performance and Resources – State of the County)

Cabinet report (8 October 2019) - paragraph 1 (Council Monitoring)

Leader and Lead Member for Strategic Management and Economic Development report – (paragraph 1 Notice of Motion: Right to work for those seeking asylum)

Place Scrutiny Committee report - paragraph 1 (Notices of Motion: Climate emergency)

### NON-RESERVED PARAGRAPHS

36.2 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 – Amendment to Constitution – scheme of delegation to officers

36.3 The Chairman informed the Council that he was going to vary the order of the agenda by taking item 9 (report of the Place Scrutiny Committee) next

## 37 Report of the Place Scrutiny Committee

37.1 Councillor Bowdler moved the reserved paragraph (Notices of Motion: climate emergency) in the report of the Place Scrutiny Committee.

37.2 The following amendment moved by Councillor Tutt and seconded was LOST:

*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 (insert) [2030] (delete) [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.*

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- (vi) *will report (insert) [six monthly to the County Council] (delete) [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*
- (ix) *(insert) [will include an environmental impact assessment on every Council report]*

37.3 The following motion was moved by Councillor Bowdler was CARRIED:

*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*

### **38 Report of the Cabinet - 16 July 2019**

Paragraph 1 (Reconciling Policy, Performance and Resources – State of the County)

38.1 Councillor Glazier moved the reserved paragraph of the Cabinet's report.

38.2 The motion was CARRIED after debate

### **39 Report of the Cabinet - 8 October 2019**

Paragraph 1 (Council Monitoring)

39.1 Councillor Glazier moved the reserved paragraph of the Cabinet's report.

39.2 The motion was CARRIED after debate

### **40 Report of the Lead Member for Strategic Management and Economic Development**

40.1 Councillor Glazier moved the reserved paragraph (Notice of Motion: Right to work for those seeking asylum).

40.1 The motion was CARRIED after debate.

### **41 Questions from County Councillors**

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

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Questioner	Respondent	Subject
Councillor Field	Councillor Claire Dowling	Use of road ahead closed signs
Councillor Lambert	Councillor Glazier	Financial implications of the East Sussex Fire and Rescue Service withdrawing from the Obis pension administration service
Councillor Ungar	Councillor Glazier	Involvement of councillors in budget setting process
Councillor Godfrey Daniel	Councillor Bentley	Road safety communication to councillors
Councillor Charman	Councillor Standley	Timing of decision from Department for Education regarding funding for the Hastings Opportunity Fund
Councillor Galley	Councillor Standley	Consultation regarding the future of Fletching School
Councillor Scott	Councillor Claire Dowling	Monitoring of road works to minimise impact on traffic flows and consideration of evening weekend working
Councillor Stephen Shing	Councillor Claire Dowling	Penalties issued for roadworks that overrun.
Councillor Stogdon	Councillor Bentley	Role of scrutiny in relation to road safety communications and associated toolkit.
Councillor Field	Councillor Glazier	Role of councillors in putting forward items for scrutiny

### WRITTEN QUESTIONS PURSUANT TO STANDING ORDER 44

41.2 Four written question were received from Councillors Lambert, Tutt, Ungar and Whetstone for the Lead Member for Education and Inclusion, Special Educational Needs and Disability, the Lead Member for Strategic Management and Economic Development 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 1.43 pm

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The reports referred to are included in the minute book  
\_\_\_\_\_

QUESTION FROM MEMBERS OF THE PUBLIC

**1. Question from Nina Ovenden, Easons Green, East Sussex**

What is East Sussex County Council going to do about traffic and road safety in the coming years when people become more and more aware about car use and want to cycle, but there are no cycle lanes and the speed limit is 60 on most country roads?

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

The national speed limit is set by central government and covers all roads where a specific lower speed limit has not been imposed by legal order. It varies depending on the road type - 70mph on motorways and dual carriageways whilst 60mph on all other roads - and is specific to the class of vehicle being driven (for example HGV's are restricted to 50 mph on a single carriageway road). The Highway Code highlighted the need for drivers to adapt their driving to the appropriate type and condition of road you are on, taking into account the road and traffic conditions, anticipating what pedestrians and cyclists might do and being prepared for road users emerging from junctions

I acknowledge that people are becoming increasingly aware of the impact that petrol or diesel vehicles can have as a contributor to climate change, air quality issues and the impacts to health from limited physical activity. However, for some people the use of a vehicle, especially within rural areas, provides their only realistic means of travel - for getting to work, taking children to school or for shopping.

That said, we have invested significantly in cycling infrastructure across the County in recent years, including the Horsey Way in Eastbourne, which is a shared cycling and walking route connecting residential areas to key local town centre services, together with a shared cycling and walking route connecting Lewes – Ringmer, which is a proving a popular route and is used for essential journeys to employment and education and as part leisure activities.

Whilst I note your point that this growing awareness of the impact of car travel may influence peoples travel choices, including towards cycling, I think it is important to note that transport or mobility as we know it now, is currently going through some significant change. We are gradually moving towards the use of zero emission vehicles and using data to improve the way that our road network and transport services are devised, planned and managed. We will have to take account of these changes when we review and update our next Local Transport Plan.

Many of these concepts for future mobility provision are still very much focused towards the urban areas, but the County Council will need to consider how these translate to serve the rural areas of the county, and this may include the need to review current speed limits. The Department for Transport is proposing to publish a strategy in relation to this and how these concepts can be applied to rural areas, and as such the County Council will refer to this when we update our Local Transport Plan. In support of this the County Council is also developing a county wide Local Cycling & Walking Infrastructure Plan in response to the Department for Transport national Cycling & Walking Investment Plan. We will use this to lobby for future investment in cycling and walking infrastructure and initiatives.

**2. Question from Isaiah Keal, Easons Green, East Sussex**

How has East Sussex County Council planned to educate the local people on the climate issue and how to prevent it?

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

The County Council already carries out some educational work on climate change with local schools, as part of its programme to reduce its own carbon footprint. More widely, the Council is currently working with a range of partners to update the Environment Strategy for East Sussex. One of the key themes in the Strategy will be on climate change and it will include measures on how to mitigate against the impacts of climate change, as well as how individuals and organisations can contribute to reducing their carbon emissions. The Environment Strategy is due to be published in 2020.

**3. Question from Anou Rothschild, Easons Green, East Sussex**

How are East Sussex County Council planning to reinvest the pension fund to benefit the environment and the community when the petition to stop investing the pension fund into fossil fuels comes through?

