

Meeting of
East Sussex County Council
on Tuesday, 11 October 2022
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

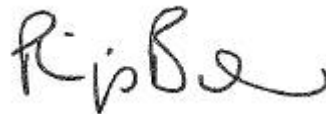
You are summoned to attend a meeting of the East Sussex County Council to be held at Council Chamber, County Hall, Lewes, **on Tuesday, 11 October 2022 at 10.00 am** to transact the following business

1. **Minutes of the meeting held on 12 July 2022** (Pages 5 - 12)
2. **Apologies for absence**
3. **Chairman's business**
4. **Questions from members of the public**
5. **Report of the Cabinet** (Pages 13 - 22)
6. **Report of the Governance Committee** (Pages 23 - 26)
7. **Questions from County Councillors**
 - (a) Oral questions to Cabinet Members
 - (b) Written Questions of which notice has been given pursuant to Standing Order 44
8. **Report of the East Sussex Fire Authority** (Pages 27 - 30)

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 Senior Pastors Cathy and Glenn Khan, Sunrise Church, Hastings. 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



3 October 2022

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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

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.

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.

REPORT OF THE CABINET

The Cabinet met on 19 July and 29 September 2022. Attendances:-

Councillor Glazier (Chair) (2)

Councillors Bennett (2), Bowdler (2), Maynard (2), Simmons (1) and Standley (2)

1. Council Monitoring - Quarter 1 2022/23

1.1 The Cabinet has considered a report on performance against the Council Plan, Revenue Budget, Capital Programme, Savings Plan and risks for quarter 1 2022/23. 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.

Carry over report for Council Plan 2021/22

1.2 Outturns are now available for the seven Council Plan measures for 2021/22 which were carried over from quarter 4. Measures are carried over when action has been completed but outturn data is not available for reporting at year-end. Outturns for these measures are provided in Appendix 2 Adult Social Care and Health and Appendix 5 Communities, Economy and Transport. Despite a difficult year with the ongoing challenges of COVID-19 and economic pressures we have performed well overall with 80% (43 of the 54 Council Plan measures) of targets met or exceeded. This means we have achieved our aim to meet at least 80% of our targets for the year; this aim reflects the fact that we set ourselves challenging targets as part of our commitment to continuous improvement.

Council Plan 2022/23 amendments and variations

1.3 The Council Plan 2022/23 and the Portfolio Plans 2022/23 – 2024/25 have been updated with available 2021/22 outturns and final performance measure targets. All plans are published on the Council's website. The Corporate Summary (Appendix 1) contains a forecast of performance against targets.

1.4 The Strategic Risk Register, Appendix 7, was reviewed and updated to reflect the Council's risk profile. Risk 4 (Health), Risk 6 (Local Economic Growth), Risk 8 (Capital Programme), Risk 9 (Workforce), Risk 14 (Post European Union (EU) Transition), Risk 15 (Climate), Risk 17 (Safeguarding of Children and Young People) and Risk 18 (Data Breach) have updated risk controls. Risk 5 (Reconciling Policy, Performance & Resources) has updated risk definitions and risk controls. Risk 7 (Schools) has been removed from the Strategic Risk Register, and a new risk (Schools and ISEND) has been added.

Budget Outturn

1.5 The details of revenue over and underspends in each department are set out in the relevant appendices, and show a total forecast overspend of £5.1m. The main headlines are:

- Children's Services (CSD) is forecast to be overspent by £5.2m. Early Help and Social Care is overspending by £3.4m, comprising the following factors: within Looked After Children (LAC), the Care Leavers budget forecast overspend includes £1.2m as a result of the decision in 2021 to provide improved placement settings for young people, and £0.9m reduced income at Lansdowne Secure Children's home due to a reduction in the number of children that can be looked after; the impact of staff shortages; recruitment difficulties; and unusually challenging behaviour from some children. The £1.0m overspend in Locality is due to continued pressure on social work staffing budgets, £0.4m in Section 17 Inclusion Special Educational Needs and Disabilities due to a high-cost placement and £0.3m from the ongoing need to find countywide placements for families deemed intentionally homeless by the district and borough councils. This forecast is net of some offsets and mitigations, for

example £0.4m underspend on Unaccompanied Asylum Seekers due to a higher proportion of children being placed under the National Transfer Scheme where the funding rates are higher.

