



Meeting of
East Sussex County Council
on Tuesday, 24 March 2020
at 10.00 am

NOTE: As part of the County Council's drive to increase accessibility to its public meetings, this meeting will be broadcast live on its website and the record archived for future viewing. The broadcast / record is accessible at:
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EAST SUSSEX COUNTY COUNCIL

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, 24 March 2020 at 10.00 am** to transact the following business

- 1 **Minutes of the meeting held on 11 February 2020** (Pages 5 - 16)
- 2 **Apologies for absence**
- 3 **Chairman's business**
- 4 **Questions from members of the public**
- 5 **Report of the Cabinet** (Pages 17 - 20)
- 6a **Report of the Governance Committee 3 March 2020** (Pages 21 - 24)
- 6b **Report of the Governance Committee - 24 March 2020** (Pages 25 - 28)

Please note that the Committee's meeting will be held immediately before the County Council meeting. Attached for information is the report to be considered by the Committee. Any recommendations the Committee wishes to make to the County Council will be tabled at the Council meeting

- 7 **Report of the Lead Member for Adult Social Care and Health** (to follow)
- 8 **Questions from County Councillors**
 - (a) Oral questions to Cabinet Members
 - (b) Written Questions of which notice has been given pursuant to Standing Order 44

- 9 **Report of the East Sussex Fire Authority** (Pages 29 - 34)

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 the Reverend Martin Miller, St Michael's Church, Newhaven. 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

16 March 2020

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MINUTES

EAST SUSSEX COUNTY COUNCIL

MINUTES of a MEETING of the EAST SUSSEX COUNTY COUNCIL held at Council Chamber - County Hall, Lewes on 11 FEBRUARY 2020 at 10.00 am

Present Councillors John Barnes MBE, Matthew Beaver, Colin Belsey, Nick Bennett, Bill Bentley, 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

51 Minutes of the meeting held on 3 December 2019

51.1 RESOLVED – to confirm as a correct record the minutes of the County Council meeting held on 3 December 2019 as a correct record.

52 Apologies for absence

52.1 Apologies for absence were received on behalf of Councillor Phil Boorman.

53 Chairman's business

DAVID AMIES

53.1 The Chairman referred to the death in January of a former colleague, David Amies who had represented the Battle division from 1981 to 1989. On behalf of the Council the Chairman offered his condolences to David's family and friends. The Council stood in silence as a mark of respect to David Amies.

NEW YEAR'S HONOURS

53.2 On behalf of the Council, the Chairman congratulated all those who lived or worked in East Sussex who were recognised in the New Year's honours.

CHAIRMAN'S ANNOUNCEMENTS

53.3 The Chairman reported that he and the Vice-Chairman had attended a number of events since the last Council including the Wealden Works annual awards event to celebrate young people's achievements, the opening of the Grove Theatre, Eastbourne, the Bangladesh Victory Day and Human Rights Day at Eastbourne Town Hall, a Holocaust memorial event in Eastbourne, the national apprenticeship week event in Lewes and a number of carol services.

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CHINESE NEW YEAR

53.4 The Chairman reported that the Chinese New Year had begun on 25 January and wished all a happy Chinese New Year.

PRAYERS

53.5 The Chairman thanked Reverend Steve Daughtery for leading the prayers before the meeting.

PETITIONS

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

Councillor Daniel Shing	- calling on the County Council to rebuild damaged areas and repair potholes in St John Road, Polegate
Councillors Stephen Shing	- calling on the County Council to reinstate £5m funding for walking and cycling strategies
Councillor Stephen Shing	- calling on the County Council to resurface Coopers Hill, Willingdon
Councillor John Ungar (on behalf of Councillor Rodohan)	- calling on the County Council to introduce parking restrictions and residents' permits for streets around Hartfield Square and Upperton Gardens area, Eastbourne

54 Questions from members of the public

54.1 Copies of questions from Gabriel Carlyle from St Leonards on Sea and Andrea Needham from Hastings and the answers from Councillor Fox (Chair of the Pension Committee) are attached to these minutes.

55 Declarations of Interest

55.1 There were no declarations of interest

56 Reports

56.1 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 (Reconciling Policy, Performance and Resources) and paragraph 3 (Annual Report for Looked After Children's Services)

NON-RESERVED PARAGRAPHS

56.2 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:

Cabinet report – paragraph 2 (Council monitoring), paragraph 4 (Treasury Management Policy and Strategy) and paragraph 5 (Conservators of Ashdown Forest budget)
Governance Committee report paragraph 1 – (Procurement and Contract Standing Orders), paragraph 2 (Constitutional changes arising from the withdrawal from the European Union),

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paragraph 3 (officer employment procedure rules) and paragraph 4 (Pension Board – change to quorum)

57 Report of the Cabinet

Paragraph 1 – Reconciling Policy, Performance and Resources

57.1 Under Standing Order 23, the Council agreed that the speeches of the Leaders of the five groups (or their nominees) on paragraph 1 of the Cabinet's report be extended beyond five minutes.

57.2 Councillor Bennett moved the adoption of paragraph 1 of the Cabinet's report.

57.3 The following amendment was moved by Councillor Webb and seconded:

Delete paragraph 1.41 of the Cabinet's report and replace with:-

(1) approve, in principle, the draft Council Plan at Appendix 1 and authorise the Chief Executive to finalise the Plan in consultation with the relevant Lead Members;

(2) approve the net Revenue Budget estimates totalling £403.4m for 2020/21 as set out in Appendices 2 (Medium Term Financial Plan) and 3 (Budget Summary) and authorise the Chief Operating Officer, in consultation with the Chief Finance Officer, Leader and Deputy Leader, to make adjustments to the presentation of the budget to reflect the final settlement and budget decisions subject to the following amendments:

- 1. Reverse the proposed saving for I-SEND EHCP Assessment Services for one year
£188,000*

Total of proposed revenue amendments - £188,000

To be funded by:

- 2. A draw from Financing Reserve - £188,000*

Total of proposed revenue funding amendments - £188,000

(3) in accordance with the Local Government Finance Act 1992 to agree that:

- (i) the net budget requirement is £403.4m and the amount calculated by East Sussex County Council as its council tax requirement (see Appendix 6) for the year 2020/21 is £300.9m;*
- (ii) the amount calculated by East Sussex County Council as the basic amount of its council tax (i.e. for a band D property) for the year 2020/21 is £1,492.02 and represents a 3.99% (2% of which relates to the Adult Social Care precept) increase on the previous year;*

(4) advise the District and Borough Councils of the relevant amounts payable and council tax in other bands in line with the regulations and to issue precepts accordingly in accordance with an agreed schedule of instalments as set out at Appendix 6;

(5) note the fees and charges set out in Appendix 10 that have been increased above inflation;

(6) approve the Capital Strategy and Programme as set out at Appendix 9;

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(7) note the Medium Term Financial Plan forecast for the period 2020/21 to 2022/23 as set out in Appendix 2 and amended by the proposals in paragraph (2) above;

(8) note the comments of the Chief Finance Officer on budget risks and robustness as set out in Appendix 7; and

(9) note the comments from the engagement exercises as set out in Appendix 8.