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

The petition relating to fossil fuels will be debated by the Full Council on 15 October. Any decisions or actions arising from the debate will be considered by the Pension Committee at its next meeting on 25 November 2019.

**4. Question from Ingrid Burniston, Easons Green, East Sussex**

As the number of people in East Sussex grows, and the amount of waste too, how is East Sussex County Council going to deal with the waste problem knowing that many of its residents will want to ensure they are disposing of their waste in a way that won't harm the environment?

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

We are not predicting a waste problem in East Sussex. We keep track of how much waste our residents create on an ongoing basis. Waste levels are currently relatively low and we predict they will continue to be at this level for some years yet. Black bag waste created by residents has been declining. We also keep track of how many extra houses are being built now and in the future and this helps us to predict where extra waste might be created and whether we need to change how we manage it as a result. We are satisfied that we have the capacity at our waste facilities to manage future waste levels.

We and the districts and boroughs in East Sussex communicate with our residents on an ongoing basis on how to use our waste services. This helps residents understand what they should put out for recycling and what they can take along to their local recycling centre.

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We are fortunate to have our own facilities and we manage most of our waste locally.

- Our black bags/bins go to the Newhaven Energy from Waste facility where electricity is created from the waste they can't recycle
- Our kerbside recycling in the green bins end up at Viridor's Materials Recovery Facility (MRF) in Crayford, Kent. Brighton's kerbside recycling ends up at our MRF in Hollingdean, Brighton
- Our garden waste goes to our composting facility in Whitesmiths

All of our waste and recycling is managed responsibly by our partners Veolia and Viridor.

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

### **1. Question by Councillor Tutt to the Lead Member for Resources**

At the Cabinet meeting on the 16 July 2019, the Chief Finance Officer informed the meeting that the savings planned for 2018/9 were only “part year savings”. As this was not clear at the time the budget was set in February 2018 I would be grateful if the Lead Member could clarify what if any part of the savings agreed as part of the 2019/20 budget are intended to be “part year savings”. If indeed any part of these savings are “part year” could he also explain how the shortfall will be met in the current financial year?

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

The 2019/20 budget approved by Full Council on 5 February 2019 included proposed savings of £5.131m.

The timescales for actual delivery of savings may well change due to a number of factors including as a consequence of public consultation or the service changes required. As part of the Council Monitoring: Quarter 1 2019/20, it was reported that the following 2019/20 savings will be delivered part year.

Savings	Full Year	Part Year Delivery	To be delivered in future year	Shortfall will be met by
	£'000	£'000	£'000	
ASC: Working Age Adults: Nursing, Residential and Community Based Services	247	124	123	Reported as part of ASC 2019/20 outturn
ASC: Meals in the Community	483	121	362	Reported as part of ASC 2019/20 outturn
CET: Civil Parking Enforcement	1,000	250	750	Use of projected underspend in Waste Services and transfer from reserves
<b>Total</b>	<b>1,730</b>	<b>495</b>	<b>1,235</b>	

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For completeness, within Children's Services, there are savings for which it has been planned to bring forward into 2019/20 and future years as particular programmes of review are brought to a conclusion.

Savings	Brought Forward from Prior Year	Part Year Delivery	To be delivered in future year	Shortfall will be met by
	£'000	£'000	£'000	
CSD: iSEND and ESBAS	831	570	261	Use of SEND Reform Grant
CSD: Early Help	1,561	564	997	Use of Corporate Reserves
<b>Total</b>	<b>2,392</b>	<b>1,134</b>	<b>1,258</b>	

### **2. Question by Councillor Ungar to the Lead Member for Education and Inclusion, Special Educational Needs and Disability**

As we are all aware Children's and Young People's lungs are particularly susceptible to damaged by air pollution. Each school day here in East Sussex thousands of children attend school. Many of these schools are under the control of East Sussex County Council. During that time the council is responsible for the children and for protecting them from harm. It is reported that Westminster Council will be testing school classrooms to measure the levels of pollution that might be found in there.

What is East Sussex County Council doing to check the level of pollutants, if there are any, in the Council's School Classrooms?

If unacceptable levels of pollutants are found, what action will the Council take?

What physical environmental protection measures will the County Council take to protect classrooms, and therefore, children from pollution?

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

The statutory local air quality management system covers external air quality rather than internal air quality. Internal air quality can be highly complex and includes different sources to external air pollution (for example from heating sources, cleaning products, furniture and so on).

District and Borough Councils are responsible for reporting annually on external air quality. Where there is an exceedance of statutory health-based air quality thresholds, a District or Borough is required to declare an Air Quality Management Area (AQMA) and to develop an action plan that works towards bringing air quality below the thresholds. The County Council assists this process with transport data and with identifying and implementing measures to enable and encourage modal shift and to reduce congestion. Currently, there are 2 AQMAs in East Sussex, one in Lewes and one in Newhaven. There are no schools within either of these AQMAs.



The County Council also hosts the Sussex Air partnership, which disseminates local air quality data and delivers the Air Alert service (please see: <http://www.sussex-air.net/>). In 2018-19 the County Council led a Defra-funded project to work with 25 schools across Sussex to encourage parents and carers to avoid idling their vehicles during school drop-off and pick-up times and to encourage more pupils to walk and cycle to and from schools. Monitoring of air quality outside the participating schools took place during the anti-idling interventions. A final report on the data is being produced by independent air quality experts at Kings College London.

There is on-going research into the effectiveness of different physical measures on air quality, for instance planting trees and hedges between roads and school buildings.

### **3. Question by Councillor Whetstone Leader of the Council**

The Council is the Corporate Trustee of the Ashdown Forest Trust and has a wider remit than just its financial responsibilities. How are County Councillors kept informed to fulfil those responsibilities?.

### **Answer by the Leader of the Council**

The Cabinet and the Council receive an annual report on the financial position of the Trust. Full Council in its role as Trustee also agrees an annual grant of £65k to the Conservators who's statutory duties align with the objects of the Trust .

The Council has delegated to the Chief Operating Officer the exercise of the day to day management of the Trust and to agree the accounts of, and grants by, the Trust after consultation with the Lead Cabinet Members for Resources and Transport and Environment, and the Director of Communities Economy and Transport. Other matters are referred to Cabinet. Issues such as the protection of Trust land from encroachments are dealt with at officer level on behalf of the Trust. The Trust has agreed a protocol with the Conservators of the Ashdown Forest.

