

MINUTES

EAST SUSSEX COUNTY COUNCIL

MINUTES of a MEETING of the EAST SUSSEX COUNTY COUNCIL held at Council Chamber, County Hall, Lewes on 12 JULY 2022 at 10.00 am

Present Councillors Sam Adeniji, Abul Azad, 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), Nuala Geary, Keith Glazier, Alan Hay, Julia Hilton, Stephen Holt, Johanna Howell, Tom Liddiard, Philip Lunn, James MacCleary, Wendy Maples, Sorrell Marlow-Eastwood, Carl Maynard, Matthew Milligan, Steve Murphy, Sarah Osborne, Peter Pragnell (Chairman), Paul Redstone, Christine Robinson, Pat Rodohan, Phil Scott, Daniel Shing, Stephen Shing, Alan Shuttleworth, Rupert Simmons, Bob Standley, Colin Swansborough, Barry Taylor, Georgia Taylor, David Tutt, John Ungar and Trevor Webb

17. Minutes of the meeting held on 10 May 2022

17.1 RESOLVED – to confirm as a correct record minutes of the County Council meeting held on 10 May 2022.

18. Apologies for absence

18.1 Apologies were received on behalf of Councillors Matthew Beaver, Charles Clark, Ian Hollidge, Eleanor Kirby-Green and Carolyn Lambert.

19. Chairman's business

CHAIRMAN'S ACTIVITIES

19.1 The Chairman reported that he had attended a number of engagements since the last meeting including: an open garden event at Cotchfield Farm, a concert by the Hastings Philharmonic Orchestra, the Queen's Platinum Jubilee Service in Chichester, the ABF The Soldiers' Charity Tattoo at the Castle event, the Battle Abbey School end of year service and award giving, and the High Sherriff's lunch. The Chairman and Vice Chairman attended the West Sussex Chairman's Summer reception. The Chairman also hosted a tea for volunteers which was held at Herstmonceux Castle.

PETITIONS

19.2 The following petitions were presented before the meeting by members:

- | | |
|--------------------------|--|
| Councillor Chris Dowling | - calling on the County Council implement road safety measures at the Cross-in-Hand junction |
| Councillor Stephen Shing | - calling on the County Council to resurface roads including Tott Yew Road, Downs Valley Road and Oldfield Road. |
| Councillor Ungar | - calling on the County Council to install a |

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pedestrian crossing outside Cavendish School.

PRAYERS

19.3 The Chairman thanked Father Jim Horton for leading prayers before the meeting.

20. Questions from members of the public

20.1 Copies of the questions from members of the public and the answers from Councillor Belsey (Chair of the Standards Committee) and Councillor Fox (Chair of the Pension Committee) are attached to these Minutes. A supplementary question was asked and responded to.

21. Declarations of Interest

21.1 There were no declarations of interest.

22. Reports

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

Cabinet Report – paragraph 1 (Council Monitoring) and paragraph 2 (Reconciling Policy, Performance and Resources – State of the County).

Report of the Lead Member for Transport and Environment – paragraph 1 (Notice of Motion – Discharge of untreated waste water by Southern Water)

NON RESERVED PARAGRAPHS

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

Cabinet Report – paragraph 3 (Ashdown Forest Trust Fund)

Governance Committee – paragraph 1 (Amendment to the Constitution – Health and Wellbeing Board Terms of Reference)

23. Report of the Cabinet

Paragraph 1 (Council Monitoring)

23.1 Councillor Glazier moved the reserved paragraph in the Cabinet Report

23.2 The Motion was CARRIED after debate.

Paragraph 2 (Reconciling Policy, Performance and Resources – State of the County)

23.3 The Chairman indicated that there would be a single debate on the Cabinet Priorities for 2022/23 (Item 6) and the State of the County report.

23.4 Councillor Glazier outlined the priorities for the forthcoming year and introduced paragraph 2 of the Cabinet report. The other Group Leaders commented on these, following which there was a debate.

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24. Report of the Lead Member for Transport and Environment

Paragraph 1 (Notice of Motion – discharge of untreated water by Southern Water).