Home to School Transport is projecting an overspend of £3.2m (net of COVID-19 funding of £0.8m for ongoing related pressures), reflecting pressures being experienced nationally, where costs for transporting Special Educational Needs and Disabilities (SEND) pupils have increased by over 33% in the last four years. The increase for 2022/23 reflects a number of factors: proportionately more solo occupancy than was expected for SEND clients, as well as small increases in the number of SEND pupils requiring transport; and price pressures arising from current market conditions (operators' staff wages, fuel cost increases and the increasing costs of other overheads). Work is ongoing to identify solutions to contain further forecast cost increases (as well as on modelling and forecasting) – these include transport route reviews/re-tendering and a case-by-case review of solo routes.

The total overspend has been mitigated in part by a forecast underspend of £1.6m as a result of efficiencies and staff vacancies across a number of areas in the department which are recorded in Central Resources, many of which are a one-off for 2022/23.

The department is pursuing a range of strategies to reduce the pressures, including a whole service review of the finances as part of the Reconciling Policy, Performance and Resources process, as well as individual actions such as the review of individual placements/support for LAC (where, for example, the top five most expensive placements each cost an average of £15,000 a week (annual equivalent total cost for the five of £3.9m)) and programmes such as Connected Families.

- The projected outturn for Adult Social Care (ASC) is an overspend of £0.5m. This comprises an overspend of £1.5m in the Independent Sector, offset by an underspend of £1.0m in Directly Provided Services, the latter is mainly due to staffing vacancies.
- Communities, Economy & Transport (CET) is forecast to underspend by £0.7m, this figure would have been higher, but it has been offset by the £1.0m Parking savings target that will not be met this year. The Parking savings have been significantly impacted by changes to driving and parking habits following COVID-19. High street activity has not returned to pre-covid levels and as a consequence we have yet to see the level of revenue that the increased parking charges was expected to yield. The largest area of underspend is in Transport and Operational Services, mostly made up of Waste Service underspends due to increased income from recycling, electricity sales, and third parties; £1.0m of this windfall Waste income has been transferred to the Waste Reserve to cover future budget pressures. There is a net overspend of £0.3m on the Highways budget due to inflation-based compensation events and additional tree work due to Ash Die Back.

1.6 Within Treasury Management (TM), centrally held budgets and corporate funding there is an underspend of £8.0m (including the general contingency):

- The General Contingency of £4.3m will be required in full to offset part of the service overspend.
- There is currently an estimated £4.6m underspend on TM, based on an improvement on the current forecasts for our market investment returns and increased cash balances. The slippage on the capital programme, and an increase in our cash balances, also removed the need to borrow externally in 2022/23. £1.7m will be used to cover the remaining overspend on service budgets and corporate funding budgets, and the remaining £2.9m will, in line with normal practice, be available to offset capital borrowing.
- Corporate Funding budgets are overspending by £0.9m, as a result of a £0.6m error by Rother District Council in their precept returns to the Council at budget setting, and a £0.3m reduction in the income from Business Rate Pooling arrangements, which had been based on the latest forecasts provided by the districts and boroughs.

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1.7 The Council is still experiencing residual COVID-19 related costs and income losses which are being fully mitigated from general and specific funding. The table below shows the current forecast for use of this funding in 2022/23:

COVID-19 Grants 2022/23 (£m)	Carried forward	Estimated use in-year (including payback*)	Specific set-aside for LAC in future yrs	Estimated balance remaining
COVID-19 General Funding	14.075	(4.235)	(3.074)	6.766
COVID-19 Specific Funding	8.990	(8.990)	-	-
Total funding	23.065	(13.225)	(3.074)	6.766

* to date the Council has repaid £1.9m of unused grant

1.8 Capital Programme expenditure for the year is projected to be £91.3m against a budget of £93.9m, a net variation of £2.6m. Of the net variation position, £1.9m relates to Local Enterprise Partnership (LEP) funded projects being delivered by or in partnership with others, where the timing of expenditure and delivery is largely outside of the Council's control. Main variations include:

- Schools Basic Need Programme – slippage of £2.1m mainly due to new primary school provision at Uckfield subject to the timing of a large housing development and securing associated land from the developer. There is no immediate pressure on school places in the area and the Council is currently able to meet demand for places within the existing school capacity.
- Eastbourne/South Wealden Walking and Cycling Package (LEP funded project) – slippage of £1.4m where ongoing complexities with design, contractor resource shortages and obtaining materials in light of global shortages have deferred construction of some aspects of the project. The package will focus on Willingdon Drove and Eastbourne Town Centre schemes which are both deliverable within the current financial year.
- Hastings Bexhill Movement and Access Programme (LEP funded project) – slippage of £0.5m largely relates to an element of the scheme which has now obtained approval from the LEP to defer spend until Summer 2025, in line with the Hastings Borough Council Towns Deal.
- Bexhill and Hastings Link Road – There has been slippage of budget into 2022/23 of £0.3m. Project costs remain for Part 1 compensation claims and other ongoing costs such as post excavation archaeology, ecological monitoring and landscaping. There is a projected overall overspend on the scheme in the region of £2.3m, of which £1.4m is forecast to materialise during 2022/23. The in-year position will be reviewed as Part 1 claims are settled and paid throughout the year.