Should individual members wish to be apprised of particular activities of the Trust other than those agreed by the Council and Cabinet then they can of course contact officers and request an update.

### **4. Question by Councillor Lambert to the Lead Member for Resources**

What assets does the County Council hold that are underused in whole or in part, whether this is through the removal of services or for other reasons? What strategic approach is being taken to look at:

- the meanwhile use of all or part of these assets e.g. by a community group
- community asset transfer
- disposal and re-investment

Who is responsible for this work and how will it be managed and scrutinised by members?

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

The County Council has a substantial estate across its school and non-school portfolios, comprising approximately 470 separate assets managed at either Service level or through the Property Services department.

Place Scrutiny Committee, at its meeting on 11 June, received a report setting out the strategic approach to assets, which included a wide review of activities. This remains part of the governance process as we move to update our Corporate Asset Management Plan.

<https://democracy.eastsussex.gov.uk/ieListDocuments.aspx?CId=516&MId=3977&Ver=4>

The County Council has a list of approximately 15 properties noted as surplus to service needs, or currently vacant. This includes assets which are temporarily surplus (where all or part of assets are held for alternative service use) or permanently surplus (where an asset is not required for any service use and available for an alternate purpose).

Some assets offer limited alternate opportunity particularly those of a leasehold nature (subject to specific terms of a lease) or owned but held subject to specific land use or planning covenants.

Where any asset is identified as becoming available, the first step taken is to assess any current or wider service need. If it is not recyclable, or the property is not fit for purpose, it will be assessed as a development, disposal or 'strategic hold' opportunity (particularly where there is scope for some commercial development or investment).

The principles underlying the process propose that the Council should only retain an asset if:

- it is identified as having/could have development potential within the local plan, or within a realistic timescale (deliverability);
- It can be re-let/intensified for full revenue generation;
- the Council wishes to develop the site itself or through a partnering arrangement;
- it has strategic value (i.e. land to support future expansion of adjacent operational or investment assets);
- sites will unlock a development in future (within a specific timescale); and/or
- there is an identified service requirement.

As part of this process, there is continued liaison with our public partners, through groups such as SPACES in order to share opportunities, information on assets and collaborative arrangements.

Asset disposals, reflected as Capital Receipts, continue to support, and are a valued funding stream, for the Capital Programme.

With regard to meanwhile use and community asset transfers, the County has published its "Asset Transfer Policy" which supports third party use, and the Policy outlines our general approach. The link is provided:

<https://www.eastsussex.gov.uk/media/7736/g-asset-transfer-policy-2016.pdf>

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The requirements of the Capital Asset Management Strategy, particularly relating to surplus or vacant assets, are managed through Property Services, with reporting through to Lead Member and Cabinet as appropriate.

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### REPORT OF THE CABINET

The Cabinet met on 12 November 2019. Attendance:-

Councillor Glazier (Chair)

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

#### 1. Reconciling Policy, Performance and Resources

1.1 Since the State of the County report in July 2019 there have been some developments which affect our business and financial planning.

##### National Context Update

##### Spending Round

1.2 The Chancellor of the Exchequer delivered his Spending Round to Parliament on 4 September. With respect to Local Government the announcement contained additional funding for Social Care for next year, to be funded in part by the ability to levy an additional 2% precept for Adult Social Care and in part by a one year social care grant. The social care grant will not, however, be ring-fenced and there are not expected to be conditions attached to it. The Spending Round also included the roll-over of Better Care Funding for one year and additional funding for the SEND High Needs Block of the Dedicated Schools Grant.

1.3 The Spending Round included announcements that the current business rate pilots would end, except for mayoral areas, but that authorities would be able to revert to previous pooling arrangements. The Government announced its intention to continue the Troubled Families Grant for another year. It has also been announced that the Public Health Grant will be increased by inflation plus 1%, but there is speculation that conditions on the grant may include a requirement for councils to cover the cost of pay rises of public health provider staff and costs associated with the expansion of impact trials for the anti HIV drug PrEP.

1.4 Funding increases were also announced for schools, housing and the police and the fair funding review was delayed until April 2021.

1.5 The new funding for Local Government is very welcome but, with the exception of money raised locally through Council Tax, is for one year only. Whilst it provides us with the opportunity to reprofile savings decisions or to make one-off investments next year, the funding does not change the picture over the medium term financial planning period. This means we do not have the sustainable funding needed to avoid making more savings and to enable us to invest long term in prevention and local priorities. More details of the funding announcements and the anticipated impact on the County Council's budget are set out in paragraphs 1.12 to 1.24 below.

##### General Election

1.6 The General Election on 12 December adds to current uncertainty as the provisional Local Government settlement will be delayed until after the election and any change in Government could clearly impact on spending plans. A settlement is unlikely to be announced until late December and could be later if there were to be a change of Government. This uncertainty cannot be avoided and planning will continue on the basis of the current Government's announcements.

##### Local Context Update

1.7 Our Reconciling Policy, Performance and Resources (RPPR) process ensures that both spending and savings proposals are aligned with our priorities: driving sustainable economic

growth; keeping vulnerable people safe; helping people help themselves; and making best use of resources, with the latter being the test applied to all our activities.

1.8 The scale of the savings the Council has delivered over an extended period means the scope for making savings in non-priority areas is very constrained and therefore savings in areas which support our priorities have been inevitable. It was in the light of this challenge that the Core Offer was developed last year, to set out as clearly as possible the services the Council believes local people need as a reasonable minimum in a period of austerity.

1.9 The Council Plan and medium term financial plan (MTFP) agreed by Council in February are designed to ensure that the Council could still deliver its Core Offer at the end of the 2021/22. The consequent indicative savings for the next two years at that time are set out below.

	<b>2020/21 £m</b>	<b>2021/22 £m</b>	<b>Total £m</b>
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>

1.10 These are the current assumptions underlying our plans. The additional funding announced for next year remains uncertain, but will need to be allocated in line with our priorities and with the aim of ensuring the Council can maintain its Core Offer for as long as possible.

1.11 Our Council and portfolio planning will also need to take account of the Council's recent resolution in relation to climate change and consider what additional actions need to be taken to achieve the target set and how any additional costs arising are to be met.