57.4 A recorded vote on Councillor Webb's amendment was taken. The amendment was LOST, the votes being cast as follows:

FOR THE AMENDMENT

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

AGAINST THE AMENDMENT

Councillors Barnes, Beaver, Belsey, Bennett, Bentley, Bowdler, Charles Clark, 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

None

57.5 The following amendment was moved by Councillor Philip Daniel and seconded:

Delete paragraph 1.41 of the Cabinet's report and replace with:-

(1) approve, in principle, the draft Council Plan at Appendix 1 and authorise the Chief Executive to finalise the Plan in consultation with the relevant Lead Members;

(2) approve the net Revenue Budget estimates totalling £402.0m for 2020/21 and authorise the Chief Operating Officer, in consultation with the Chief Finance Officer, Leader and Deputy Leader, to make adjustments to the presentation of the budget to reflect the final settlement and budget decisions with the following amendments to the estimates as set out in Appendices 2 (Medium Term Financial Plan) and 3 (Budget Summary)

- 1. Additional expenditure for caring for carers, in consultation with the Carers' Forum £100,000*
- 2. Additional expenditure for SEND funding to reduce caseworker loads - £200,000*
- 3. Additional expenditure on locality family staffing and support - £300,000*
- 4. Additional expenditure on an employment and budget structure review £500,000*
- 5. Reduce the regular Council Tax increase to 1.5% from 1.99% in 2020/21 only (noting there will be an associated ongoing annual impact on resources) - £1,433,000*
- 6. Less a reduction in contingency arising from amendment 5 - £10,000*

Total of proposed revenue amendments - £2,523,000

To be funded by:

- 7. Reduce property maintenance budget - £50,000*
- 8. Reduce communications budget - £500,000*
- 9. Reduce waste management budget - £300,000*

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10. Reduce cultural strategy budget - £40,000
11. Remove capital schemes funded by one off revenue and borrow to fund – £1,242,000
12. Less estimated annual cost of borrowing - £109,000
13. Use of transformation reserve to fund the employment structure and budget review - £500,000

Total of proposed revenue funding amendments - £2,523,000

(3) in accordance with the Local Government Finance Act 1992 to agree that:

(iii) the net budget requirement is £402.0m and the amount calculated by East Sussex County Council as its council tax requirement for the year 2020/21 is revised to £299.4m;

(iv) the amount calculated by East Sussex County Council as the basic amount of its council tax (i.e. for a band D property) for the year 2020/21 is £1,484.91 and represents a 3.5% (2% of which relates to the Adult Social Care precept) increase on the previous year;

(4) advise the District and Borough Councils of the relevant amounts payable and council tax in other bands in line with the regulations and to issue precepts accordingly in accordance with an agreed schedule of instalments to be revised as amended by proposals in paragraph (2) above;

(5) note the fees and charges set out in Appendix 10 that have been increased above inflation;

(6) approve the Capital Strategy and Programme as set out at Appendix 9;

(7) note the Medium Term Financial Plan forecast for the period 2020/21 to 2022/23 as set out in Appendix 2 and amended by the proposals in paragraph (2) above;

(8) note the comments of the Chief Finance Officer on budget risks and robustness as set out in Appendix 7; and

(9) note the comments from the engagement exercises as set out in Appendix 8.

57.6 A recorded vote on Councillor Philip Daniel's amendment was taken. The amendment was LOST, the votes being cast as follows:

FOR THE AMENDMENT

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

AGAINST THE AMENDMENT

Councillors Barnes, Beaver, Belsey, Bennett, Bentley, 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, Webb and Whetstone.

ABSTENTIONS

Councillor O'Keeffe

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57.7 The following motion was moved by Councillor Bennett to adopt paragraph 1 of the Cabinet report.

(1) approve, in principle, the draft Council Plan at Appendix 1 and authorise the Chief Executive to finalise the Plan in consultation with the relevant Lead Members;

(2) approve the net Revenue Budget estimate of £403.4m for 2020/21 as set out in Appendices 2 (Medium Term Financial Plan) and 3 (Budget Summary) and authorise the Chief Operating Officer, in consultation with the Chief Finance Officer, Leader and Deputy Leader, to make adjustments to the presentation of the Budget Summary to reflect the final settlement and budget decisions;

(3) in accordance with the Local Government Finance Act 1992 to agree that:

- (i) the net budget requirement is £403.4m and the amount calculated by East Sussex County Council as its council tax requirement (see Appendix 6) for the year 2020/21 is £300.9m;*
- (ii) the amount calculated by East Sussex County Council as the basic amount of its council tax (i.e. for a band D property) for the year 2020/21 is £1,492.02 and represents a 3.99% (2% of which relates to the Adult Social Care precept) increase on the previous year;*

(4) advise the District and Borough Councils of the relevant amounts payable and council tax in other bands in line with the regulations and to issue precepts accordingly in accordance with an agreed schedule of instalments as set out at Appendix 6

(5) note the fees and charges set out in Appendix 10 that have been increased above inflation;

(6) approve the Capital Strategy and Programme as set out at Appendix 9;

(7) note the Medium Term Financial Plan forecast for the period 2020/21 to 2022/23 as set out in Appendix 2;

(8) note the comments of the Chief Finance Officer on budget risks and robustness as set out in Appendix 7; and

(9) note the comments from the engagement exercises as set out in Appendix 8.

