



Meeting of
East Sussex County Council
on Tuesday, 7 December 2021
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. The live broadcast is accessible at: www.eastsussex.gov.uk/yourcouncil/webcasts/default.htm



EAST SUSSEX COUNTY COUNCIL

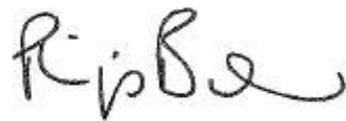
To the Members of the County Council

You are summoned to attend a meeting of the East Sussex County Council to be held at County Hall, Lewes, **on Tuesday, 7 December 2021 at 10.00 am** to transact the following business

1. **Minutes of the meeting held on 12 October 2021** (Pages 5 - 22)
2. **Apologies for absence**
3. **Chairman's business**
4. **Questions from members of the public**
5. **Report of the Cabinet** (Pages 23 - 26)
6. **Report of the Governance Committee** (Pages 27 - 28)
7. **Report of the Lead Member for Transport and Environment** (Pages 29 - 32)
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

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

29 November 2021

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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 12 OCTOBER 2021 at 10.00 am

Present Councillors Sam Adeniji, Abul Azad, Matthew Beaver, Colin Belsey, Nick Bennett, Bob Bowdler, Chris Collier, Godfrey Daniel, Johnny Denis, Penny di Cara, Chris Dowling, Claire Dowling, Kathryn Field, Gerard Fox, Roy Galley (Vice Chairman - in the Chair), Nuala Geary, Keith Glazier, Ian Hollidge, Johanna Howell, Eleanor Kirby-Green, Carolyn Lambert, Tom Liddiard, Philip Lunn, James MacCleary, Wendy Maples, Sorrell Marlow-Eastwood, Carl Maynard, Matthew Milligan, Steve Murphy, Sarah Osborne, Paul Redstone, Christine Robinson, Phil Scott, Stephen Shing, Alan Shuttleworth, Rupert Simmons, Bob Standley, Colin Swansborough, Barry Taylor, Georgia Taylor, David Tutt, John Ungar and Trevor Webb

28. Minutes of the meeting held on 23 July 2021

28.1 RESOLVED – to confirm as a correct record the minutes of the meeting of the County Council held on 23 July 2021 as a correct record.

29. Apologies for absence

29.1 Apologies for absence were received on behalf of Councillors Charles Clark, Alan Hay, Julia Hilton, Stephen Holt, Peter Pragnell, Pat Rodohan and Daniel Shing.

30. Chairman's business

JON FREEMAN

30.1 The Chairman referred to the recent death of a former colleague, Jon Freeman who had represented the Seaford Blatchington Division from 1993 to 2013. On behalf of the Council the Chairman offered condolences to Jon's family and friends. The Council remained silent as a mark of respect to Jon Freeman.

COUNCILLOR PRAGNELL

30.2 The Chairman announced that Councillor Pragnell was unwell and therefore unable to attend the meeting. On behalf of the Council, the Chairman sent best wishes to Peter for a full recovery.

CHAIRMAN'S ACTIVITIES

30.3 The Chairman reported that Councillor Pragnell had attended a number of events since the last Council meeting including the Festival of Accessible Sports, the centenary event of Hastings and Rother Voluntary Association for the Blind, meeting the new Lord Lieutenant and hosting a reception at Hendall Manor Barns in Uckfield. The Chairman reported that he had attended the Eastbourne and District Samaritans AGM.

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PETITIONS

30.4 The following petitions were presented before the meeting by councillors:

Councillor Stephen Shing - calling on the County Council to address traffic control in Jevington

Councillor Stephen Shing - calling on the County Council to resurface Old Drive, Polegate

PRAYERS

30.5 The Chairman thanked Jez Field, Pastor at Kings Church, Seaford for leading the prayers before the meeting.

31. Questions from members of the public

31.1 Copies of the questions from members of the public and the answers from Councillor Standley (Lead Member for Education and Inclusion, Special Educational Needs and Disability), Councillor Fox (Chair of then Pension Committee), Councillor Claire Dowling (Lead Member for Transport and Environment) and Councillor Glazier (Lead Member for Strategic Management and Economic Development) are attached to these minutes. Supplementary questions were asked and responded to.

32. Declarations of Interest

32.1 There were no declarations of interest.

33. Reports

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

Cabinet report – paragraph 1 (council monitoring), paragraph 2 annual progress report on achieving carbon neutrality) and paragraph 3 (Waste and Minerals Local Plan Review)

Lead Member for Resources and Climate Change report – paragraph 1 (Notice of Motion – Climate and Ecology Bill)

Lead Member for Transport and Environment report – paragraph 1 (Notice of Motion – community involvement in planning)

NON-RESERVED PARAGRAPHS

33.2 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 (review of the Members' Allowances Scheme) and paragraph 2 (Councillor Parental Leave Policy)

34. Report of the Cabinet

Paragraphs 1 (Council monitoring) and paragraph 3 (Waste and Minerals Local Plan Review)

34.1 Councillor Glazier moved the adoption of the reserved paragraphs.

34.2 The motions were carried after debate.

Paragraph 2 (annual progress report on achieving carbon neutrality)

34.3 Councillor Glazier nominated Councillor Bennett to introduce the reserved paragraph following which there was a debate.

34.4 The paragraph was for information.

35. Report of the Lead Member for Resources and Climate Change

Paragraph 1 (Notice of Motion – Climate and Ecology Bill)

35.1 In introducing the paragraph, Councillor Bennett proposed an alteration as follows:

Background

Tackling Climate Change is a priority for the UK Government. Britain was the first G7 country to legislate for net zero emissions by 2050. East Sussex County Council (ESCC) policy is aligned with that approach. The UK's interim target of reducing emissions by 68 per cent from 1990 levels by 2030 is faster than any other major economy. The government has recently made the decision to end direct support for the fossil fuel energy sector overseas as soon as possible. Over the next 5 years, the government will spend at least £3 billion providing transformational international climate finance on nature and biodiversity, while the UK, with 357 Marine Protected Areas of different types, is on course to protect over half of our waters.

The Climate and Ecology Bill: seeks to audit the UK's global carbon footprint by including indirect UK emissions from our international supply chains which may have an adverse impact on developing countries; would involve a re-profiling, broadening and deepening of already ambitious existing carbon budgets; is likely too proscriptive on the use of negative emissions technologies; contains difficult to reconcile aspirations around its approach to domestic, international and inter-generational equity; inevitably imposes a greater burden on UK residents, threatening adverse impacts on their living standards; has recourse to citizen assemblies which are of dubious efficacy and runs counter to our Parliamentary traditions.

The County Council resolves

1. That it believes that:

- I. Government climate and ecological initiative, as informed by its commitment to the Millennium and UN Sustainable Development Goals, its environmental policies and its current national carbon budgets as laid down in legislation, advised and audited by the Committee on Climate Change, strike the right balance for a country that leads the G7 on Climate initiative and accounts for approximately 1% of current global territorial emissions.
- II. Focus on properly valuing eco-system services, safeguarding and enhancing carbon sinks, conserving and restoring biodiverse habitats, natural and human modified ecosystems and the health of their soils must be an increasing focus for policy.

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III. High-level policy ambitions must be grounded at a national, regional and local authority level in direction & fine detail, supported by central funding.