#### Medium Term Financial Plan Update

1.12 In the State of the County report the MTFP for 2020/21 to 2022/23 showed a total deficit of £34.4m. There have been a number of national announcements since this report which have now been incorporated in the MTFP. A summary of the movements is shown at Appendix 1.

1.13 The Spending Round 2019 included the allocations for 2020/21 set out in the table below:

<b>Funding 2020/21</b>	<b>National Funding £m</b>	<b>ESCC Estimated Allocation £m</b>
<b>Improved Better Care Fund (iBCF):</b>		
Improved Better Care Fund	1,513	15
Supplementary iBCF	324	4
ASC Winter Pressures	240	3
<b>Total Improved Better Care Fund</b>	<b>2,077</b>	<b>22</b>
<b>Social Care Grant:</b>		
New Funding 2020/21	1,000	10
Social Care Support Grant	410	4
<b>Total Social Care Grant</b>	<b>1,410</b>	<b>14</b>
SEND High Needs Block Additional funding <sup>1</sup>	700	1
<b>Total Funding</b>	<b>4,187</b>	<b>37</b>

<sup>1</sup> The estimated one-off allocation is £5.8m; until permitted use is known, £1.276m has been allocated to offset SEND pressures.

1.14 The option to raise additional funding by way of a 2% Adult Social Care (ASC) precept was also announced. Cabinet has agreed that the RPPR planning should continue on the basis that the 2% ASC precept is agreed by County Council in February 2020. Whilst pressure is created on individuals by any increase in Council Tax, given the continued pressure on the Council's budget and the lack of certainty about future funding, there is a need to ensure that the Council's base budget is maximised in line with the Government's anticipated view of its spending power. The ASC Precept will raise an additional £18m over the MTFP period.

1.15 The authority is part of the East Sussex Business Rates Pilot for 2019/20. The Government has said that the 2019/20 pilot schemes will not continue. MHCLG has announced that authorities can revert to pre-pilot pooling arrangements. East Sussex Councils have told MHCLG that they would like to do this and are currently awaiting confirmation.

1.16 The technical consultation on the proposed Local Government finance settlement suggests that the Social Care grant is distributed on the basis of the current ASC relative needs formula, adjusted for presumed use of the ASC precept. This would give East Sussex County Council one-off funding of £10.2m.

1.17 It also suggests that Supplementary improved Better Care Fund and ASC Winter Pressures funding will be rolled over into the Better Care Fund for future years, rather than being one-off. This is reflected in the MTFP assumptions.

1.18 More detail has also been provided about the formula for distribution of Revenue Support Grant (RSG); with the proposal to add inflation nationally to the Spending Formula Assessment and not just to authorities with negative RSG, resulting in a fairer distribution of resources nationally. This has been one of ESCC's lobbying points, and will result in an estimated additional £1.5m for the Council in 2020/21.

1.19 The MTFP currently assumes that the proposed savings of £7.180m set out in paragraph 1.9 above will be delivered. Some options for use of the one-off funding propose reprofiling some of the £1.855m of savings (Appendix 3 paragraphs Q-S)

1.20 Other revisions to the MTFP include normal updates to ongoing models for inflation, Council Tax and Business Rates.

1.21 Quarter 1 monitoring, reported to Cabinet in October, highlighted the significant in-year pressure on Children's Service Social Care. An overspend of £5.6m in Children's Services Looked After Children budget was reported. Actions to reduce the service and financial pressure continue and those identified at Q1 included:

- Contract awarded to London Care Solutions to provide some independent provision to commence in November.
- Exploring the business case for expanding in-house residential provisions.
- Review current procurement approach and ensure learning used from adult services' dedicated team.

1.22 Work is ongoing to identify improvements to forecasting Children's Social Care needs to improve the prediction of future demand and future pressures. It is important that the MTFP is soundly based on evidence and £4.9m has been included in 2020/21 as pressure funding, with a further £2.5m in 2021/22.

1.23 The updated MTFP at Appendix 4 shows a revised deficit position of £25.4m over the period, with additional funding of £6.3m in 2020/21. The additional funding, whilst helpful, is one-off. It will not, therefore, change the Council's savings requirement; neither is it sufficient to close the budget gap over the MTFP period. If the additional one-off funding announced were to become permanent, the Council would still have a deficit of £10.729m over the MTFP period (see table below):

	£m			
	2020/21	2021/22	2022/23	Total
Revised MTFP - current position	(6.313)	21.204	10.468	25.359
MTFP if additional one-off funding was permanent	(6.313)	6.574	10.468	10.729

1.24 The current MTFP is not final as new information and updates are ongoing including: emerging pressures; the outcome of the pensions triennial valuation; confirmation of business rates pooling and the provisional Local Government finance settlement and other Local Government announcements.

### Public Health

1.25 The public health Core Offer sets out how we will meet our mandated responsibilities and 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 Government grant. As part of the Spending Round, the Government announced its intention to increase the grant by inflation plus 1% in 2020/21, but there may be conditions attached to how the grant is spent. Longer term, the Government's current proposal under the fair funding review is that it is subsumed into local funding. If the specific grant continues, it is expected to reduce over the next few years. While we do not anticipate savings to be needed in Public Health in the next year, the review of services will continue to ensure that whatever resources are available are focused on areas of highest priority,



support the ambitions described within the recently published NHS long term plan where appropriate and deliver on actions that will make the most difference to residents' long term health.

#### Options for the use of one-off funding

1.26 The one-off funding for 2020/21, announced in the Spending Round, offers the opportunity for Members to review current savings plans. The funding can only be used once and therefore does not change the savings requirement or budget gap over the MTFP period. The funding does provide an opportunity to:

- Reprofile savings;
- Invest in services to reduce future demand; and/or
- Make one-off capital investment.

1.27 Chief Officers have developed options for use of the funding that are a combination of the three and are set out in Appendix 3, paragraphs Q to AD. Chief Officers have developed these options with consideration of the following principles:

- No ongoing revenue costs which add to future savings are created;
- Future pressures and/or demand are reduced;
- The effect on partners is considered; and
- Recognising the MTFP is for 3 years, the funding does not have to be spent in year one.

1.28 The total cost of the options is £12.72m and our current estimate is that there will be £6.313m available, once savings identified in paragraph 1.9 above have been made and Children's and Adult Social Care base funding is increased to take account of pressures.