57.8 A recorded vote on Councillor Bennett's motion was taken. The motion was CARRIED with the votes being cast as follows:

FOR THE MOTION

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

AGAINST THE MOTION

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

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ABSTENTIONS

Councillors Charman, Godfrey Daniel, O’Keeffe and Webb

Paragraph 3 (Annual Progress report for Looked After Children’s Services)

57.9 Councillor Glazier moved the reserved paragraph of the Cabinet’s report.

57.10 The motion was CARRIED after debate.

58 Questions from County Councillors

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

Questioner	Respondent	Subject
Councillor Osborne	Councillor Maynard	Role of the Sussex Resilience Forum regarding plans to deal with coronavirus and briefings for councillors in relation to the coronavirus
Councillor Field	Councillor Simmons	Possible opportunities for improvements to the rail network in East Sussex in light of the HS2 funding announcement
Councillor Shuttleworth	Councillor Claire Dowling	Timescale for the publication of the Cycling and Walking Strategy
Councillor Scott	Councillor Bennett	Timing of the passporting Disabilities Facilities Grant to borough and district councils
Councillor Godfrey Daniel	Councillor Claire Dowling	Policy regarding the repair of potholes
Councillor Whetstone	Councillor Bennett	Centrally held budgets
Councillor Stephen Shing	Councillor Claire Dowling	Spend on pothole/road surface repairs and compensation paid for injury and damage caused by potholes/road surface issues
Councillor Charman	Councillor Claire Dowling	Funding available from the government for the installation of vehicle charging points and the funds drawn down by the County Council
Councillor Daniel Shing	Councillor Glazier	Comparative performance of the County Council
Councillor Whetstone	Councillor Claire Dowling	Production of electric cars

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Questioner	Respondent	Subject
Councillor Stephen Shing	Councillor Claire Dowling	Work undertaken by utility companies on the highway

WRITTEN QUESTIONS PURSUANT TO STANDING ORDER 44

58.2 Two written questions were received from Councillors Davies and Field for the Lead Member for Economy and the Lead Member for Transport and Environment. The questions and answers are attached to these minutes. The Lead Members responded to supplementary questions.

THE CHAIRMAN DECLARED THE MEETING CLOSED AT 12.47 pm

The reports referred to are included in the minute book

QUESTION FROM MEMBERS OF THE PUBLIC

1. Question from Gabriel Carlyle, St Leonards on Sea, East Sussex

In October 2018, in a written answer to a question from a member of the public, the Chair of the East Sussex Pension Committee stated that the East Sussex Pension Fund's exposure to oil and gas producers was 'in the region of 4% of the fund total investments', or about '6.5% of its total equity investments.' This, it was explained was 'constituted by direct investments of £6.2m around 1.6% of the Fund's direct equity investments and an estimate of its indirect investments of around 7.5% (circa £138.8m)' (Response by the Chair of the Pension Committee to question from Frances Witt, 16 October 2018, <https://tinyurl.com/145mresponse>).

What is the East Sussex Pension Fund's current exposure to oil and gas producers (both in absolute value and as a percentage of the Fund), and how are these split between direct and indirect investments?

Response by the Chair of the Pension Committee

The Fund monitors its exposure to companies with fossil fuel reserves using the industry definition developed by MSCI. On this basis, the total level of investment at 30 September was estimated at £175m, or 4.5% of total Fund assets. The total level of exposure, and changes over time, is monitored on a quarterly basis by the Pension Committee, which was presented with the September 2019 report at its meeting on 25 November 2019 -

<https://democracy.eastsussex.gov.uk/ieListDocuments.aspx?CId=373&MId=3997&Ver=4>

2. Question from Andrea Needham, Hastings, East Sussex

According to the UN-backed Principles of Responsible Investment (PRI), which represents investors with \$86 trillion of assets under management, the ever-worsening impacts of climate change are going to produce an inevitable policy response on the part of the world's governments. Indeed, they predict "an inevitable policy response by 2025 that will be forceful, abrupt and disorderly because of the delay creat[ing] considerably greater disruption than many investors and businesses are prepared for today."

A recent analysis by Carbon Tracker concluded that 'oil projects developed pre-2025 may never generate the value expected at sanction if [such a] policy response is not anticipated' ('Handbrake Turn: The cost of failing to anticipate an Inevitable Policy Response to climate change', 31 January 2020, <https://www.carbontracker.org/reports/handbrake-turn>). As an illustrative measure, they note that 'oil assets that enter production in 2019-2025 are modelled as having an aggregate NPV 50% lower if calculated based on a flat oil price from start-up equal to the maximum that results post-IPR, rather than the one we model as prevailing beforehand.'

Do the East Sussex Pension Committee and its fund managers agree that such a policy response is inevitable and, if so, what do they anticipate will be the likely financial impact on the Fund, given its current trajectory?

Response by the Chair of the Pension Committee

We delegate stock selection to our investment managers. Our active equity manager, Longview, has no exposure to fossil fuel assets, and our passive managers are constrained by their mandate to replicate the indices, albeit one of the Fund's passive mandates has been designed to have a lower exposure to companies with high levels of carbon emissions. We are not in a position to comment on the details of either of these reports or on the likely financial impact on the Fund. We are as concerned as the questioner about the possible implications of climate change, and we question our managers on this front regularly.

WRITTEN QUESTIONS PURSUANT TO STANDING ORDER 44

1. Question by Councillor Davies to the Lead Member for Economy

As the third contract with BT for superfast Broadband finishes this summer, there will still be 2-3% of “hard to reach” households/businesses with no Broadband or very poor coverage.

Will East Sussex County Council guarantee to find funding for these last few people to receive superfast broadband so that there is equity across the county?

Answer by the Lead Member for Economy

We are not in a position to give any guarantees about funding but we can certainly guarantee to do all we can to achieve our ambition of as close to 100% superfast coverage as possible. As of today, superfast coverage is 97% across the county compared to only 63% when the County Council and BDUK jointly-funded project began in May 2013.

There is a clause in each of the three contracts that requires BT to return funding to East Sussex County Council as customer take up of superfast services rises above BT forecasts. To date, take up has consistently been higher than forecasts. This means that there will be “gainshare” funding which can be used for re-investment in broadband infrastructure although we are not yet in a position to know exactly how much that will be. In addition to that, the Chancellor has committed £5bn of public funding to support the rollout of full-fibre, 5G and other gigabit-capable networks to the hardest-to-reach 20% of the country. Whilst we have no detail on that yet we will certainly make sure that we secure our share of the funding when it becomes available

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

What happens to the heat generated at the Energy from Waste plant at Newhaven?

Answer by the Lead Member for Transport and Environment

Currently the heat generated (steam) at Newhaven Energy Recovery Facility is converted back into water through the closed loop cycle water system.

The Newhaven Heat Network Partnership was set up in collaboration with the Government’s Heat Network Delivery Unit, East Sussex County Council, Veolia, Lewes District Council and Eastbourne Borough Council to investigate, by way of feasibility study(s), whether we can use excess heat from the Energy Recovery Facility to provide heat and hot water to the businesses of Newhaven through a network of pipes around the town. The feasibility study concluded in October 2016 that there was not a sufficient 'base load' to progress.