2. To write to our MPs asking them to press Ministers for that greater direction, detail and support to assist us in delivering on net-zero. Additionally, to ask that they consider further policy action which puts a proper value on eco-system services, enhances carbon sinks, preserves and improves natural and human modified ecosystems and promotes biodiversity

35.2 The Chairman adjourned the meeting for 20 minutes to enable councillors to consider the proposed alteration.

35.3 The following motion moved by Councillor Tutt and seconded was LOST:

To defer consideration of the report to the next meeting of the Council.

35.4 The Council voted on whether to consent to Councillor Bennett altering his proposal. The Council consented.

35.5 A recorded vote was taken on the wording of the original motion from Councillor Georgia Taylor as set out below:

The County Council resolves to:

- 1) *Support the Climate and Ecological Emergency (CEE) Bill;*
- 2) *Inform the local media of this decision;*
- 3) *Write to local Members of Parliament, asking them to support or thanking them for supporting the CEE Bill; and*
- 4) *Write to the CEE Bill Alliance, the organisers of the campaign for the Bill, expressing its support (campaign@ceebill.uk).*

35.6 The vote was LOST, the votes being cast as follows:

FOR

Councillors Collier, Daniel, Denis, Field, Lambert, MacCleary, Maples, Murphy, Osborne, Robinson, Scott, Stephen Shing, Shuttleworth, Swansborough, Georgia Taylor, Tutt, Ungar and Webb.

AGAINST

Councillors Adeniji, Azad, Beaver, Belsey, Bennett, Bowdler, di Cara, Chris Dowling, Claire Dowling, Fox, Galley, Geary, Glazier, Hollidge, Howell, Kirby-Green, Liddiard, Lunn, Marlow-Eastwood, Maynard, Milligan, Redstone, Simmons, Standley and Barry Taylor.

ABSTENTIONS

None

35.7 A recorded vote was taken on the motion moved by Councillor Bennett as follows:

The County Council resolves

1. *That it believes that:*

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- I. *Government climate and ecological initiative, as informed by its commitment to the Millennium and UN Sustainable Development Goals, its environmental policies and its current national carbon budgets as laid down in legislation, advised and audited by the Committee on Climate Change, strike the right balance for a country that leads the G7 on Climate initiative and accounts for approximately 1% of current global territorial emissions.*
 - II. *Focus on properly valuing eco-system services, safeguarding and enhancing carbon sinks, conserving and restoring biodiverse habitats, natural and human modified ecosystems and the health of their soils must be an increasing focus for policy.*
 - III. *High-level policy ambitions must be grounded at a national, regional and local authority level in direction & fine detail, supported by central funding.*
2. *To write to our MPs asking them to press Ministers for that greater direction, detail and support to assist us in delivering on net-zero. Additionally, to ask that they consider further policy action which puts a proper value on eco-system services, enhances carbon sinks, preserves and improves natural and human modified ecosystems and promotes biodiversity*

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

FOR THE MOTION

Councillors Adeniji, Azad, Beaver, Belsey, Bennett, Bowdler, Collier, Daniel, Denis, di Cara, Chris Dowling, Claire Dowling, Field, Fox, Galley, Geary, Glazier, Hollidge, Howell, Kirby-Green, Lambert, Liddiard, Lunn, MacCleary, Marlow-Eastwood, Maynard, Milligan, Murphy, Osborne, Redstone, Robinson, Scott, Stephen Shing, Shuttleworth, Simmons, Standley Swansborough, Barry Taylor, Tutt, Ungar and Webb.

AGAINST THE MOTION

None

ABSTENTIONS

Councillors Maples and Georgia Taylor

36. Report of the Lead Member for Transport and Environment

Paragraph 1 (Notice of Motion – community involvement in planning)

- 36.1 Councillor Claire Dowling moved the reserved paragraph in the Lead Member's report.
- 36.2 The motion was CARRIED after debate.

37. Questions from County Councillors

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

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Questioner	Respondent	Subject
Councillor Osborne	Councillor Claire Dowling	Coordination of hedge/verge cutting and drain clearance to ensure that drain clearance took place after and not before hedge cutting
Councillor Osborne	Councillor Maynard	Protection in place for staff and clinically vulnerable residents now that shielding has ended
Councillor Lambert	Councillor Claire Dowling	Update regarding bridge an Exceat.
Councillor Daniel	Councillor Glazier	Pay award to East Sussex County Council staff
Councillor Robinson	Councillor Maynard	Details as to how government funding in relation to domestic abuse was being used
Councillor Denis	Councillor Glazier	Mitigations to protect vulnerable residents from the rising cost of living, changes to universal credit etc
Councillor Maples	Councillor Claire Dowling	Access routes to schools for young people taking part in Bikeability courses
Councillor Georgia Taylor	Simmons	Consultation regarding the expansion of Gatwick Airport
Councillor Stephen Shing	Councillor Bennett	Plans for former library buildings and land at Hindsland Field, Eastbourne
Councillor Scott	Councillor Glazier	Update regarding Queensway Gateway Road
Councillor Field	Councillor Glazier	Timeline for progress regarding the Queensway Gateway Road

37.2 Three written questions were received from Councillors Tutt and Murphy for the Lead Member for Education and Inclusion, Special Educational Needs and Disability, the Lead Member for Adult Social Care and Health and the Lead Member for Resources and Climate Change. The questions and answers are attached to these minutes. The Lead Members responded to supplementary questions.

THE CHAIRMAN DECLARED THE MEETING CLOSED AT 12.53 pm

The reports referred to are included in the minute book

QUESTIONS FROM MEMBERS OF THE PUBLIC

1. **Question from Sean MacLeod, Newhaven, East Sussex**

On 23 July I asked a question regarding speech and language waiting times and SEND assessments for autism in your response you said the KPI of 16 Weeks for speech and language for example.

I am using a known case for a speech and language referral and the correspondence since.

On 15th March 2021 a referral was made for speech and language support, no contact was had from the services so on 11th May a follow up was made again just saying we will be in contact in next 5-7weeks, to this date no follow up has been had, when we actually contact the relevant department we are now being told: "we can not give you a date of when you will be contacted". This backs up my original question when I was informed that people are now waiting a year for speech and language assessments.

Now we move on to send and Autism, and another case study on the 17th March a referral was done for an Autism assessment, there has been absolute zero contact with the school who has made the referral or the parents of the children and to be absolutely clear you only have to look at social media to see this is not an isolated case with most people being told they are being told 2 years.

Services are clearly stretched due to covid but the children in our community have suffered astronomically for the past 16month with an extremely difficult education period and now these children are being failed by delays and delays and a clear lack of communication, when will ESCC start giving our children the education and support they need for to long they have been failed.

So can you please let me know exactly and truthfully the clear waiting times now for speech and language therapy and autism assessments and can you tell me exactly what you are doing to help the CCG improve waiting times.

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

These matters, as the question recognises, are the responsibility of the NHS East Sussex CCG. We work closely with the CCG to try to ensure that everyone understands the referral arrangements and pathways and that there is good joint working across services. The CCG has sent us the following information in response to the question.

Response from NHS East Sussex CCG:

At the CCG we recognise how important it is for children, young people, their families and carers to access the right advice, treatment and care that they need.

We are working with all partners to monitor and review need, and continue to improve services for our local population.

Speech and Language Therapy

The Children's Integrated Therapy and Equipment Service (CITES) provide support for children with speech, language and communication needs. The current average waiting time for CITES is 12 weeks for an initial assessment and 8 weeks for follow up appointment.