1.29 The Cabinet has agreed that, subject to funding being available in the budget setting process, not to take the savings identified in the Early Help Keywork 2020/21 (Option R in Appendix 3) in 2019/20 or 2020/21. This service meets the criteria of managing demand and reduces the need for families to draw on more costly social care. The Early Help Review evidenced the impact targeted keywork has in preventing families from needing more intensive social work interventions, and that it helps the Council step families down safely from social work to Early Help (see report to Lead Member, Children and Families [7 October 2019](#)). Early Help keywork helps to support vulnerable families, avoid child safety concerns, and manage the demand for statutory services. Continued investment in keywork staffing and associated costs will help maintain resilience in families.

1.30 Other choices between the proposals will need to be made once the final Local Government finance settlement is known. In the meantime, Cabinet has agreed that Chief Officers continue to develop the proposals in Appendix 3 and invited Scrutiny Committees to consider the suggested proposals, along with any others suggested by Members.

#### Lobbying and Communications

1.31 Stability and sustainability of funding continues to be urgently needed for Local Government. In the short term, this means pressing the new Government for an early settlement at least equivalent to that announced in the Spending Round. In the longer term we will continue lobby for a future funding settlement which meets the growing needs of our population and which enables us to plan over a medium term period to make the best use of the money we have and which recognises that locally raised business rates and Council Tax cannot meet those needs on their own.

### Next Steps

1.32 The RPPR options will be reported to People Scrutiny Committee on 14 November 2019 and Place Scrutiny Committee on 20 November 2019 for their review and input. The Council will, as usual throughout RPPR, engage with its partners about their views.

1.33 The MTFP has been updated to reflect announcements since State of the County was presented to Cabinet on 16 July 2019. The position now shows a revised total deficit over the three-year MTFP of £25.4m. However, due to the nature of the one-off funding projected to be received in 2020/21, there is a surplus of £6.3m in 2020/21. This provides an opportunity to explore options for the use of this one-off surplus. The report sets out the options put forward to date.

## **2. Scrutiny Review of the Changing Care Market: Adult Social Care Workforce**

2.1 The Cabinet has considered a report of the People Scrutiny Committee on its Review of the Changing Care Market: Adult Social Care Workforce. The report of the Scrutiny Committee is included elsewhere on the agenda (item 6). In June 2018 the People Scrutiny Committee established a Scoping Board to explore the range of challenges facing the local care market. The Scoping Board identified four key areas for further scrutiny:

- Public understanding and expectations of social care
- Social care workforce challenges
- Developing care markets
- Increasing community resilience, in particular addressing loneliness.

2.2 The Scrutiny Committee has now completed its review covering the second of these areas – social care workforce challenges.

2.3 The Scrutiny Review of the Changing Care Market: Adult Social Care Workforce is welcomed by the Adult Social Care Department. The Review builds on the work that was being taken forward across the County Council and provides practical recommendations which will help further enhance the support we offer as one council to the independent care sector regarding older people services.

2.4 The Scrutiny Review has sought to develop practical, achievable recommendations that will complement the work already being undertaken to support the independent care sector.

2.5 In welcoming the findings of the Scrutiny Committee, the Cabinet has considered a report by the Director of Adult Social Care and Health (as set out in Appendix 5 to this report) on the specific recommendations and endorsed it as its response to the recommendations

2.6 The Cabinet, in welcoming the report, recommends the County Council to –

- ☆ approve the response of the Director of Adult Social Care and Health on the implementation of the recommendations in the Scrutiny Committee's report.

## **3. Scrutiny Review of Support for Unaccompanied Asylum Seeking Children**

3.1 The Cabinet has considered a report of the People Scrutiny Committee on its review of support for unaccompanied asylum seeking children. The report of the Scrutiny Committee is included elsewhere on the agenda (item 6). In November 2018 the People Scrutiny Committee agreed to establish a Scrutiny Review Board to explore issues relating to the support for Unaccompanied Asylum-Seeking Children (UASC) in East Sussex. Following an initial scoping exercise, a number of lines of enquiry were agreed. These included exploring the scope for

delivering improved opportunities for mentoring support and social activities; and the potential for Members to help with raising awareness of support for UASC in their local communities.

3.2 The Scrutiny Committee has completed its review covering the areas listed above.

3.3 The Scrutiny Review of Support for Unaccompanied Asylum-Seeking Children is welcomed by the Children's Services Department as it will help enhance the levels of support it already provides to this especially vulnerable group of children and young people. The Scrutiny Review has sought to develop practical, achievable recommendations that will complement the work already being undertaken to support young asylum-seekers

3.4 In welcoming the findings of the Scrutiny Committee, the Cabinet has considered a report by the Director of Children's Services (as set out in Appendix 6 to this report) on the specific recommendations and endorsed it as its response to the recommendations

3.5 The Cabinet, in welcoming the report, recommends the County Council to –

- ✧ approve the response of the Director of Children's Services on the implementation of the recommendations in the Scrutiny Committee's report.

12 November 2019

KEITH GLAZIER  
(Chair)

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### REPORT OF THE PEOPLE SCRUTINY COMMITTEE

The People Scrutiny Committee met on 19 September 2019.

Present: Councillors Charles Clark, Angharad Davies (Chair), Michael Ensor, Kathryn Field, Tom Liddiard, Laurie Loe, Jim Sheppard, Bob Bowdler, Simon Parr (Catholic Diocese Representative) Matthew Jones (Parent Governor Representative)

Also Present: Councillor Sylvia Tidy, Lead Member for Children and Families  
Councillor Bob Standley, Lead Member for Education and Inclusion, Special Educational Needs and Disability and Councillor Carl Maynard, Lead Member for Adult Social Care and Health

#### 1. Scrutiny Review of the Changing Care Market: Adult Social Care Workforce

1.1 The People Scrutiny Committee has completed its Scrutiny Review of the Changing Care Market: Adult Social Care Workforce. A copy of the Committee's full report is attached at Appendix 1.

1.2 In June 2018 the People Scrutiny Committee established a Scoping Board to look into the range of challenges facing the local care market. Some of these were highlighted in the 2018 Care Quality Commission Local Area Review of East Sussex; others are well known locally and nationally and are linked to increased demand for services and resources which are declining in relative terms.

1.3 The Scoping Board identified four key areas for further scrutiny:

- Public understanding and expectations of social care
- Social care workforce challenges
- Developing care markets
- Increasing community resilience, in particular addressing loneliness.