There is another round of funding in progress for a further study. Further detailed information regarding current funding and progress can be sought from Susie Mullins: Susie.Mullins@newhaventowncouncil.gov.uk.

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REPORT OF THE CABINET

The Cabinet met on 3 March 2020. Attendances:-

Councillor Glazier (Chair)

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

1. Council Monitoring - Quarter 3 2019/20

1.1 The Cabinet has considered a report on performance against the Council Plan, Revenue Budget, Capital Programme, Savings Plan and risks for quarter 3 2019/20. Broad progress against the Council's four strategic priority outcomes is summarised below and an overview of finance and performance data is provided in the Corporate Summary at Appendix 1. Strategic risks are reported at Appendix 7.

Council Plan 2019/20 amendments and variations

1.2 There are no proposed amendments or variations to Council Plan performance measures or targets; the Corporate Summary (Appendix 1) contains a forecast of performance against targets.

1.3 The details of over and underspends in each department are set out in the relevant appendices, and show a total forecast overspend of £6.1m (no overall change from quarter 2). The main headlines are:

- No significant movement on the quarter 2 forecast overspend for Adult Social Care. The Independent Sector budget continues to face risk on expenditure for working age adults due to the ongoing impact of high cost packages of care transferring from the NHS from Continuing Healthcare (CHC) and the national Transforming Care Programme (TCP).
- Children's Services is projected to overspend by £5.9m; whilst there is no change overall from last quarter, there continues to be pressures in residential facilities and disability agency placements and with several unplanned complex high need pupils requiring placements with additional support.

1.4 The general contingency of £3.6m will, in the first instance, offset the deficit after applying underspends from Treasury Management (TM), a small potential underspend on other centrally held budgets of £0.3m and Business Rates; as is normal practice the remaining £0.2m will be transferred to reserves for use in future years.

1.5 Within TM, the strategy to maximise income and minimise the cost of debt where possible continues. No additional short or long term borrowing was undertaken in quarter 3 and no further cost effective opportunities have arisen to restructure the existing PWLB or wider debt portfolio. There is currently an estimated £2.0m underspend that will be used to offset service overspend; the increase of £0.8m from quarter 2 reflects that the Council continues to be unlikely to borrow this year, plus the release of a provision for expected credit losses on other investments, loans and debtors – an accounting adjustment under IFRS9. There is continued uncertainty around the impact of Brexit, and other TM considerations, meaning there could be fluctuations in these forecasts over the coming months.

1.6 There is £0.4m of additional Business Rates income in the Corporate Funding budget after the final forecast information was received from the Districts & Boroughs.

1.7 The Capital Programme expenditure for the year is projected to be to be £96.6m against a budget of £99.6m, a variation of £3.0m (£9.6m in quarter 2); being £5.1m of slippage offset by £2.1m of spend in advance. It should be noted £2.0m of the slippage is in schemes being delivered by, or in partnership with, others, where those organisations control the timetable.

The main variances within the Council's control are:

Spend in Advance

- IT&D have spent in advance due to an opportunity to purchase laptops early at a discounted rate this also allows for mitigation against expected future price rises (-£1.1m); and
- Reef Way Special School, Hailsham – the contractor has been able to manage groundwork complexities quicker than previously anticipated (-£0.5m);

Slippage

- Lansdowne Secure Unit – a small slippage into 2020/21 (£0.6m) due to the very wet winter impacting on when work can be undertaken;
- Schools Maintenance – delays in getting condition survey information has meant that planned works will commence later than expected (£0.9m); and
- Bexhill Hastings Link Road - delays to the settlement of compensation claims (£0.8m);

Variances outside the Council's direct control are:

- Skills for Rural Business – construction work at Plumpton College has been delayed due to the unexpectedly wet weather (£0.8m); and
- Queensway Gateway Road – the issue of the relocation of the car dealership continues to impact the timetable for delivery (£0.6m).

1.8 The Strategic Risk Register, Appendix 7, was reviewed and updated to reflect the Council's risk profile. Risk 4 (Health), Risk 5 (Reconciling Policy, Performance and Resources), Risk 6 (Local Economic Growth), Risk 8 (Capital Programme), Risk 9 (Workforce), Risk 10 (Recruitment), Risk 12 (Cyber Attack), and Risk 15 (Climate) all have updated risk controls. No new risks have been added for this review. Risk 14 (No-deal Brexit) has been deleted but will be kept under review and re-added to the register later in the year if appropriate.

Progress against Council Priorities

Driving sustainable economic growth

1.9 The improvement works in Terminus Road in Eastbourne, to modernise the town centre and improve the pedestrian environment, complementing the redeveloped Beacon shopping centre, were completed in January 2020 (Appendix 5).

1.10 20 carriageway asset improvement schemes were completed in quarter 3, to maintain and improve the condition of the Council's roads (Appendix 5).

1.11 Businesses were assisted to create 15 jobs in quarter 3, through business support programmes; Locate East Sussex also assisted nine businesses to move into, or relocate within, the county (Appendix 5).

1.12 34 Industry Champions, businesses and individuals who represent an array of jobs and career paths from industries in the county, took part in the Open Doors event between October and November 2019, offering work place visits to over 1,000 students (Appendix 5).

1.13 Progress 8 and Attainment 8 scores (Appendix 4).

- The provisional 2018/19 academic year Progress 8 score for Look After Children is -1.35 compared to a national average of -1.25. The East Sussex score is an improvement on last year's score of -1.49.

- The provisional Attainment 8 score for disadvantaged pupils for academic year 2018/19 is 33.6 compared to a national average of 36.6. The gap of 3.0 points to the national average is less than last year, when it was 3.6 points.

1.14 The East Sussex Social Value Marketplace was publicly launched in November 2019. There are 20 organisations and 32 users now registered and requests and offers for help have begun to be made through the system (Appendix 3).

Keeping vulnerable people safe

1.15 Trading Standards made 51 positive interventions to protect vulnerable people in quarter 3; including visiting 41 victims of rogue trading or financial abuse and installing 10 call blockers to protect people from telephone scams (Appendix 5).

1.16 In October 2019 over 180 professionals, residents and college students attended an award winning production of 'My Mind is Free' at Bexhill College. The production focuses on the experiences of modern slavery and human trafficking. Marking the start of Anti-Slavery week, it included staff from the Safer East Sussex Team, Stop the Traffik and Sussex Police Discovery sharing further information on the local picture (Appendix 2).