We are very sorry to hear the experience that has been reported, however we are not aware of any children who have been referred to the Children's Integrated Therapy and Equipment Service who have been waiting a year for assessment. Any case where a child did not have an appointment within 12 weeks would be reviewed and monitored to ensure a resolution.

We understand that there have been delays for some follow up appointments but if the individual would like to contact us, we would be very happy to look into this further.

More generally, we know that 7-9% of children present with language difficulties and for school age children with language and communication needs there is a graduated approach to support.

This is:

- Step 1: the school will use the subscription based Language Link [Speech and Language Link - support for SLCN](#) to access an online standardised assessment of language understanding and to follow the advised, bespoke programme. Schools can use the support services of Language Link or speak to a SLT for additional advice through Therapy One Point is open across the week.
- Step 2: the school can make a referral through the ISEND Front Door. They will be provided with comprehensive advice regarding the communication environment as well as language screening and bespoke packages for children with language needs.
- Step 3: where a formal assessment of language and communication is needed a referral to Children's Integrated Therapy and Equipment Service SLT can be made.

Autism

We do understand how concerning it is for parents who are waiting for their child to be seen for assessment for Autism.

We recognise that there are high levels of need and we are committed to addressing this.

We have identified significant investment in 2021/22 for this service in order to increase the service capacity. Sussex Partnership NHS Foundation Trust is actively recruiting to additional posts to support this.

We are also working across Sussex to redesign the current pathway based on best practice.

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If anyone has any particular concerns about a child's case we would encourage them to contact us directly.

2. The same or similar questions were asked by:

Jane Wilde, Eastbourne, East Sussex
Julia Waterlow, Lewes, East Sussex
Richard Moore, Lewes, East Sussex
Dinah Morgan, Lewes, East Sussex
Nicky Bishop, Battle, East Sussex
Emily Johns, St Leonards on Sea, East Sussex
Rebecca McCray, St Leonards on Sea, East Sussex
Clare Finn, Hove
Polly Charlton, Brighton
Andrea Needham, Hastings, East Sussex
Fiona MacGregor, St Leonards on Sea, East Sussex
Serena Penman, Lewes, East Sussex
Hugh Dunkerley, Brighton
Clare Barrett, Lewes, East Sussex
Martin Atkinson, St Leonards on Sea, East Sussex
Zoe Axworthy, Brighton
Guy Gladstone, Seaford, East Sussex
Emily Skye, Seaford, East Sussex
Ian Sheard, Battle, East Sussex
Penelope Steel, Woodingdean
Clare Halstead, Brighton
Dorothy Amos, Hastings, East Sussex
Anne Massey, Hove
Annabel Faraday, Fairlight, East Sussex
Carolyn Beckingham, Lewes, East Sussex
Simon Mercer, Portslade
Jason Evans, Saltdean
Keith McMurray, Brighton
Matilda Whittington, Eastbourne, East Sussex
Susan Murray, Lewes, East Sussex
Sara Meddings, Seaford, East Sussex
Penny Beale, Hastings, East Sussex
Jennifer Howells, Horam, East Sussex
Ayesha Mayhew, Brighton
Helen Doyle, Robertsbridge, East Sussex
Scott O'Rourke, Eastbourne, East Sussex
Mick Venables, North Chailey, East Sussex
Daniel Hope, St Leonards on Sea, East Sussex
Jenny Embleton, Brighton
Cherry Lavell, Polegate, East Sussex
Jane Harris, Seaford, East Sussex
Hamish Walke, Hove
Noa Lachman, Hailsham, East Sussex
Denzil Jones, Lewes, East Sussex

Erica Smith, St Leonards on Sea, East Sussex
Ann Holmes, Lewes, East Sussex
Sonya Baksi, Lewes, East Sussex
Alison Cooper, Hastings, East Sussex
Anthony Graham, Brighton
Carl Evans, Brighton
Nicky Reese, Saltdean
Caroline Donegan, Ticehurst, East Sussex
Mark Engineer, Barcombe, East Sussex
Carole Mortimer, Lewes, East Sussex
Jane Wigan, St Leonards on Sea, East Sussex
Madeleine Bradbury, Brighton
Gary French, St Leonards on Sea, East Sussex
Elizabeth Ottosson, Eastbourne, East Sussex
Suzette Attwood, Brighton
Paul Tibbey, Lewes, East Sussex
Manuela McLellan, Hastings, East Sussex
Duncan Armstrong, Lewes, East Sussex
Karl Horton, Hastings, East Sussex
Anthony Bradnum, St Leonards on Sea, East Sussex
Paul Taylor, Lewes, East Sussex
David Allen, Brighton
Carol Turner, Eastbourne, East Sussex
Gabriel Carlyle, St Leonards on Sea, East Sussex

Does the East Sussex Pension Committee agree with the UN Secretary General António Guterres, that the latest UN climate report (<https://www.ipcc.ch/report/ar6/wg1/>) 'is a code red for humanity' which 'must sound a death knell for coal and fossil fuels, before they destroy our planet'? How does it square this assessment with its continued refusal to stop investing local people's pensions in the giant fossil fuel companies – like Shell and BP – that are driving the climate crisis?

Response by the Chair of the Pension Committee

It is not for the Pension Fund to comment on a statement made by the UN Secretary General in response to a report published by IPCC. The Pension Fund's primary responsibility is the management of the financial risk to its memberships' pensions and ensuring there is sufficient money to pay pensions as they fall due and this is where it focuses its resources and decisions.

The Fund has updated its website, which clearly sets out the Fund's Investment Strategy and Statement of Responsible Investment Principles, which are regularly reviewed and updated by the Pension Committee. The Fund has a policy of engagement over divestment as its primary approach, which is supported by Department of Works and Pensions, the Work and Pensions Select Committee, the Minister for Pensions and investor groups. Engagement to encourage companies to change their behaviour will help the real economy transition to net zero. The exposure of the Fund to oil and gas or coal companies once the implementation of existing approved strategic changes are fully implemented is very limited, with residual exposure held as tactical investments by the relevant investment managers and supported with

engagement. The Fund's Statement of Responsible Investment Principles continues to acknowledge that where material risks remain following engagement activity, it retains the ability to divest where possible. As part of the climate strategy for the Fund, a quarter of the equity allocation is now invested specifically to fund sustainable opportunities from the energy transition or solutions to climate risk.

There is more information on the Fund's website (www.eastsussexpensionfund.org) as to the investment strategy approach and principles.

3. Question from Maya Evans, Hastings, East Sussex

Can you tell me what methodology you will use in order to take into account the needs of East Sussex's vastly differing communities when putting together the Bus Service Improvement Plan?

Response by the Lead Member for Transport and Environment

The Government launched its Bus Back Better strategy in March of this year setting out an ambitious timescale for all local Transport Authorities to produce a Bus Service Improvement Plan (BSIP) by the end of October.

The BSIP Guidance issued by the Department for Transport makes it mandatory for authorities to seek and report the views of passengers and third parties on the merits and demerits of bus services locally and the performance of the LTA and the local operators. These were to include local transport users' groups, MPs, local services and business organisations.

To help us understand the needs of the residents and businesses in East Sussex we undertook an online consultation exercise seeking the views of bus users, residents, businesses and local transport operators. The consultation specifically included two free text questions (see questions below) in our online survey and we received more than 2,500 responses to these questions.

Q. If you would like to make suggestions for improvements to an existing bus service or propose a new one or any other specific suggestions on bus services.