1.9 The current capital programme includes £0.242m for creating greater in-house capacity for disability children's accommodation at Sorrel Drive. Originally approved in 2020/21, design work has identified that an increased scope would deliver additional benefits including future cost avoidance compared to alternative provision. The revised cost of the project is £0.810m, an additional £0.568m. The Cabinet agreed that this is funded from £0.261m identified within the Children's Services 2022/23 revenue budgets, and £0.307m from increased capital programme borrowing. This addition to the capital programme is in accordance with the Capital Strategy via business case, demonstrating value for money when considering the cost of alternative provision and its potential ongoing impact on revenue budgets.

Progress against Council Priorities

Driving sustainable economic growth

1.10 The Council has spent £284m with 910 local suppliers over the 12 months to June 2022, which equates to 67% of our total spend, above our target for this year of 60%. The Procurement team continues to promote our contract opportunities to local suppliers, as well as building local supply chain opportunities into our tenders where possible (Appendix 3).

1.11 Locate East Sussex helped five businesses to remain within, or relocate to, East Sussex in quarter 1. Businesses were helped by business support programmes to create or safeguard 15.5 full-time equivalent jobs. It is anticipated that additional work later in the year will mean that we may still achieve our target of creating or safeguarding 140 full-time equivalent jobs (Appendix 5).

1.12 Highways works using the one-off investment agreed by Cabinet in November 2021 began in quarter 1. Over £0.5m of additional carriageway patching was completed across 154 sites and three footway schemes were completed. No road marking works were completed in quarter 1 however, the first scheme of works is scheduled to start in quarter 2. £0.5m of signage works are scheduled to be completed in 2022/23 with 866 signs projected to be replaced (Appendix 5).

1.13 The outturns for road condition for 2021/22 have now been published; these are reported a quarter in arrears. The percentage of Principal roads requiring maintenance increased slightly to 5%, when compared to the 2020/21 outturn of 4%; and the percentage of Non-Principal roads requiring maintenance also increased slightly to 6% (compared to a 4% outturn for 2020/21). However, these results are lower than the targets set for 2021/22 of 8% and 9% respectively. The percentage of Unclassified roads requiring maintenance was 13%, an improvement from 14% in 2020/21, and lower than the 2021/22 target of 15%. In February 2022, Cabinet and Full Council approved additional investment over a ten-year period to target road condition at the level of 4%, 4% and 14% respectively and these are the targets for 2022/23. This additional funding started to be used in quarter 1 as part of the annual capital programme. (Appendix 5).

1.14 91.4% of young people at academic age 16 (Year 12) met the duty to participate in education, training or employment with training in June 2022, against a target of 93%. 84.1% of young people at academic age 17 (Year 13) met the duty, against a target of 85%. There has been a significant increase in the number of young people opting to enter employment without training and in other situations that do not meet the Department for Education's criteria for participation, such as opting into part time education and temporary employment (Appendix 4).

1.15 30 members of staff started an apprenticeship with the Council in quarter 1, a number of these were in bespoke professional areas such as management, finance and data analytics. The number of apprentices in Adult Social Care and Health (ASCH) continues to increase, and the Apprenticeship Team are working closely with the new recruitment team in ASCH who are tasked with promoting careers in care to young people. Work with the team has included joint attendance at careers fairs, development of joint communications and supporting placements within care roles (Appendix 3).

1.16 Seven contracts were awarded in quarter 1, of which one was in scope of the Social Value Measurement Charter, which quantifies the economic, social and environmental benefits of Council procurement. The contract had a total value of £234,000 and secured £18,700 in Social Value commitments, which equates to an outturn of 8%. The Social Value commitments secured in quarter 1 included apprenticeships, work experience for local people, employability support being offered to local priority groups and career awareness programmes offered to local schools and colleges. A refreshed East Sussex Social Value Marketplace was launched in quarter 1. The Marketplace enables the sharing of resources, so we can work collectively to improve the social, economic and environmental wellbeing of our residents and local communities. Contact is being made with our suppliers and charity partners to register and get engaged with the improved site (Appendix 3).