Helping people help themselves

1.17 The Children's Takeover Day and the Children and Young People's Trust annual event were combined into one successful day on 18 November 2019. Over 50 young people were involved in the event, alongside 70 leaders and practitioners from a range of partnership organisations (Appendix 4).

1.18 Services for adults to help them live independently and delay the need for residential or nursing care resulted in 91.1% of older people still being at home 91 days after discharge from hospital into reablement/rehabilitation services, while 92.2% of people who received short-term services to increase their independence made no further request for ongoing support (Appendix 2).

1.19 1,032 people were supported in quarter 3 through STEPS to Stay Independent, to maintain their independence and provide advice and support. 994 people were supported through the Home Works service to find and keep safe and affordable accommodation, and to improve their health, wellbeing and independence (Appendix 2).

Making best use of resources

1.20 The Provisional Local Government Finance Settlement was announced on 20 December 2019. The lobbying of Government by the Council, and partners, proved to be successful, with additional funding announced for East Sussex including £10.2m for adults and children's social care and £5.8m for the Special Educational Needs and Disabilities high needs block. Whilst additional funding is welcome, it isn't sufficient to prevent further savings from having to be made in the future, due to rising demand for, and the cost of, social care. As such we will continue to lobby for a long-term sustainable funding settlement (Appendix 6).

3 March 2020

KEITH GLAZIER
Chair)

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REPORT OF THE GOVERNANCE COMMITTEE

The Governance Committee met on 3 March 2020. Attendances:

Councillor Glazier (Chair)

Councillors Bennett, Godfrey Daniel, Simmons and Tutt

1. Constituting panels as part of Adoption South East

1.1 In July 2019 the Lead Member for Children and Families approved the establishment of a Regional Adoption Agency (RAA) from the adoption services of Brighton & Hove City Council, Surrey and East and West Sussex County Councils to be known as Adoption South East (ASE). It was agreed that East Sussex be appointed as the lead authority. The establishment of ASE is in line with national legislation directing local authorities to form or join RAAs, reflecting the policy of central Government to rationalise the adoption sector, creating a smaller number of adoption agencies operating at regional level in place of the 180 agencies in operation in England in 2015.

1.2 The RAA will bring benefits such as an increased and more diverse pool of adopters through a shared regional recruitment strategy and resource, and greater choice and more timely placements for children in need of adoption. It will also enable the sharing of good and innovative practice, offering opportunities for regional initiatives, collaborative commissioning arrangements and the development of ongoing adoption support for adopted children and their families.

1.3 As part of the creation of the RAA, adoption panels will become shared between the authorities within ASE in order to minimise delay in approval of adopters and in matches between adopters and children, to establish, support and maintain shared standards of practice and process and to streamline and co-ordinate administration. Any panel within the RAA will be able to consider and make recommendations about potential adopters and matches from any part of the ASE area.

1.4 As indicated in the Lead Member report of July 2019 there has been a review of adoption panel arrangements to ensure they are fit for purpose in the context of the RAA. It has been agreed by the constituent authorities that ASE will, from April 2020, operate three panels located in Horsham, Woking and Uckfield. Once implemented, these will replace the current practice of having two panels each covering half the county.

1.5 The proposed membership of the ASE panels reflects statutory requirements. Elected Member involvement in adoption panels has not been a legal requirement since 2011, albeit we have continued to practise this. The current two East Sussex Adoption and Permanence Panels each include one councillor. The review of panel arrangements has identified that some authorities currently have Member representation on adoption panels and others do not. Given that panels will operate on a regional basis, able to make recommendations in relation to adopters and placements from any of the constituent authority areas, it is necessary for ASE to take a consistent approach to panel arrangements across the region, rather than to make arrangements which are specific to any one part of the area. As a result, it is proposed to no longer include elected Member representation from individual authorities as part of the new panel arrangements.

1.6 Appointment to the ASE panels is via a recruitment process open to those meeting the relevant criteria, including experience or knowledge in relation to adoption, which may

include experience gained through previous membership of an adoption panel. Appointments to ASE panels will be made under the existing delegation to officers set out in the constitution, amended to reflect the ending of appointments of councillors in their elected Member role. The proposed amendment to the Scheme of Delegation, Part D, Paragraph 39 is below with deleted text indicated:

To appoint the members ~~(except for the appointment of any members who are County Councillors)~~ of the Adoption and Permanence panels in accordance with the Adoption Agencies Regulations 2011.

1.7 Panels will continue to have a broad membership and to perform a key role in advising and making recommendations to the Agency Decision Maker within the Local Authority on the suitability of adoption matches for children for whom the Agency Decision Maker has responsibility.

1.8 Members will continue to have oversight of the overall performance and progress of the RAA as part of the annual progress reports on Looked After Children's Services which are reported to Corporate Parenting Panel and to Cabinet each autumn.

1.9 In light of the creation of ASE, and the associated review of existing adoption panel arrangements operated by the constituent authorities, new shared panel arrangements are required to be put in place from April 2020 which are consistent with the regional approach to adoption. The new panel arrangements reflect the regional role of these panels and the need for consistency, in line with national policy.

1.10 The Committee recommends the County Council to:

- ☆ (1) agree to discontinue the appointment of Members to Adoption Panels with effect from 1 April 2020 and agree the new panel arrangements set out above to be constituted in support of Adoption South East; and
- (2) delegate authority to the Assistant Chief Executive to amend the Constitution to reflect the changes to Adoption Panel arrangements

2. Pay Policy Statement

2.1 The Localism Act 2011 requires local authorities to formulate and publish a pay policy statement on the pay of its Chief Officers and the relationship between these pay levels and the rest of the workforce, excluding schools. This policy statement must be approved annually by full Council by 31 March.

2.2 At its meeting on 27 March 2012, County Council agreed that the Governance Committee should have formal responsibility for the approval of posts at Chief Officer, Deputy Chief Officer and Assistant Director level with a remuneration package of £100,000 or more, provided the existing grade bands and terms and conditions are applied and any proposed exceptions to these are reported to full County Council. The actual appointment decision will continue to be made using existing delegations. Any proposed exceptions to this would require the approval of the full County Council.

2.3 The Localism Act 2011 requires local authorities to prepare an annual pay policy statement relating to the remuneration (total pay package) of its Chief Officers, as defined by statute, Deputy Chief Officers (and, by definition, Assistant Directors), the Monitoring Officer and its lowest-paid employees, excluding schools. The pay policy also has to state the relationship between the remuneration of Chief Officers and the remuneration of its employees who are not Chief Officers.