Q. Do you have any general comments or suggestions on how bus use could be improved?

We have analysed all of the responses and over 50 additional submissions from a broad range of organisations and developed our BSIP proposals accordingly.

A draft Bus Service Improvement Plan will be presented to Councillor Claire Dowling at her Lead Member Decision Making Meeting on 25 October, a copy of which will be made public on the ESCC website from 15 October.

4. Question from Bernard Brown, Battle, East Sussex

This question is about what risk evaluation East Sussex County Council (ESCC) has in place regarding a significant creditor in which it has a significant interest. It is about how

the Council is protecting Council tax-payers money. East Sussex County Council has a four tiered relationship with East Sussex Energy Infrastructure and Development Ltd - better known by its trading name of SeaChange Sussex. ESCC is a Class A Member of the Company and has a nominated Director on the Board. ESCC is a Contracting Authority with the Company, primarily acting for SELEP. ESCC is a significant multi million pound Creditor of the Company. ESCC is registered as a Person of Significant Control in the Company at Companies House. The question is in 3 Parts.

1. When, as required under the Articles of Association, will the Council's appointed Director be reporting back on the latest results and the current and future activities of the Company to the Members of East Sussex County Council?

2. Can the Council assure residents a) that a formal Risk Assessment exists on the question of the exposure faced by ESCC in relation to the Company and b) when and how that Risk Assessment was reported to Council Members?

3. Given the history of the predecessor of the Company having had a wholly owned subsidiary, Coastal Innovations Ltd, compulsorily wound up and liquidated with debts of some £2m (to an external funder) and given the Credit Risk Assessment currently published by outside Credit Agencies, what is the Risk-Rating East Sussex County Council have applied to this Company.

Response by the Lead Member for Strategic Management and Economic Development

1. Under the Articles of Association, there is no requirement as such on individual Directors to provide reports on the Company within a specified timescale. However the appointed Director does ensure that ESCC officers report back on behalf of the County Council to the Lead Member for Strategic Management and Economic Development (SMED) for individual projects from SeaChange Sussex (SCS), which County Council members and the public are entitled to attend in relation to decisions made by the County Council. In addition, once projects are approved, ESCC reports quarterly to the South East Local Enterprise Partnership (SELEP) and on all SELEP funded projects including the SCS projects. The reporting also includes an annual report to SELEP on those SELEP funding projects including the SCS projects together with a year- end annual financial statement being provided to the Lead Member for SMED

2. Risk assessments are undertaken on the individual projects loans and grants provided to SCS by ESCC. Risk assessments are included in the reports to the Lead Member for approval prior to entering into the legal contract agreements on each project. The legal contracts reflect risks such as financial, deliverability, reputation, termination and recovery of grant.

3. ESCC and the external funder SELEP undertake a risk based assessment on a project by project basis following the submission of the full business cases. These are reported to the Lead Member for SMED and SELEP Accountability boards following an Independent Technical Evaluation of the project and the organisation.

5. Question from Laurie Holden, Burwash, East Sussex

Pension Fund members are no doubt pleased to see that the East Sussex Pension Fund (ESPF) has gradually started to disinvest from some of the more controversial companies that have been in its portfolio, such as oil and armaments companies. This has been through the movement of funds to ESG (environmental, social and governance) entities Storebrand Global ESG Plus, WHEB Sustainability Fund and the Wellington Global Impact Fund. These constitute approximately 20% of the Fund's equity allocation. That means that the ESPF has 80% of its funds that do not take into consideration ESG factors. So clearly there is more work to be done before the ESPF can be said to adhere to its Statement of Responsible Investment Principles which states: "RI (Responsible Investment) is an approach to investing that aims to incorporate environmental, social and governance (ESG) factors into investment decisions, to better manage risk and to generate sustainable, long-term returns (according to Principles for Responsible Investment)?"

There are moves within the investment industry to take a serious response to companies that supply the Israeli military and/or are complicit in Israel's illegal settlement industry. This has come about because of the recent Human Rights Watch report which concluded that Israel is guilty of the crimes of both apartheid and persecution. The HRW report shows that these are crimes against humanity which "stand among the most odious crimes in international law." It calls for sanctions, travel bans, even prosecutions against "those credibly implicated in the crimes of persecution and apartheid...."

It is as a result of this report that the London CIV (Collective Investment Vehicle) has drawn up a list of its investments in companies that are complicit in Israel's crimes. London CIV is the asset pooling company involved with 32 London Local Authority pension schemes with £11.2 billion of assets.

The CIV has stated that it will "commit to engaging with investee companies" and has stated that it is prepared to use "escalation measures if required." This can mean divestment.

In the CIV's list are 17 companies that are in the East Sussex Pension Fund. Some of these are armaments companies which provide Israel with the means to bomb the Palestinian population. The Pension Fund has more than half a million pounds invested in one of these companies: Northrop Grumman. This company supplies the Israeli Air Force with the Longbow missile delivery system for its Apache helicopters and with laser weapon delivery systems for its fighter jets. So when Israel targets homes, schools and hospitals in blowing up and incinerating men, women, children and babies – it is only made possible by firms such as Northrop Grumman. And by its investors. For the record, there are more than 20 companies that supply the Israeli military in the ESPF.

There are other recent developments on this issue. Norway's largest pension fund KLP – which manages £69 billion of assets – has just announced it has divested from 16 companies because of their links to Israel's illegal settlements economy.

Also, Lancaster City Council has recently passed a motion calling on Lancashire Pension Fund to divest from companies active in illegal Israeli settlements or that supply weapons to Israel.

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Clearly there are other agencies that are taking this seriously. Will the ESPF, in conjunction with its associates, follow the lead of these organisations? Will the ESPF implement screening and due diligence procedures to pinpoint investments in companies that are complicit in Israel's violations of international law? Are you prepared to carry out "escalation measures if required" including divestment?

Will you adhere to the ESG principles that are stated in your Responsible Investment Principles?

The ESPF has, or is about to, take a position in the Baillie Gifford Global Alpha Growth Fund. There are no indications to suggest that it is an ESG fund. This fund follows the MSCI ACWI Index. This index has numerous armaments companies which supply the Israeli military such as Northrop Grumman, Honeywell, Raytheon, Lockheed Martin, Elbit and Thales. It also has oil companies such as Exxon Mobil and Chevron. Has the ESPF carried out due diligence procedures to ascertain whether this fund has incorporated ESG factors?

We are moving into a situation similar to the 1970s and 1980s where there were large moves to divest from companies complicit in South Africa's crimes of apartheid. The difference now is that people generally are more in tune with how their pension contributions are used. Hopefully the ESPF can work in the interests of its contributors and recipients on this issue and become on the right side of history.

Response by the Chair of the Pension Committee

The Pension Fund investment strategy is published on the Fund's [website](#) which explains the asset allocation of the portfolio, which includes a wide range of assets to diversify risk to protect our members' pensions. The Fund does not invest solely in shares. The 20% noted in the question is in relation to a decision to invest specifically in impact equity funds and the Fund's new smart beta passive fund. All investment managers have screens when structuring the underlying portfolios and have large responsible investment teams to carry out research in each underlying asset or company. The Fund invests its portfolio through investment managers and not as direct holdings. The Pension Committee papers from September 2021 can be found on the [Council's website](#) which discusses the ongoing implementation of its investment strategy into a resource efficient product and the Baillie Gifford Paris aligned fund, these changes are still being implemented and much of the exposure to companies relating to this question will drop out of the portfolio once complete. The Pension Committee has previously made a statement relating to occupied territories which can be found on its [website](#). Environmental, Social and Governance (ESG) is taken into account in all investment decisions as outlined in the Statement of Responsible Investment Principles and the Fund carried out an impact assessment of the ESG capabilities of each of the Fund's investment managers in July 2021, with the aim of considering these assessments when performing future stewardship or ESG activity and for future reference if considering future investment strategy changes. This impact assessment will be updated and reviewed annually to track where managers are making changes to improve the stewardship of the portfolios. The investment work plan in the Committee papers shows ESG work streams that are planned over the next 12 months.