1.4 The Changing Care Market: Adult Social Care Workforce Scrutiny Review addressed the second of these areas, with a particular focus on the recruitment and retention challenges facing the independent social care sector (older people services).

1.5 The People Scrutiny Committee **recommends** to the County Council that –

1.5.1 The Adult Social Care department and the Employability and Skills team to explore the options for broadening engagement in the work of the Health and Social Care Sector Task Group, to include consideration of:

- enhancing links between the ASC department and the work of the Employability and Skills Team;
- the pathways for independent sector views to feed into the Task Group and for the work of the Task Group to be promoted in ongoing engagement with the sector; and
- the potential to expand the membership of the Health and Social Care Sector Task Group to include representatives of the independent sector.

1.5.2 With a view to increasing the numbers of Industry Champions and Open Doors opportunities drawn from the independent sector, the Adult Social Care department and Employability and Skills Team to work together to identify ways to further develop the Careers Hub's approach to generating interest in these roles. The aim being to create a pool of participants which is more proportionate to the size of the care sector in East Sussex. All contracts of £100,000 or more issued to the Independent Care Sector by the Adult Social Care department to include social value skills targets that are facilitated by the Employability and Skills Team.

1.5.3 The Adult Social Care department to work with the Apprenticeship Team to assess the impact of levy funding in relation to care sector employers. This could include evaluating:

- the level of interest from the care sector and whether further promotion is needed;
- the effectiveness of the process for identifying which providers are allocated the levy funding;
- whether the funding successfully targeted those areas where the recruitment pressures are the most challenging; and
- whether vulnerable groups, such as Looked After Children, have been identified by the Apprenticeship team as requiring any additional support to access apprenticeships funded through the levy.

1.5.4 All councillors, via their connections with local groups and organisations, to help raise awareness of the role of the Personal Assistant and the related advice and support available from the Support with Confidence team.

1.5.5 The Adult Social Care department to explore the feasibility and potential benefits of developing a bespoke website to provide information on jobs and careers in the East Sussex care sector.

1.5.6 The Adult Social Care department to:

- continue to reinforce the national recruitment campaign locally via support from the East Sussex County Council's Communications Team; and
- work with the Employability and Skills Team to ensure that this is integrated into the cross sectoral careers campaign run by Skills East Sussex.

[See also Report of the Cabinet – 12 November 2019]

## **2. Scrutiny Review of Support for Unaccompanied Asylum-Seeking Children**

2.1 The People Scrutiny Committee has completed its Scrutiny Review of Support for Unaccompanied Asylum-Seeking Children. A copy of the Committee's full report is attached at Appendix 2.

2.2. In November 2018 the People Scrutiny Committee established a Scoping Board to explore issues relating to the support available for Unaccompanied Asylum-Seeking Children. Members were particularly aware of the unique range of challenges this especially vulnerable group of children and young people present to the Children's Services Department. For example, individuals may require specialist therapy as a result of trauma they may have suffered in their country of origin and/or during their journey to the United Kingdom. With such factors in mind, Members were particularly keen to develop practical, achievable recommendations that would complement the work already being undertaken to support young asylum-seekers.

2.3 The People Scrutiny Committee **recommends** to the County Council that –

2.3.1 The Children's Services Department to explore the potential for linking local UASC with the Hastings and Rother Buddy Project (HRBP) and, subject to the outcome of its work with the HRBP, to assess the feasibility of developing similar provision elsewhere within East Sussex in partnership with the voluntary sector.

2.3.2 The Children's Services Department to assess the feasibility of developing in East Sussex a social space for UASC where they can meet with their peers and build their confidence, support networks and social skills.

2.3.3 With a view to increasing both the amount and diversity of accommodation provision, the Children's Services Department to explore further the options for raising awareness amongst local communities of the specific accommodation needs of UASC. This to include:

- reviewing its advertising campaigns to include an element which highlights the specific needs of UASC.
- assisting Members to foster connections with different sections of their local communities.
- more cultural awareness training for existing foster carers and supported accommodation providers which seeks to address this need.

2.3.4 The Children's Services Department to explore the options for increasing access to work experience opportunities for UASC. This to include:

- assessing the potential for the Department to raise awareness of the work experience needs of UASC with schools and colleges and to review the current levels of work experience placements for UASC.
- Members to support this process by using their local leadership position to help raise awareness of the work experience needs of UASC and to help foster more work experience placements with public sector organisations and the voluntary sector.

2.3.5 The Children's Services Department to explore how an increased early focus on English as an additional language could be provided to UASC. This to include a review of:

- the Department's guidance to UASC and officers on this area; and
- the potential feasibility of providing intensive language courses which could include commissioning accommodation providers to deliver intensive support packages within the first 4-6 weeks of arrival.

2.3.6 To help expand the range of support available in East Sussex, the Children's Services Department to develop a UASC toolkit for Members. The toolkit to provide guidance on:

- the key challenges facing UASC – such as accommodation needs, opportunities for social activities, access to work experience and English language support;
- what assistance is currently available for UASC;
- how Members can develop links with key organisations and communities; and
- the process for referring potential leads to the Department.

[See also Report of the Cabinet – 12 November 2019]

19 September 2019

ANGHARAD DAVIES

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 10:00 hours on Friday, 25 October 2019.**

Present: Councillors Galley (Chairman), Lambert (Vice-Chair), Barnes, Boorman, Bowdler, Dowling, Ebel, Evans, Fox, Hamilton, Osborne, Peltzer Dunn, Powell, Scott, Taylor, Theobald and Tutt

N.B. Apologies were received from Councillors Earl-Williams, Pragnell, Sheppard and Smith

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 informed the Authority that he had attended the ESFRS Annual Awards Ceremony in Hastings. Staff had enjoyed and appreciated the event and thanked those Members who had been able attend.

The Chairman informed the Authority that, along with the Chief Fire Officer and the Vice-Chair he had attended the recent Combined Fire Authorities Conference in Milton Keynes. There had been many useful updates including information on Pensions and wider sector funding issues which he would circulate to Members if they wished him to.

#### **2 TO CONSIDER ANY PUBLIC QUESTIONS**

- 2.1 A number of questions were received from Members of the Public. As the questioners were not able to attend the meeting to receive their responses in person the Chairman sent a written response to their question. The questions and responses would be published with the minutes as a matter of public record.