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2.4 The Hutton report of Fair Pay in the Public Sector recommended the publication of an organisation's pay multiple as a means of illustrating the relationship between the pay of the highest paid employee and that of the rest of the (non-schools) workforce in the form of a ratio. The ratio is currently (March 2019) 7.14 to 1. The pay multiple is published on our website with the Pay Policy Statement and will be updated in March 2020.

2.5 It is necessary to include definitions and the authorities' policies relating to levels and elements of remuneration including all additional payments and benefits in kind. The statement must also indicate the approach to the payment of Chief Officers on ceasing employment, including eligibility for the award of additional pensionable service and on the engagement or re-engagement of Chief Officers previously made redundant or accessing a local government pension.

2.6 The Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017 placed a new requirement on all employers with 250 or more employees to publish gender pay data on the gov.uk website by 30 March each year. The gender pay report for East Sussex County Council is published on our website, along with the Pay Policy Statement.

2.7 The Government has also undertaken a number of consultations over the last couple of years in relation to reforming public sector exit payment terms. All of the below were due to be implemented in 2018 but implementation has been delayed and no expected implementation date has currently been announced:

- (i) Recovery of exit payments - the Small Business, Enterprise and Employment Act 2015 includes provisions to enable the recovery of exit payments made to individuals who return to the public sector within 12 months of receiving an exit payment.
- (ii) Exit payment cap — the Government intends to introduce a cap of £95,000 on public sector exit payments (including pension strain costs etc.).
- (iii) Exit payment terms (compensation) — the Government is considering further reforms to the calculation of compensation terms and to employer funded early retirement in circumstances of redundancy, including the introduction of a maximum salary on which an exit payment can be based and the tapering of a lump sum compensation as employees get closer to their normal retirement age. The maximum salary is currently proposed to be £80,000.

2.8 Whilst the existing pay policy statement remains a valid statement of the County Council's remuneration arrangements at present, it will need to be updated to reflect the outcome of the above consultations once known. Attached at Appendix 1 is a copy of the pay policy statement for 2020/21

2.9 The Committee recommends the County Council to:

- ✧ agree the updated pay policy statement for 2019/20 as set out in Appendix 1.

3 Amendments to the Constitution

A) Adopting and Changing the Constitution

3.1 The County Council has delegated authority to the Governance Committee to agree the delegation of the Council's non-executive powers to officers and the Leader has the power to delegate any Executive function to Members and officers. The Leader is required to report annually on the nature and extent of any delegations. The Constitution sets out at Part 3 Table 6 the Scheme of Delegations to Officers, which is a record of those powers and functions that have been delegated to officers of the County Council.

3.2 As the exercise of the power to delegate these functions, which have been delegated to the Governance Committee and rest with the Leader, may result in amendments being made to the Scheme of Delegation it is recommended that the Constitution be amended to reflect the position and practice of the Council.

B) Delegation of Functions to Officers

3.3 The Constitution contains a number of references to the delegation of powers to Chief Officers and Directors. However, in the light of current and possible future governance arrangements there could be occasions where the delegation of functions might be to an officer other than a Chief Officer or Director. It is therefore proposed to amend the Part 3 Paragraph 1.06 and Part 3 Table 6 of the Constitution as follows:

Cabinet Responsibilities and Functions

1.06 The Leader has delegated certain Executive powers to the Chief Executive, and Directors and other officers. These, together with the powers delegated by the Council to the Chief Executive, and Directors and other officers are set out in Table 6. Separate delegations to the Chief Executive, and Directors and other officers in relation to contracts are set out in the Procurement Procedure Rules and in relation to financial matters in the Financial Procedure Rules.

Delegations to the Chief Executive

To make minor changes to Standing Orders, Delegations to the Chief Executive, and Directors and other officers, the Terms of Reference of Committees, Sub-Committees and Panels and existing protocols, after consultation with the Group Leaders

C) Responsibility for Local Choice Functions

3.4 The functions set out in Part 3 Table 2 of the Constitution (Appendix 2) set out those functions where the local authority can decide whether it is considered an Executive or non-executive function and where this Council consider they best sit. Currently the functions allocated to the Executive are either delegated to officers or reserved to Cabinet. To reflect the decision making arrangements of this Council it is recommended that this be amended so the where considered appropriate Lead Members can exercise those functions reserved to the Executive.

3.5 The Committee recommends the County Council to:

☆ (1) approve the proposed changes to the Constitution as set out in paragraphs 3.2 and 3.3 above;

(2) agree that Local Choice Functions reserved to the Executive can be undertaken by Lead Members; and

(3) delegate authority to the Assistant Chief Executive to amend the Constitution accordingly.

3 March 2020

KEITH GLAZIER
(Chair)

REPORT OF THE GOVERNANCE COMMITTEE

The Governance Committee is due to meet on 24 March 2020 prior to the County Council meeting to consider a report regarding proposed temporary measures to be put in place in the event of disruption to Council meetings as a result of Coronavirus (Covid-19) as set out below. Any recommendations arising from the Committee's meeting will be circulated at the County Council meeting.

1. Coronavirus (Covid-19) contingency arrangements

1.1 The current incidence of the Covid-19 virus both nationally and internationally is beginning to cause disruption to a range of business and social activity. There may be a need for additional preventative measures to be introduced nationally to help contain or delay the spread of the virus. This includes potential advice to individuals or groups to self-isolate for periods of time, and/or for more general restrictions on travel or gatherings. It is also likely that more people will become unwell as a result of the virus.

1.2 Further spread of Covid-19 therefore has the potential to impact upon the County Council's ability to hold its normal meetings in public. This could be as a result of Members or officers being unable to attend due to illness or self-isolation, or general advice against travel or gatherings leading to a need to suspend the holding of meetings for a period of time.

1.3 This report outlines a range of proposed temporary measures which would enable the County Council's essential business to be conducted in the event of disruption or suspension of formal meetings due to Covid-19.

Executive decisions

1.4 In the event of the suspension or restriction of meetings due to Covid-19 it is proposed that the Forward Plan of decisions would be reviewed and any decisions which can be postponed are rescheduled for a later date. However, there are likely to be time-critical decisions which cannot be deferred and arrangements will be required to ensure these decisions can be taken in a timely manner.