WRITTEN QUESTIONS PURSUANT TO STANDING ORDER 44

1. Question by Councillor Tutt to the Lead Member for Education and Inclusion, Special Educational Needs and Disability

At the July meeting of the Council, I questioned the award of contracts for home to school transport for vulnerable children to a company based in Essex and asked whether Due Diligence had been conducted? You assured me that it had and that this would continue. In light of this please can you explain how just the week before children were due to return to school, we were informed that the company concerned would be unable to fulfil two of the contracts and that these would now be awarded to the second placed bidder?

As a supplementary question I asked if you would inform me when consultation would take place with the parents of the children concerned, but you failed to answer this. Please can you now provide details of how this consultation was conducted and when?

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

In July a contract was awarded for several home to school transport journeys to a company, called 24x7. 24x7 are a reputable home to school transport provider, known to this council. Unfortunately, they were let down by a major motor manufacturer from whom they had ordered over 150 new vehicles well in advance of the new term. They were only advised just over a week before the start of term that they would not receive the vehicles they had ordered in time, and that their order had been transferred to the continent. They therefore had difficulty sourcing sufficient cars for the school journeys so close to the start of the new school term. As soon as they told us of this, the council's transport team took appropriate action and appointed other transport companies to provide the journeys to school where needed.

The contract was awarded to 24x7 following a competitive tendering exercise with clear and rigorous criteria. 24x7 scored highly for both the quality and value of their bid and as such the contracts awarded to 24x7 were appropriate, complied fully with the Council's Procurement Standing Orders, and represented best value.

With regard to consultation with the parents of the children concerned, it is important to note that we do not consult on home to school transport provision and are not required to do so. The Council procures and manages home to school transport based on the needs of the pupils being transported. Parents of the children concerned are advised of any changes to their home to school transport provision, and in this case parents or carers of the children affected by the 24x7 changes were informed of a potential change to their transport provision on the 16 July and the changes confirmed on the 29 July. Unfortunately, a consequence of 24x7 being let down by the supplier of new vehicles and the resultant last minute changes, we weren't able to notify parents of the names of their drivers and passenger assistants until a day or two before the start of term. Whilst this aspect of the arrangements was regrettable, it was beyond the control of the Council. However, transport arrangements were confirmed and no children were left at home on their first day of term.

2. Question by Councillor Tutt to the Lead Member for Adult Social Care and Health

Would the Lead Member for Adult Social Care and Health please outline the potential impact upon the Council of the recently announced Government decision to give self-funders the right to ask the Local Authority to arrange their care

Answer by the Lead Member for Adult Social Care and Health

Whilst the Government included reference to the right for people who fully fund their own care to ask the Local Authority to arrange their care in the launch of 'Build Back Better' on 7 September, 2021, this option has been available to people since the inception of the Care Act in 2014.

It is, however, anticipated that there will be a significant increase in the proportion of the (estimated) 3,500 self-funding individuals in residential and nursing care in East Sussex taking up this option.

It is not possible to make any meaningful estimate of the financial impact of this initiative until the government issues more detailed guidance as to how it will function in practice and the level of funding to be made available to authorities to support this shift in market proportion.

It should be noted that self-funding clients often pay a significantly higher rate for their placement. As many care home providers have a mixture of self-funding and local authority funded clients any increase in the proportion of those on local authority rates could have an impact on the overall income for a care home.

It is therefore, likely that providers would seek to mitigate this loss of self-funding income by seeking to increase the rates that they charge local authorities resulting in an inflationary impact on the rates that the council pay for care.

It is also likely that additional costs will be incurred to accommodate the anticipated increase in activity, including increased staffing capacity for additional Care Act and financial assessments and commissioning and brokerage resources to manage the increased volume of supported placements, including those with whom we do not currently have a contractual relationship. Existing existing systems and databases will also need to be amended and enhanced to record additional data and monitor spend against each individual's care cap.

In anticipation of more detailed guidance, the local authority is undertaking the following preparatory action:

- Engaging with the care market to quantify the potential loss of self-funding income and how it could be mitigated.
- Working with the Local Government Association (LGA) and Association of Directors of Adult Social Services (ADASS) to develop a consistent approach to quantifying the potential impact of this change.
- Monitoring the numbers of new full-cost / self-funding clients whose placements have been arranged by the local authority.

- Identifying areas that require clarification and guidance, such as whether the fact that some self-funding clients pay higher fees as a result of having a larger room or more facilities will be taken into account, or whether it will be necessary to offer the facility to self-funding individuals who do not have sufficiently significant needs to meet the Care Act eligibility threshold.

Once more detailed guidance has been issued, calculations will be completed to estimate the potential resource implications and incorporated in the council's Reconciling, Policy, Performance and Resources process and Medium Term Financial Plan.

3. Question by Councillor Murphy to the Lead Member for Resources and Climate Change

1. Community centres and village halls across the county play a vital part in the life of the local community they serve. They provide a focal point for diverse activities and cultural events such as dance classes, exercise classes, indoor sports, Golden years and nursery groups to name just a few. There is a wide range of ownership and management of these centres from Parish Councils, Town Councils and Charitable Trusts. These centres let their rooms out to local groups for a set charge per hour that includes locking up out of hours after the groups have finished their activity. Research I have undertaken appears to show that no centre in the County charges extra for locking up.

This Council leases Hailsham East Community Centre from Wealden District Council and is the only such centre managed and operated by East Sussex County Council. Is there another Centre in the county that charges community groups £22.50 per hour in addition to the room letting charge for out of hours security lock up? Will this County Council abolish forthwith this discriminatory and unfair charge at Hailsham East Community Centre?

2. Hailsham Town Council have recently expressed a view that they would welcome the opportunity to discuss matters concerning the Centre with a long term aim of taking over the lease of the building. Will this County Council appoint a Cabinet member who is not a joint Wealden District Councillor, to avoid a conflict of interest, to investigate all aspects of the operation and management of this centre and to work collaboratively with Wealden District Council and Hailsham Town Council to ascertain if the transfer of the lease is feasible?

3. Hailsham East Community Centre sits adjacent to Maurice Thornton Playing field, an area which provides much needed sport and recreational facilities for the local community.

On four weekends at the start of this football season this Council refused to allow a girls under 15 football team to use the community centre toilets. The absence of any appropriate welfare facilities for young girls, under FA rules, resulted in pre-arranged fixtures having to be cancelled. Why is the council discriminating against Hailsham's under-15 girls football team by not allowing them to use the Community Centre's facilities and what steps will this Council take to prevent this happening again?