#### **3 LOCAL GOVERNMENT FINANCE SETTLEMENT TECHNICAL CONSULTATION**

- 3.1 The Fire Authority considered a report seeking their approval for the Authority's response to the Government's Local Government Finance Settlement (LGFS) Technical Consultation. It agreed to approve the response to the LGFS Technical Consultation and delegated authority to the Treasurer to finalise the responses in the light of any relevant changes to the NFCC response.

#### **4 BUSINESS RATES POOLING**

- 4.1 The Fire Authority considered a report seeking approval to participate in a re-established East Sussex Business Rates Pool. The Fire Authority agreed to approve the authority's membership of a re-established East Sussex Business Rates Pool. They delegated the final decision on whether to participate in the Pool to the Assistant Director Resources / Treasurer (ADR/T) after consultation with the Chairman and the Chief Fire Officer.

#### **5 PROJECT 21 FUTURE MOBILISING - FINAL OPTIONS APPRAISAL**

- 5.1 The Fire Authority considered a report presenting Members with the outcomes of the final due diligence stage of Project 21 – Future Mobilising Project, seeking their approval to implement the preferred option as recommended by the Senior Leadership Team (SLT). The Vice-Chair proposed a pause in the process requesting officers provide a further report detailing costings and requirements of a standalone control centre and the possibility of sharing accommodation with Sussex Police. This proposal was seconded by Cllr Powell. The Chairman asked that this proposal be held aside in order to allow the DCFO to introduce the report and for Members to fully debate the contents.
- 5.2 There was a brief introduction to the report ensuring all relevant points were covered. The due diligence work showed all four shortlisted options were possible but not without risk. It had been clear from the start of the process that each option would impact on staff, not just with regard to IT, but operationally too. There had been regular staff engagement throughout the process. Members of the SCC technical team (senior users) and the SCC Group and Station-Managers had been included on the analysis team.
- 5.3 The due diligence process had led to the Senior Leadership Team (SLT) being clear on a preferred option, to partner with Surrey as a member of a tri-service collaboration. Whilst the North-West (NW) Outsource solution was technologically preferable it was essential that Members considered the operational risk, impact on staff and potentially challenging industrial relations that may result from it. Lengthy discussion followed on the options presented to the Authority.
- 5.4 The Authority heard that the Surrey Outsource option was not without risk, there was no intention to play this down, but it was deemed that the risks were outweighed by potential future benefits. Whilst no guarantees could be made to SCC staff, this option meant the prospect of compulsory redundancies would be reduced. It was confirmed there would be no loss of accountability to ESFRS, under the Fire & Rescue Services Act the statutory duty of provision remained with ESFRS, although through a "Section 16 agreement" this could be delivered by working with a partner. The DCFO confirmed that the preferred option was not a straightforward commercial "outsource" but could be better described as being a tri-service partnership.

- 5.5 The DCFO closed by telling the Authority that, putting all concerns aside, the operational benefits of the proposed solution were immediate, the detail of these were included in the report. The responsibility of the Fire Authority and ESFRS was to provide a functional mobilising system and this proposed solution would achieve this and enable the Service to keep the communities of East Sussex safe.
- 5.6 There was some discussion on the long history of upheaval and change within Control provision, not just in East Sussex but nationwide. Members commented that ESFRS had expert staff who were valued but years of uncertainty had been a challenge reflected by many staff moving on to new employment. The Authority felt the cost of the proposed options was a concern and were disappointed that there appeared to have been no real consideration given to a standalone provision on the shared HQ site. Cllr Scott proposed, seconded by Cllr Evans, an amendment to the recommendations to defer any decision until Members had been presented with a fully costed option for a standalone control centre at the shared HQ in Lewes – this amendment was later withdrawn.
- 5.7 Some Members reminded their colleagues that any delay would not prevent them from having to make a difficult decision. They reminded the Authority that the standalone option had been considered by them previously and deemed not practical or affordable, but that this had regrettably not been included in detail in the report. The DCFO replied that it was not accurate to say that an option which included maintaining a control room in East Sussex had not been referenced in the report. The NW Hybrid option included reasonably robust costings. This was the most expensive option with limited operational advantage and could only ever be considered as a temporary solution. The national picture across the fire sector was that services were moving towards local shared services and collaborations. The costs of a standalone control provision would be considerably higher and the service less resilient than any of the four options considered in this process. There was a reasonably strong assumption that the cost of re-tendering for a standalone system would add an additional c. £2.5m to the costs outlined in the report. Whilst a standalone control option might technically be achievable it would be more expensive and against the national direction.
- 5.8 The debate continued with a discussion on the issues presented by a delay, including the supplier potentially no longer providing or supporting the current software; if this was the case ESFRS would have to re-provision fast. Remaining with the current situation was not possible in the long term. Some Members explained they would not be seeking a pause in the process but felt there should be a preference expressed by the Authority which should be progressed but a final decision deferred.
- 5.9 Everyone present agreed that SCC staff had remained resilient and loyal to the Service and should be credited for this. Members recognised that there was one hybrid model presented in the report that had the benefit of providing some staff retention. The DCFO responded to queries regarding the staffing levels at Surrey by confirming that this had been identified during their HMICFRS inspection and they had already begun to respond to the findings, including a current recruitment process. A TUPE process would also be carried out, should it be agreed to partner with them.