1.4 It is legally permissible for a Lead Member to take a decision remotely and for the Leader to take any decisions which may normally be taken by Cabinet collectively. In the event of disruption due to Covid-19 it is proposed that Standing Orders in relation to Lead Member meetings be temporarily suspended to enable the members of the Executive to take decisions remotely, where the Chief Executive (or in their absence the Assistant Chief Executive) considers that the matter cannot wait.

1.5 Whilst this will not be a meeting, the current practice of publishing an agenda and publicly available report will be continue in the usual way, and Members will be able to make representations via email to the decision maker.

1.6 It is also proposed that the Leader (or in their absence the Deputy Leader) will assume responsibility for all the powers of the Cabinet in order that decisions can be taken if the Cabinet does not meet or is not quorate in the event that there is disruption to, or suspension of, formal meetings.

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Non-Executive decisions

1.7 As with Executive decisions it is proposed that, in the event of disruption to meetings, wherever possible items due for consideration by the Council's Non-Executive bodies be reviewed and items postponed and rescheduled wherever possible. However, there is potential for time-critical decisions to be required in relation to the remits of the Planning Committee, Pensions Committee and Governance Committee.

1.8 Only in circumstances where these committees are either unable to meet or are inquorate, and when the Chief Executive (or in their absence the Assistant Chief Executive) has agreed that a decision on the matter should be taken before the next scheduled meeting it is proposed that the following delegations be agreed:

- (i) In relation to the Planning Committee – to delegate the functions of the Planning Committee in so far as the law allows to the Director of Communities, Economy and Transport, in consultation with the Chair of the Committee.
- (ii) In relation to the Pensions Committee – to delegate the functions of the Pensions Committee in so far as the law allows to the Chief Operating Officer, in consultation with the Chair of the Committee.
- (iii) In relation to the Governance Committee – to delegate the functions of the Governance Committee in so far as the law allows to the Chief Executive, in consultation with Group Leaders.

1.9 Any decisions taken by officers under these delegations will be reported to the subsequent meeting of the relevant committee.

Member attendance

1.10 Covid-19 may impact on Members' ability to attend Council meetings either due to them being personally affected or due to general disruption or suspension of meetings. This may in turn result in Members becoming at risk of failing to meet attendance rules which require a minimum attendance at meetings of once every six months.

1.11 To prevent any Member being at risk due to non-attendance as a result of Covid-19 it is proposed that non-attendance due to: being diagnosed with Covid-19; self-isolating due to suspected Covid-19; self-isolating in order to reduce the risk of contracting or passing on Covid-19; or as a result of following Covid-19 related guidance from Government be considered as absence for a reason approved by the Council in relation to attendance requirements.

Conclusion

1.12 The recommendations to be considered by the Governance Committee are:

- 1) agree that authority be delegated to the Chief Executive (or in their absence the Assistant Chief Executive), in consultation with the Chairman, to suspend Standing Orders in relation to Lead Member meetings as set out in paragraph 1.4 above;
- 2) agree that where the Chief Executive (or in their absence Assistant Chief Executive) suspends standing orders as set out in the paragraph above the Leader will assume all the powers of the Cabinet as set out in paragraph 1.6 above;
- 3) agree the delegations to officers in relation to the functions of the Planning, Pensions and Governance Committee as set out in paragraph 1.8 above;

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- 4) agree that Member non-attendance related to Covid-19 be considered as an absence approved by the Council as set out in paragraph 1.11 above;
- 5) agree that the Assistant Chief Executive be authorised to cancel or postpone meetings, in consultation with the relevant Chair or Lead Member;
- 6) review these measures at the October 2020 meeting of the Council or as soon as practicable thereafter; and
- 7) agree to amend the Constitution accordingly.

1.13 Any recommendations the Committee wishes to make to the County Council will be circulated prior to the County Council

March 2020

KEITH GLAZIER
(Chair)

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EAST SUSSEX FIRE AUTHORITY

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, 13 February 2020.

Present: Councillors Galley (Chairman), Lambert (Vice-Chair), Barnes, Dowling, Ebel, Evans, Hamilton, O'Keeffe, Osborne, Peltzer Dunn, Powell, Pragnell, Scott, Sheppard, Smith, Taylor, Theobald and Tutt

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 Authority were updated on the position of East Sussex Fire & Rescue Service with regards to the current outbreak of Coronavirus. The local and National responses were being led by Public Health England (PHE) and the NHS. ESFRS were working with the Local Resilience Forum (LRF) as required under the Civil Contingencies Act. All updated information regarding the virus was shared with all agencies and, where required, with ESFRS staff both for general good hygiene and specialist information for emergency services first responders.
- 1.2 The clear perspective of ESFRS was that at this stage the Coronavirus outbreak was an issue to be aware of but not a crisis. Through the National Fire Chiefs Council (NFCC) there had been opportunities to influence processes and raise issues with PHE - in particular with regards to the creation of containment centres.
- 1.3 Members asked for clarification that there was engagement with District and Borough Councils. The Chief Fire Officer (CFO) confirmed that each authority was represented on the LRF and that officers would be responsible for providing feedback to their authorities with the information provided by PHE and NHS leads. All local authorities would be dealing with the outbreak under their own local business continuity processes and any locally relevant issues that Members might have should be raised with them directly.

2 FIRE AUTHORITY SERVICE PLANNING PROCESSES FOR 2020/21 & BEYOND - REVENUE BUDGET 2020/21 & CAPITAL STRATEGY 2020/21 - 2024/25

- 2.1 The Authority received a report presenting the Fire Authority's Revenue Budget 2020/21, Capital Strategy 2020/21–2024/25 and Medium Term Finance Plan for 2020/21–2024/25 for approval. It presented a broadly positive picture and included figures as anticipated from the delayed Local Government Finance Settlement. This delay did not stop Members agreeing the budget on the basis of the figures contained within the Report.