24.1 Councillor Claire Dowling moved the reserved paragraph in the Lead Member's report.

24.2 The following amendment was moved by Councillor Daniel and seconded:

This Council calls:

- 1) On the Environment Agency to swiftly complete a full and transparent investigation into 5 February Eastbourne discharge, and sewage discharges across East Sussex.
- 2) For recommendations from investigations to be published with clear action plans agreed with the regulators where appropriate.
- 3) On Southern Water to take responsibility for sewage discharges in East Sussex and apologise to residents, businesses and visitors where appropriate to do so and offer a full explanation.
- 4) On the regulators to consider stronger penalties or mechanisms to reduce incidents of unauthorised discharges of sewage.
- 5) (insert) **on the Government to bring the water companies, such as Southern Water, into public ownership.**

24.3 The amendment was LOST.

24.4 The following amendment was moved by Councillor Field and seconded:

- 1) On the Environment Agency to swiftly complete a full and transparent investigation into 5 February Eastbourne discharge, and sewage discharges across East Sussex.
- 2) For recommendations from investigations to be published with clear action plans agreed with the regulators where appropriate.
- 3) On Southern Water to take responsibility for sewage discharges in East Sussex and apologise to residents, businesses and visitors where appropriate to do so and offer a full explanation.
- 4) ~~On the regulators to consider stronger penalties or mechanisms to reduce incidents of unauthorised discharges of sewage.~~

4) *The Government to introduce a 'Sewage Tax' on water companies' profits to begin compensating for their discharges, and to help fund cleaner sea.*

24.5 A recorded vote on the amendment was requested and taken. The amendment was LOST, the votes being cast as follows:

FOR THE AMENDMENT

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

AGAINST THE AMENDMENT

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

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ABSTENTIONS

None

24.6 A recorded vote on the motion moved by Councillor Claire Dowling was requested and taken as follows:

This Council calls:

- 1) On the Environment Agency to swiftly complete a full and transparent investigation into 5 February Eastbourne discharge, and sewage discharges across East Sussex.
- 2) For recommendations from investigations to be published with clear action plans agreed with the regulators where appropriate.
- 3) On Southern Water to take responsibility for sewage discharges in East Sussex and apologise to residents, businesses and visitors where appropriate to do so and offer a full explanation.
- 4) On the regulators to consider stronger penalties or mechanisms to reduce incidents of unauthorised discharges of sewage.

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

FOR THE MOTION

Councillors Adeniji, Azad, Belsey, Bennett, Bowdler, Collier, Daniel, Denis, di Cara, Chris Dowling, Claire Dowling, Field, Fox, Galley, Geary, Glazier, Hay, Hilton, Holt, Howell, Liddiard, Lunn, MacCleary, Maples, Marlow-Eastwood, Maynard, Milligan, Murphy, Osborne, Pragnell, Redstone, Robinson, Rodohan, Scott, Daniel Shing, Stephen Shing, Shuttleworth, Simmons, Standley Swansborough, Barry Taylor, Georgia Taylor, Tutt, Ungar and Webb.

AGAINST THE MOTION

None

ABSENTIONS

None

25. Questions from County Councillors

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

Questioner	Respondent	Subject
Councillor Murphy	Councillor Standley	Conduct of the Secretary of State for Education
Councillor Swansborough	Councillor Claire Dowling	Installation of electric vehicle charging points in East Sussex
Councillor Field	Councillor Bennett	ESCC action to become carbon neutral
Councillor Collier	Councillor Bennett	Impact of future local government funding settlements on financial

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		planning
Councillor Tutt	Councillor Claire Dowling	Responsibility and implementation of weed control in Eastbourne
Councillor Georgia Taylor	Councillor Claire Dowling	School Streets initiative to improve road safety
Councillor Hilton	Councillor Maynard	Guidance and help to older and vulnerable people in relation to protecting themselves in extreme heat
Councillor Stephen Shing	Councillor Claire Dowling	Timescale for consideration of the planning application in relation to Exceat Bridge
Councillor Webb	Councillor Maynard	Assistance to refugees
Councillor Ungar	Councillor Claire Dowling	Responsibility for removing weeds from pavements
Councillor Denis	Councillor Glazier	Update regarding impact of avian flu in East Sussex
Councillor Scott	Councillor Maynard	Identification of vulnerable people, such as those with dementia, during extreme heat

25.2 One written question was received from Councillor Tutt for the Lead Member for Resources and Climate Change. The question and answer are attached to these minutes. The Lead Member responded to a supplementary question.

THE CHAIRMAN DECLARED THE MEETING CLOSED AT 12.57 pm

The reports referred to are included in the minute book

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QUESTIONS FROM MEMBERS OF THE PUBLIC

1. Question from Bernard Brown, Battle, East Sussex

A recent Code of Conduct Complaint was referred to an external investigator. The Standards Committee convened a Hearings Sub-Committee in April 2022 with delegated authority to consider the Investigator's findings. The Sub-Committee determined the matter in private, but as yet no formal report back to the Standards Committee has been made and no Minutes of the Sub-Committee Hearing have been published. The Sub-Committee also determined the matter should be exempt from the public.