Answer by the Lead Member for Resources and Climate Change

1. Making a charge for an out-of-hours attendance is usual practice and is a clause in licences for other settings. ESCC reserves the right to make an additional charge for a call out to a setting for additional cleaning out of hours, over and above the licence fee, and would apply that charge if attendance were needed. It is unusual for most premises to have out of hours use as a regular arrangement and East Hailsham Community Centre is only one of very few to be available in the evenings. The hourly security charge for Hailsham is £22.50. For some buildings such as the Robertsbridge Youth Centre that ESCC operates, the security charge is included in the hourly hire charge for out of hours opening.

All of our Children's Centres have an external security charge added to the room charge if a group wishes to run out of hours. This was set up to cover security costs of the company used to cover the site. The current charge from the company that covers Hailsham East is £17.50 + vat per hour (2 hour minimum). Sidley Children's Centre also has a charge of £20 per hour. Security costs in 2019/20 (the last year that is directly comparable given Covid) for out of hours security charges for the Children's Centres totalled £6,466.25 which would have to be met from within Council budgets if they are not passed on as part of the hire charges.

2. Wealden District Council are the freeholder of the building. ESCC have leased the centre from Wealden District Council from 2002 to run it primarily as a Children's Centre rather than as a Community Centre. East Sussex County Council has not had any formal request from Hailsham Town Centre to discuss taking back the lease at the property. If such a request is received, it will be considered in accordance with normal practice, with any consideration taking into account the critical nature of the children's services provided by the County Council to the local area from the building.

3. Hailsham Football Club approached the centre manager directly and were given a set of keys so that they could access the toilet facilities. They have been using it for over four weeks now and will continue to use these facilities until further notice and until the pavilion in the field is up and running. The Chair of Active Hailsham emailed with his thanks and to report that the under 15 girls beat Worthing Town under 15's 4 -3 at their match in September. Plans are also underway for other sporting activity to take place at the centre.

REPORT OF THE CABINET

The Cabinet met on 9 November 2021. Attendances:-

Councillor Bennett (in the Chair)
Councillors Bowdler, Claire Dowling, Maynard, Simmons and Standley

1. Appointment of External Auditors

1.1 The Public Sector Audit Appointments (PSAA) is a not-for-profit, independent company limited by guarantee incorporated by the Local Government Association in August 2014. Since 2018/19 the PSAA has been regulated to make audit appointments for local authorities. East Sussex County Council opted into these arrangements with approval by Full Council on 7 February 2017.

1.2 The PSAA has written to authorities regarding the appointment of the external auditors for the five years from 2023/24, as the current appointments will end with the 2022/23 audits. The Council is requested to confirm whether it wishes to opt into the national scheme from April 2023. The Local Audit and Accountability Act 2014 and the Local Audit (Appointing Person) Regulations 2015; Regulation 19 requires the decision to opt-in to the PSAA auditor appointment process to be taken by Full Council. The closing date for the notice of acceptance is Friday 11 March 2022.

1.3 Recent years has been a difficult environment for the provision of external audit services. A number of high profile Section 114 notices and reports of public interest, have challenged the role and quality of the services provided by external auditors. In addition, firms have struggled to recruit sufficient staff and meet statutory reporting deadlines; with the pandemic only serving to add to the fragility of service delivery. Local authorities have also seen fees increase as the firms seek to expand the work they undertake to gain the assurance required to meet increased regulatory audit requirements, plus the National Audit Office’s updated Code of Practice, including an increased focus of the Value for Money assessment.

1.4 Grant Thornton (GT) are the external auditors for the Council. The audit of the accounts for 2019/20 and 2020/21 have failed to be completed on time. The 2019/20 audit opinion was not issued until 31 January 2021 (against the Covid-19 extended statutory deadline of 30 November 2020), with the 2020/21 audit opinion issued on 19 October 2021 (against the revised statutory deadline of 30 September 2021).

1.5 The Council has seen audit fees increasing. For the 2021/22 audit, the fees have increased by 72% against the PSAA approved scale fee of £64,350 to £110, 850:

	£
PSAA Scale Fee (from framework):	64,350
Add:	
Impact of 19/20 increases	16,000
Value for Money – new NAO requirements	19,000
New Auditing Standards	11,500
Fee for 2020/21	110,850

1.6 A one-off grant of £15m has been made available to support authorities with these increases but the specific allocations have yet to be announced and any longer term funding is uncertain.

1.7 The Redmond Review was commissioned in June 2019, by the then Secretary of State for Housing, Communities and Local Government, to undertake an independent review of the effectiveness of local audit and the transparency of local authority reporting. The findings report published in September 2020, proposed 23 recommendations, which are being considered by Government. A key element of the report was looking at local audit arrangements, where the most

significant finding was the lack of coherence in local audit arrangements, including the approach to procure audit. There were concerns expressed regarding the effectiveness of local audits, some of which being linked to the fee structure. The report reflected that fees are probably 25% less than they should be, which has impacted on the quality of auditors and, in particular, the level of experience and knowledge of local authorities. There are also a limited number of audit firms who come forward to bid for the work. The Redmond Report was considered by the Audit Committee on 6 November 2020.

1.8 In light of the challenges faced by external audit and the Redmond Review, the PSAA launched a consultation in June 2021 seeking views to inform the development of the national scheme for the 2023/24 onwards. The scheme prospectus, reflecting on the consultation feedback, has been published (Appendix 1) and sets out a range of benefits:

- Transparent and independent auditor appointment by a third party;
- Best opportunity to secure the appointment of a qualified, registered auditor;
- Appointment, if possible, of the same auditors to bodies involved in significant collaboration/joint working initiative. In context of Orbis, Grant Thornton are the external auditors for Brighton and Hove City Council and Surrey County Council;
- On-going management of any independence issues that may arise;
- Access to a specialist PSAA team with significant experience of working within the context of the relevant regulations to appoint auditors, managing contracts with audit firms, and setting and determining audit fees;
- A value or money offer based on minimising PSAA costs and distribution of any surpluses to scheme members. In 2019, £3.5m was returned to relevant bodies; with £5.6m announced in August 2021.
- Collective efficiency savings for the sector through undertaking one major procurement as opposed to a multiplicity of smaller procurements;
- Avoids the necessity for local bodies to establish an auditor panel and undertake an auditor procurement, enabling time and resources to be deployed on other pressing priorities;
- Updates from PSAA to Section 151 officers and Audit Committee Chairs on a range of local audit related matters to inform and support effective auditor-audited body relationships;
- Concerted efforts to work with other stakeholders to develop a more sustainable local audit market.

1.9 There are limited options available for the appointment of the external auditor from 2023/24:

- Option 1: Make a stand alone appointment
- Option 2: Set up a Joint Auditor Panel
- Option 3: Opt-in to the 2023 PSAA national scheme

1.10 Option 1: whilst option 1 provides the opportunity to have full ownership of the process, which would seek to address the challenges with the current external audit service delivery, there are risks that there is limited capacity and knowledge of the market, a limited number (if any) of audit firms will come forward and that fees will be higher.

1.11 Option 2: by joining with other councils to set up a joint independent Auditor Panel, there would be greater opportunity to negotiate some economies of scale and offer a wider contract than that available by Option 1. However, a vast proportion of local authorities opted-in to the PSAA 2018 National Scheme Prospectus. To identify and develop the connections and principles of joint working would take a significant investment of time and resources, which given the deadline of 11 March 2022, is not realistic, especially when set against the Council's other priorities.

1.12 Option 3: there are well documented issues with the audit of local authorities. Taking on board the findings of the Redmond Review and the changes that will happen in the audit sector,

the PSAA is best placed to work with the regulators and audit firms to drive improvements in service provision.