- 5.10 Members had strong concerns regarding the financial risk that could be faced if sharing provision with County Authorities. They were aware of pressures on both Fire Services, however, some Members recognised there were substantial advantages to a partnership with Surrey. It was requested that a mechanism must be put in place to ensure robust, secure ring-fencing and safeguarding of funds in order to ensure there was no impact on control centre provision from outside pressures at either County Authority. The Section 16 Agreement would be the mechanism through which Governance arrangements would be agreed and ESFRS would have the chance to influence and contribute to the creation of robust governance arrangements and ways of working.
- 5.11 Members discussed whether there were further reasons for progressing two options rather than settling on one at this meeting. It was suggested that the preferred option would be Surrey Outsource, but there was some desire to keep the NW Hybrid option open. The Authority were reminded that Project 21 had already been a 12 month process, including long-listing of potential options, refining and short-listing. In line with time limitations and the option requirements set out before the process started there were no other options that could have been tabled for Members.
- 5.12 Members asked for clarity on the operational benefits referred to and whether, if a different option were chosen, these would be possible by other means. The DCFO referred Members to the details of the operational assessment shown in the report. The National Framework for England on fire and rescue services described expectations of intraoperability and interoperability across emergency services. Fire and rescue services were expected to work with each other to deliver the intraoperability element, including compatible communications systems, control rooms and equipment and cross border working. The view of officers was that it was easier and more effective to deliver this through a local control room rather than one located in a different part of the UK. This was one reason the majority of control room collaborations and partnerships were based on defined and logical, coterminous geographical groupings. Operational benefits that might be achieved included truly borderless mobilising for two adjacent counties, convergence of operational procedures including standardisation of Predetermined Attendances (PDAs – the number and type of resources mobilised to certain incidents on the initial call) and making a local incident control room available for large scale and major incidents, there would also be increased tie-in with the local Resilience Forums for Sussex and Surrey and their arrangements.
- 5.13 The impacts a pause in the process might have were reiterated, financially impacts were presented in the report. Whilst it might be contractually possible it would pose the service with a technical risk. The assessed additional cost of an extension would be £500k per annum, with the additional requirement to maintain project resources at a minimum cost of c. £100k, but likely greater. It was already proving challenging to manage operationally with the current SCC, including maintaining cover which presented its own operational risk. Members were informed that the equipment at SCC had been purchased in 2013 with maintenance agreements in place and there had been some prudent investment to make improvements to ensure the system would continue to function. If a delay were agreed an assessment would have to be undertaken to evaluate the fitness for purpose of the servers and other equipment at SCC.

- 5.14 The Authority discussed the complexity of the papers and admitted to being surprised at the preferred option, as it did not appear to be the number one suggestion from the due diligence process. They accepted that operational benefits were stacked against some serious financial and technical issues. These were not easy issues to resolve and there was some concern regarding the capacity of Surrey to be able to on-board West and then East.
- 5.15 Some Members were keen to be clear that this was not a political issue and there were cross party concerns that they did not perceive that all the options had been fully tested and not enough information had been provided. There was a lack of confidence in both authorities and concerns that Surrey and West Sussex might begin to lean financially on ESFA. Members were reminded of the earlier discussion regarding the Section 16 Agreement and were reassured that these matters would be covered fully within this. The SLT was able to support the Surrey option because of the significant operational benefit that it would bring to ESFRS. The capacity of Surrey had been covered in the report where it was explained that they would not be able to on-board until the New Year but had committed their own costs to provide resources in order to do so. The resources of ESFRS had been fully costed and were included in the report. The DCFO confirmed that he did not disagree with the evaluation of the timeline made by Members and accepted there was a possibility that the deadline of March 2021 may be missed and that the process was not risk free.
- 5.16 Members reiterated concerns regarding SCC staff and wanted clarity on the TUPE process and what support was being provided. TUPE regulations were clear on what terms and conditions were protected, and that under these regulations the travelling distance to the proposed new location was deemed reasonable. The Authority accepted that this process was difficult for all involved but wanted further reassurance regarding the level of staff consultation. The ACFO explained that the technical team included the most experienced staff at SCC, they were control operators with a full understanding of control room operation and requirements. The impact on staff of all the options was recognised and time had been spent with them discussing the potential impact of the decisions to be made. Their involvement was critical to the process and SCC managers had been crucial in sharing information with their teams. Additional communications had included FAQs and letters ensuring that the SCC staff, where possible, were always the first to be informed of any new or relevant information.
- 5.17 There were questions regarding the cost of the project. The Authority was informed that this would not all be additional money. The existing cost of the control centre was circa £1m annually. The report set out the full costings on, including £5.1m of transitional costs such as those for on-boarding, project management, and technology including Mobile Data Terminals (MDTs), station end equipment and pagers.

- 5.18 Members proposed that no decision be taken at the meeting, but that a motion be considered that a meeting be held with Members and Officers to discuss the options further. Members stated that despite having discussed the project at length they still felt unprepared for the decision that they had to take. The CFO confirmed that Officers would take whatever direction given by Members, but reminded the Authority that it would still not be an easy decision and the implications would remain the same. The CFO informed the Meeting that she was troubled by the suggestion that Members felt they did not have enough information or had not been given enough opportunities to discuss the project. Members were reminded that reports on the project had been made to both Scrutiny & Audit and Policy & Resources Panels, Fire Authority meetings, Members Seminars and a large amount of other correspondence. The Authority was also reminded that it had made the decision on the shortlist of which four options should be considered by Mott MacDonald.

- 5.19 There were motions proposed and voted on as follows, the earlier proposals made by Cllr Lambert and Cllr Scott were withdrawn:

Motion for a deferral of the decision on this project being taken until a meeting of Members and Senior Officers can be held to discuss the options in a full and frank way ahead of asking officers to undertake further work – proposed by Cllr Osborne, seconded by Cllr Lambert

Votes:                      For – 8                      Against – 9

- 5.20 Motion that the Authority would like to explore further the hybrid option of a local control room with NWFS Technology and also the Tri-Service Surrey Outsource model with a preference for the latter if satisfied with the governance, and financial and operational scrutiny of that option – proposed by Cllr Barnes, seconded by Cllr Fox

Votes:                      For – 2                      Against – 7

- 5.21 Motion that the existing recommendations i), ii) and iv) remain as set out in the report with recommendation iii) being amended to state that the Authority agree to take forward the preferred option but with a direction to officers to return to the December meeting of the Fire Authority to provide further information on the operational benefits and governance arrangements of this option. Also to direct officers to provide the Authority with further detail on a standalone control option – proposed by Cllr Galley, seconded by Cllr Fox

Votes:                      For – 6                      Against – 8

- 5.22 Motion to direct Officers to provide specific information about a stand-alone control option. Also to provide specific information about the recommended option to specifically outline the operational benefits and governance arrangements that would be in place, to be presented to the December meeting – proposed by Cllr Boorman, seconded by Cllr Lambert

Votes:                      For – 13                      Against – 1

- 5.23 This final motion was carried and replaced in full the original recommendations included in the report. The Authority agreed to direct Officers to provide specific information about a stand-alone control option; and to also direct Officers to provide specific information about the recommended option to specifically outline the operational benefits and governance arrangements that would be in place. To be completed by the end of November 2019 and presented to the December meeting of the Fire Authority.

**COUNCILLOR ROY GALLEY**  
**CHAIRMAN OF EAST SUSSEX FIRE AUTHORITY**  
25 October 2019

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