Will the Chair of the Standards Committee advise what was the estimated cost of this External Investigation paid to a third-party limited company consultancy firm, and considering there is very limited visibility of the Sub-Committee outcome, even to elected Members, was this a good use of council taxpayers money?

Response by the Chair of the Standards Committee

The sum paid to the company referred to in your question to investigate the matter was £2,405.50 (inclusive of VAT)

Any alleged breach of the Code of Conduct for Councillors is taken seriously by the County Council, and it is important that such issues are thoroughly investigated by a suitably experienced independent professional, which was the case. I consider it therefore was an appropriate use of taxpayers' money.

2. Question from Arnold Simanowitz, Lewes, East Sussex

Does the East Sussex Pension Fund accept the reality that, despite many years of toothless shareholder 'engagement', the climate plans of BP, Chevron, ENI, equinor, ExxonMobil, Repsol, Shell and Total Energies all remain 'grossly insufficient to the bare minimum required for limiting warming to 1.5°C' (('Big Oil Reality Check: Updated Assessment of Oil and Gas Company Climate Plans', Oil Change International, May 2022, https://priceofoil.org/content/uploads/2022/05/big_oil_reality_check_22_v09-final.pdf, page 2)? For example, none of these companies has committed to stop approving new extraction projects, none has stopped lobbying and ads that obstruct climate solutions, and all have plans that rely heavily on carbon sequestration or offsets.

Response by the Chair of the Pension Committee

The Fund's principal role is to invest to secure the best financial return for its beneficiaries, balancing risk and return so we can provide pensions on time and in full which are affordable. It is not for the Pension Fund to carry out intensive research into the company's climate plans as listed in this question, some of which are not within the underlying holdings of the Fund. Fund officers administer the data for over 82,000 scheme members and make payments to more than 23,000 pensioners. The Funds investment managers carry out engagement activities and voting on behalf of the Fund and they have significant resources to engage with the Boards of underlying companies. In addition, the Fund is a member of collaborative engagement groups such as the Institutional Investors Group on Climate Change (IIGCC) who are also able to provide support and advice to the Fund and use the power of collective investments when

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engaging with industry and policy makers. The Fund also expects investment managers to be members of IIGCC.

The Fund has a policy of engagement with companies on a number of issues, not just relating to climate change, including human rights, governance structures, and biodiversity plans. The Fund is an active steward of its investments, and this is essential to protect beneficiaries' investments; and enables the Fund to invest in a diverse universe of investable assets and generate the necessary returns to pay pensions. An engagement report is published quarterly, and the Fund is also due to submit its Stewardship report. Both reports include engagement activities and outcomes from engagement. Engagement is a long-term iterative process and where companies are not engaging there are escalation routes for investors.

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WRITTEN QUESTIONS PURSUANT TO STANDING ORDER 44

1. Question by Councillor Tutt to the Lead Member for Resources and Climate Change

Please can the Lead Member for Resources and Climate Change inform the Council of the projected financial impact on the 2023/4 budget of the increase in the National Living Wage, not only the direct cost of Council employees, but also the indirect cost of outsourced services such as parts of Adult Social Care?

Answer by the Lead Member for Resources and Climate Change

The Council has historically always applied the National Joint Council (NJC) pay award for Local Government staff which is negotiated by National Employers.

The National Living Wage (NLW) for 2022/23 is £9.50. It is currently being forecast as £10.23 per hour (within a range of £10.14 - £10.50) from 1 April 2023 and £10.95 (within a range of £10.58 - £11.33) from 1 April 2024.

These forecasts are based on the latest wage growth forecasts, but actual wage growth may turn out higher or lower. The current forecasts are the highest rates yet predicted for the NLW in 2023 and 2024 and there is no guarantee they won't rise further, due to the ongoing economic volatility, potential impact of the international context and expected further increases in the rate of inflation.

The NLW is not confirmed until October/November, usually as part of the Autumn Spending Review.

The % increase for each forecast within the range is shown below:

	average		Low	high
2023/24 - hourly rate	£10.23		£10.14	£10.50
2023/24 - % increase	7.68%		6.74%	10.53%
2024/25 - hourly rate	£10.95		£10.58	£11.33
2024/25 - % increase	7.04%		3.42%	10.75%

For ESCC (excluding staff employed in Schools), every 0.5% increase in pay costs approximately £0.8m.

It is not possible to provide information relating to outsourced services as these operate under specific contract terms and conditions and are commercially sensitive.