1.13 The Chair and Vice Chair of the Audit Committee have been consulted on the PSAA Prospectus and options available. They are supportive of the recommendation to opt-in to the PSAA 2023 National Scheme Prospectus.

1.14 There are significant national challenges for the provision of external audit services. It could be argued that the PSAA has not been effective in ensuring the delivery of quality audits, through the management of contracts with the audit firms. National headlines and the Redmond Review have increased the focus on external audit. In considering, whether to opt-in to the PSAA 2023 National Scheme Prospectus is it more effective to be part of the structure (PSAA and regulators) that is working to improve the situation, or go alone and seek to procure our own external auditor, for which there is no guarantee of procuring an audit firm at an affordable price?

1.15 Considering all factors, the Cabinet recommends the County Council to approve that the Council opt-in to the national scheme for auditor appointment from April 2023 and approve the continuation of Public Sector Audit Appointments (PSAA) as the appointing persons for the Council.

1.16 The Cabinet recommends the County Council to:

☆ 1) approve that the Council opts into the national scheme for auditor appointment from April 2023; and

2) approve the continuation of Public Sector Audit Appointments (PSAA) as the appointing persons for the Council

9 November 2021

NICK BENNETT
(in the Chair)

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REPORT OF THE GOVERNANCE COMMITTEE

The Governance Committee met on 9 November 2021. Attendances:

Councillor Bennett (in the Chair)
Councillors Bowdler, Collier, Simmons and Tutt

1. Non Attendance at meetings

1.1 Section 85 of the Local Government Act 1972 provides that if a Member fails, throughout a period of six consecutive months to attend a meeting of the authority then they cease to be a member of the authority unless the failure was due to some reason approved by the Authority before the expiration of the period.

1.2 Councillor Pragnell has been unable to attend any meeting of the authority for a period in excess of three months due to ill health. The last meeting he attended was the County Council meeting on 23 July 2021 and he has sent apologies for absence for meetings since then. Councillor Pragnell is unlikely to be in a position to attend a meeting in the near future and has requested that the Council considers granting him a dispensation.

1.3 The Committee recommends the County Council to:

✧ approve the reason for Councillor Pragnell's non-attendance and grant a dispensation for Councillor Pragnell from attending meetings of the Council to allow Councillor Pragnell to remain qualified until such time as he is recovered and is able to attend a meeting of the Council

2. Vacation of Office – Failure to attend Meetings

2.1 Section 85 of the Local Government Act 1972 provides that if a Member fails, throughout a period of six consecutive months to attend a meeting of the authority then they cease to be a member of the authority unless the failure was due to some reason approved by the Authority before the expiration of the period.

2.2 Currently reports seeking a dispensation are considered by the Governance Committee which makes a recommendation to the County Council. The County Council is the body that grants any dispensation. Given that it might be necessary to consider the reasons for the non attendance and the possibility of a granting a dispensation at relatively short notice to avoid a councillor being disqualified, it is proposed that this matter be delegated to the Governance Committee which meets more frequently than full Council.

2.3 In order to facilitate timely consideration of requests for a dispensation in relation to councillor attendance at meetings in relation to section 85 of the Local Government Act 1972 it is proposed that the County Council delegate authority to the Governance Committee to approve the reason for a councillor's non-attendance and grant a dispensation from attending meetings of the Council until such time as the councillor is able to attend a meeting. The Governance Committee would consider each request and whether to exercise the proposed delegation.

2.4 The Committee recommends the County Council to:

GOVERNANCE

☆ 1) delegate authority to the Governance Committee to agree reasons for councillor non attendance at meetings and grant dispensation from the requirement for councillors to attend at meetings of the Council to allow them to remain qualified until such time as they are able to attend a meeting of the Council; and

2) to agree to the Constitution being amended accordingly.

9 November 2021

NICK BENNETT
(in the Chair)

REPORT OF THE LEAD MEMBER FOR TRANSPORT AND ENVIRONMENT

The Lead Member for Transport and Environment met on 22 November 2021. Attendances:-

Councillor Claire Dowling (Lead Member)

Councillors Sam Adeniji, Chris Collier, Godfrey Daniel, Johnny Denis, Nuala Geary, Julia Hilton, Ian Hollidge, Wendy Maples, Paul Redstone and Georgia Taylor.

1 Notice of Motion – East Sussex County Council’s (ESCC) use of Glyphosate based herbicide to control weeds on the Public Highway and on ESCC property

1.1 The following Notice of Motion was submitted by Councillor Maples, and seconded by Councillor Hilton:

Motion to eliminate use of glyphosate herbicide formulation in ESCC/Highways’ weed control.

It is recognised that there has been reduction in ESCC’s use of glyphosate (herbicide) in ESCC green spaces, increased collaboration with local environmentally-concerned groups and coordination with other local authorities, in accord with the County’s 2020 Environmental Strategy. However, as has been made excessively clear in the recent IPCC Report, and as the Strategy notes, ‘the pace and scale of action needs to be far greater’.

MOTION: East Sussex County Council agrees to request the Cabinet to:

ban the spraying of glyphosate formulation herbicide and other toxic herbicides in its treatment of unwanted foliage on all council owned land and land managed by the County Council from 01 January 2022.

Instead:

1. *Where safe to do so, plants will be left to grow and die in their natural cycle, supporting wildlife, addressing the Council’s particular concern to support pollinators and other invertebrates and in accord with the Council’s and the Government’s commitment to bio-diversity net gain. This will further enhance East Sussex Highway’s agreement to leave agreed wildflower verges uncut/unmown until the end of the flowering season to improve food sources for pollinators in accord with ESCC’s well-publicised Environmental Strategy and Sussex Local Nature Partnership.*
2. *Where plants cause a trip hazard for pedestrians, or weaken built structures, alternative prevention and removal processes will be used, to include, as appropriate:*
 - a. *manual and mechanical removal, including lifting at the roots and removal of embedded soil to be replaced where appropriate with low-growth foliage or a growth resistant medium, such as clean sand*
 - b. *mechanical brushing/sweeping, especially to remove unwanted plant seeds and thereby reduce new growth*
 - c. *hot-foam spray application*
 - d. *electrical treatment*
 - e. *strimming.”*

1.2 A copy of the Notice of Motion and further supporting information supplied by Councillor Maples is provided at Appendix 1.

1.3 In line with County Council practice, the matter has been referred by the Chairman to the Lead Member for Transport and Environment for consideration to provide information and inform debate on the Motion.

Weed Control on Public Highway

1.4 On 28 September 2020, a report on the use of Glyphosate based herbicide to control weeds on the public highway was considered by the Lead Member for Transport and Environment in response to petitions calling on the County Council to ban the use of Glyphosate along Hastings roadsides and green spaces and in Eastbourne, Jevington and Willingdon. The Lead Member resolved to inform the petitioners that East Sussex County Council (ESCC) will continue to safely use a Glyphosate based herbicide until a suitable alternative becomes available and will work with neighbouring authorities to continue exploring alternative options. This report provides an update on the position set out previously in 2020.