- 2.2 The report presented a balanced budget for the forthcoming year with a net budget increase of 1.2%, which comprised various pressures and new commitments of £0.863m and savings of £0.396m. with the core funding remaining roughly constant to the previous year. The proposed 1.99% increase to Council Tax along with a growth in the council taxbase of 0.63% would provide ESFRS with an additional income of £716,000.
- 2.3 There remained significant uncertainty for fire funding beyond this financial year. For 2021/22 and beyond there were significant risks as a result of proposals to change the Business Rates Retention regime, the Fairer Funding Review and a Comprehensive Spending Review (CSR) following the outcome of the recent Parliamentary Election. This uncertainty meant that the Medium Term Finance Plan forecasted overall central support in three scenarios providing best case, mid case and worse case savings relating to Settlement Funding Assessment. Officers would continue to focus on driving efficiencies through various activities set out in the Efficiency Strategy, although a key element would be the outcomes of the work on the Operational Response Review and Integrated Risk Management Plan.
- 2.4 The Treasurer to the Fire Authority was satisfied that the budget was both robust and transparent and that the allocation of resources within it were necessary and appropriate.
- 2.5 The Authority approved an increase in council tax of 1.99% and thus approved the budget proposals set out in the Report and the net budget requirement of £39.737m for 2020/21; the council tax requirement of £27.931m; and the council tax and precepts as set out in Appendix F.
- 2.6 They also approved the capital programme for the next five years, the capital budget of £5.992m for 2020/21 and the plans to use capital grant, capital receipts and revenue contributions to finance capital expenditure; the change in the minimum level of General Reserves to 5% of the net revenue budget; the fees and charges set out in Appendix C to the report; and that the Chief Fire Officer, in consultation with the Chairman and Treasurer, be authorised to make any adjustments to the presentation of the budget to reflect the final Local Government Finance Settlement.

3 TREASURY MANAGEMENT STRATEGY 2020/21

- 3.1 The Authority considered a report seeking Member approval of the treasury management strategy, policy statement and the Minimum Revenue Provision (MRP) Statement 2020/21. The Authority resolved to approve the treasury management strategy and policy statement for 2020/21 (and adopt for the remainder of (2019/20); determined that for 2020/21 the Authorised Limit for borrowing should be £14.785m; adopted the prudential indicators as set out in Appendix 2 to the Report; and approved the Minimum Revenue Provision (MRP) Statement for 2020/21.

4 PAY POLICY STATEMENT 2020/21

- 4.1 The Authority considered a report presenting Members with the Pay Policy Statement for 2020/21. Members were reminded that the Localism Act 2011 imposed a duty on relevant local authorities to prepare a pay policy statement for each financial year, which must be approved by 31 March 2020. The statement must include policies on remuneration of chief officers and lowest paid employees.
- 4.2 Members also asked for confirmation that ESFRS pay scales were based on National Pay awards, and therefore it was not possible to have flexibility locally on them. The Assistant Director People Services confirmed that ESFRS pay was based on nationally agreed pay scales, adding that there were some local agreements including policies on pay protection which had been consulted on and agreed locally. The Authority resolved to approve the Pay Policy Statement.

5 FIREFIGHTER PENSION SCHEMES

- 5.1 The Authority considered the Report of the Pensions Advisor (PA) informing Members that, following recommendations in the Pension Regulator's Governance and Administration survey 2017 and the Scheme Advisory Board's survey of local boards, the Authority's Firefighters' Pension Scheme Local Pension Board had updated its Terms of Reference. These updates included frequency of meetings, reporting requirements and length of term for members.
- 5.2 Members thanked the PA for her extensive work for ESFRS and supported the proposals made in the report. There were questions of how the Sargeant case might impact the finances and service provision of ESFRS. Extensive work was being undertaken to evaluate the risks posed by the decision on this national case and an update was anticipated from Government on the potential impacts. The case had been added to the Corporate Risk Register ensuring it was monitored but until more information was provided the impact remained unknown. There were also ongoing Government negotiations and proposed remedies were out to consultation, ending in spring 2020. Members were reassured and reminded that this was a national pension scheme and that the financial implications were expected to be national and therefore not borne by ESFRS, but until the remedies were known it was impossible to work out the cost.
- 5.3 The Chair of the Pension Board added that the intention was now to meet a minimum of four times per annum, all Board Members had undertaken specific training and reassured the Authority that the Board was paying close scrutiny to the Sargeant case and would keep monitoring it and report back to the Authority as required. The Authority resolved to note and approve the updated Pension Board Terms of Reference (TOR); the new Breaches of Law Policy and Guidance; and the new Pension Board Training Policy.

6 HEALTH, SAFETY & WELL-BEING STRATEGY 2020-2023

- 6.1 The Authority considered the revised Health, Safety & Well-being Strategy for 2020-2023. The Authority had an existing Health, Safety & Well-being Strategy which had been refreshed to incorporate the new Health & Safety Management System. The Strategy continued to develop the strategic direction for the health and safety of ESFRS employees and their mental well-being, the updates had taken into account the responses to the regional health & safety audit and Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services inspection.
- 6.2 The report presented the Authority with the overarching strategy and therefore did not include all the procedural detail on how the aims would be achieved. Wellbeing was of strategic importance to the organisation and the Service's approach to mental health was multi-layered and complex with the Wellbeing Champions being one solution amongst many. The move, in 2018, to the new Occupational Health provider meant that there was now a collaborative board considering well-being across ESFRS, Surrey FRS and Sussex & Surrey Police. This approach was not all incident related, as ESFRS was very much on top of this provision, but related more to all staff and when life was feeling a bit too much. The ethos was that ESFRS might not be able to fix its staff, but would actively support, identify and signpost them to the help they needed as quickly as possible.
- 6.3 ESFRS had put itself through the Mind Healthy Workplace assessment and provided comprehensive signposting to all staff on the website. Members agreed that ESFRS was, and should continue to be, a good employer and supportive of all staff. The Authority resolved to support the revised Health, Safety & Wellbeing Strategy for 2020-2023 and to adopt it as a formal Fire Authority Strategy.

7 FUTURE PROVISION OF OFFSHORE MARITIME RESPONSE TEAM

- 7.1 The Authority received a report outlining proposals to remove ESFRS's off shore capability in order to better facilitate the statutory responsibility for ship alongside firefighting resilience. Members had been briefed on this matter some months ago and subsequently a detailed risk review had been undertaken to consider this provision. ESFRS did not have a statutory duty to provide its current offshore maritime firefighting capacity and had not been called upon to provide such assistance for over 14 years. The Service had a responsibility to use its resources to address any significant community risk that it identified as part of its integrated risk management plan (IRMP) and as a coastal fire service with a statutory responsibility to provide resilience to a ship alongside incident should one occur at one of our ports.
- 7.2 ESFRS currently spent approximately £50,000 each year to provide its current Fire & Rescue Maritime Response team, based at Newhaven. The review and report proposed that the offshore capability be removed and that the provision be redirected to provide a more refined and robust response to ship alongside fires. The Authority resolved to support Option 2 in Section 13 of the Report, and withdraw the offshore maritime firefighting team in order to reinforce the Statutory ship alongside firefighting resilience.

COUNCILLOR ROY GALLEY
CHAIRMAN OF EAST SUSSEX FIRE AUTHORITY
13 February 2020

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