1.5 Weed growth in road gullies and channels can slow down and prevent the highway drainage systems from functioning correctly. Weeds can damage paved surfaces, displace kerbstones and crack walls making maintenance difficult and costly. In some circumstances weeds have been considered to have safety implications for pedestrians by causing trip hazards, particularly for older and disabled people, including those with sight loss and/or reduced mobility. Weeds can also give the general perception of untidiness. The Well Managed Highway Infrastructure Code of Practice states that “weed treatment should therefore be undertaken according to traffic and pedestrian usage and to a level of usage that takes account of local concerns. The use of weed-killers should be the minimum compatible with the required results”.

1.6 ESCC Highways carry out one weed spray a year on 3081km of channels, footpaths, central reservations, and traffic islands to manage and maintain vegetation on the highway network, using a herbicide that contains Glyphosate. Spraying is carefully controlled and limited in use to only where weeds are found.

1.7 Alternatives to Glyphosate have and continue to be reviewed internally and externally with relevant stakeholders from neighbouring County Councils, Town Councils and District and Borough Councils.

1.8 ESCC Highways aim to trial potential alternative weed maintenance methods in select areas in 2022 with the aim of working towards introducing new methods as part of the next highways maintenance contract in May 2023.

Weed Control on Other Council Land and Services

1.9 ESCC has a legal duty to control invasive species and at present Glyphosate is used to discharge those duties and the Property team holds a contract with Glendale for grounds maintenance, including all ESCC assets and a number of school sites. 20 litres of Glyphosate per annum is used in weed control for over 150 sites.

1.10 Without suitable weed control, ESCC owned land would be at risk of further invasive weed infestations and the spreading of them. Long shaggy vegetation will also mask Ash die back sapling regrowth along verges and land.

1.11 Currently there is not an equivalent to Glyphosate on the market that provides efficient weed control as required, so a complete ban would not be feasible. However, ESCC Property would support a phased reduction in the use of Glyphosate and continue to monitor other options as they come to the market, as well as options for rewilding to support greater biodiversity. Corporate sites

could be used for trialling new methods ahead of the Glyphosate licence coming to an end in 2025, however this would likely incur additional costs for labour and materials.

1.12 There may also be circumstances where ESCC owns the land or property, but it is either leased to third parties or managed by third parties under management agreements which would need to be considered to reflect any restrictions on the use of herbicides.

1.13 ESCC uses a Glyphosate based herbicide from the Health and Safety Executive's (HSE) Pesticides Register of UK Authorised Products and that is suitable for use on highways. To allow time for the development of a new UK active substance renewal program post-Brexit, a three-year extension has been provided by HSE under the new UK pesticides regulation regime. This should apply to Glyphosate meaning that the expiry date for the licence has been extended until at least December 2025 in the UK.

1.14 The total cost of weed control in the Highways contract is approximately £55,000 per year fixed for the period of the current highways contract.

Current Application and Usage

1.15 Glyphosate herbicide is widely used by Local Authorities to manage weeds on the highway network and even authorities that have trialled alternative methods of weed control continue to use Glyphosate in some circumstances.

1.16 The herbicide application in highway maintenance is currently carried out using a bespoke spraying machine based on a mini tractor, with a knapsack sprayer used in the difficult to reach areas. The weed spraying is only carried out by National Proficiency Test Council (NPTC) pesticide application competent operators. The average output is 22km in an 8-hour working day.

1.17 The herbicide is applied to weeds in channels and on footpaths at a ratio of 95% water to 5% herbicide. At this approved rate of application, it is harmless to all mammalian species and birds. It is also approved for use near watercourses.

1.18 The type of spray used enters the plant through its leaves and breaks down the weed's cell structure rather than killing it on contact. The spray makes sure that all parts of the plant are broken down and slows down any regrowth. Once the weeds have been sprayed it can take between 10 and 14 days for the herbicide to take effect.

1.19 Weed spraying is not undertaken on rainy or windy days to reduce wastage and the travel of the herbicide and treatments within high foot traffic or high sensitivity areas, and are carried out in accordance with Guidelines for Herbicide Application in Neighbouring Areas. See Appendix 2 for full risk assessments and method statements for use of Glyphosate on the highway network.

Alternative Methods of Control

1.20 Alternative methods of controlling weeds on highways have been trialled by a number of other highway authorities including: FoamStream, Hand Weeding, Acetic Acid (Vinegar), and Thermal and Mechanical methods. See Appendix 3 for further details. All of these alternatives have been found to be either not suitable for the need, less effective and require multiple treatments with variable results or are inefficient for highways use at the present time.

1.21 For example, Sussex Rail (the East Sussex Highways sub-contractor for weed control) provided an estimate for using Foam Stream, a low-pressure process, combining heat with biodegradable foam, in the Hastings area of £90,340 per application. This is five times the current cost for Hastings weed control of approximately £18,000. Kent County Council trialled hot foam (Foam Stream) but noted that it required more frequent visits to effectively treat weeds. It is therefore likely that 2-3 applications would be required in Hastings to have the same effect as the current treatment. The cost therefore would be between £180,000 to £270,000 to treat weeds in Hastings for two or three treatments. Scaling this across the county using this method could cost between £540,000 to £810,000 for two or three treatments respectively. It should also be noted

that it is unclear if there is sufficient capacity within this industry at this time to deliver such a large programme of works using this method.

1.22 Acetic Acid and thermal lancing have proved even less effective and produced even worse results than the hot foam method.

1.23 Hand pulling is very labour intensive and generally does not remove the roots meaning rapid regrowth, and whilst no direct figures are currently available for this method, this will have a higher cost per metre than hot foam as productivity will be limited and there are additional costs for collection and disposal.

Proposed Trials for 2022

1.24 However, ESCC is continually exploring options to try and find an alternative to Glyphosate that would be applicable to the highway network and other property assets and is currently exploring three alternative techniques in highways, with the aim to trial them in selected areas for 2022. These include Foam Stream in small select areas, the 'opt out' approach and reactive weeding, see Appendix 4 for full details on the potential trials.

1.25 In addition, from discussions with other authorities, street cleansing can significantly help reduce weeds by removing the detritus in channels they grow in. Therefore, ESCC is also continuing discussions with District and Borough Councils with the aim to work more closely with street cleansing programmes to reduce weeds where possible on the highway.

1.26 The issue of weed control has recently been discussed at the Place Scrutiny Committee and the Committee may wish to consider the ongoing approach and outcome of any trials in due course.

Conclusion

1.27 The Council is aware of the concerns about Glyphosate, notes the concerns raised by some councillors and residents and is committed to finding an alternative. Meanwhile we ensure that the authority meets its statutory duties of maintaining a safe and usable highway network. There are also difficulties in implementing a complete ban on the use of herbicides on all Council owned land and land managed by the County Council as outlined in paragraph 1.11 above.

1.28 Therefore, at present the Council will continue to safely use a Glyphosate based herbicide, until a suitable alternative becomes available, as it is the most effective and efficient weed control method as an approved licenced product applied in accordance with best practice. Glyphosate is on the list of the Health and Safety Executive's GB Pesticides Regulation Regime licenced and registered products and ESCC is actively researching alternatives, but at present there is no alternative weed maintenance technique that is economically viable.

1.29 However, the Lead Member has noted the proposed trials for alternative weed maintenance techniques in 2022 with the aim of working towards introducing new methods as part of the next highways maintenance contract in 2023. It should also be noted that it may not be possible to eliminate the occasional use of herbicides for non-highways use.

1.30 The Lead Member for Transport and Environment recommends the County Council to:

✧ (1) reject the Notice of Motion for the reasons set out in the report.

22 November 2021

COUNCILLOR CLAIRE DOWLING
(Lead Member)