Keeping vulnerable people safe

1.17 The Holiday Activity and Food (HAF) programme provided for more than 1,800 eligible young people in the county during the Easter holidays. 300 young people with additional needs accessed the provision, either through the five Special Educational Needs and Disability (SEND) specific providers, or by accessing mainstream HAF providers with additional support. 50 providers were supported across 76 sites, with 90% of all funded places attended. May half term activities, supported by Contain Outbreak Management Funding, focused on supporting young people with SEND and those with low attendance. 1,440 young people were involved in the scheme, which delivered more than 4,500 sessions. 46 providers were supported, of which 23 were SEND specific (Appendix 4).

1.18 Trading Standards made 65 positive interventions to protect vulnerable people in quarter 1, including installing call blockers and dummy cameras. As part of Scams Awareness Fortnight, Trading Standards spoke to 145 people at local libraries to raise awareness of the types of scams which target vulnerable people (Appendix 5).

1.19 The rate of children on a Child Protection plan at the end of quarter 1 is 53.9 per 10,000 children aged 0-17, above our target of 50.3. There has been a steady increase since the start of 2022/23, in line with the increase in activity across the system. The rate of LAC at the end of quarter 1 is 59.9 per 10,000 children, just above the target of 59.8, this is due in part to ongoing significant delays in the court system (Appendix 4).

1.20 The latest available figures, as of 13 July, show that 1,095 guests have arrived in East Sussex under the Homes for Ukraine (HfU) scheme. The guests are at 473 different properties across the county and more than 317 school places have been allocated to Ukrainian children (Appendix 2).

1.21 During quarter 1 the Third Sector support team has worked with the Voluntary Actions (VA) (3VA, HVA and RVA) and Voluntary, Community and Social Enterprise (VCSE) organisations in East Sussex to develop support for HfU guests and hosts across the county. The VAs and VCSE sector have played a key role in helping the hyper-local networks, community hubs and our district and borough partners to identify and respond to the needs of HfU guests and hosts (Appendix 2).

Helping people help themselves

1.22 Three infrastructure schemes to improve road safety in the county were completed in quarter 1, one was in Forest Row and the other two were in Eastbourne. 106 'Bikeability' courses were delivered to 964 individuals at participating schools and the Cycle Centre at Eastbourne Sports Park in quarter 1. We also delivered 55 'Wheels for All' sessions to 1,122 attendees at the Sports Park (Appendix 5).

1.23 Children's Services held their first face to face Children and Young People's Trust Annual Event since COVID-19 on 3 May 2022. 168 delegates attended, including 42 young people, representing a variety of sectors and youth voice groups. The event focused on the refresh of our Children and Young People's Plan and provided the opportunity to discuss each of the Plan's five priority areas; Best Start in Life; Safeguarding; Education; Physical Health; and Mental Health and Emotional Wellbeing (Appendix 4).

1.24 Quarter 1 saw the launch of 'The Stopping Place', the Council's new one-stop shop website for Gypsy, Roma and Travellers. Co-developed with the Gypsy, Roma, Traveller Community, and national charities, the website has a focus on supporting children and young people and has proved to be a valuable resource for young people, parents/carers and professionals alike. The website was featured during events in June to mark Gypsy, Roma and Traveller history month (Appendix 4).

1.25 Work to support health and social care integration continued in quarter 1. The NHS Integrated Care Board, titled NHS Sussex, was formally established on 1 July and held its inaugural meeting on 6 July. NHS Sussex is responsible for agreeing the strategic priorities and resource allocation for all NHS organisations in Sussex, taking on the commissioning functions previously carried out by the Clinical Commissioning Groups. Work also continued in quarter 1

on the arrangements for a wider Sussex Health and Care Assembly, which will be established as a statutory joint committee between the NHS and local government (Appendix 2).

Making best use of resources now and for the future

1.26 Lobbying continued in quarter 1, including the Leader meeting with local MPs to discuss the latest priorities for the Council and residents. We also undertook lobbying through the County Councils Network into the first meeting of the national Local Net Zero Forum convened by the Department for Business, Energy and Industrial Strategy to enhance engagement between central and local government on net zero delivery (Appendix 6).

1.27 There was a 7.4% reduction in carbon emissions at the end of 2021/22 compared to the previous year (reported a quarter in arrears); the target for 2021/22 was a 13% reduction. Several energy efficiency projects commenced in quarter 1, including our programme to install LED lighting to 11 properties during 2022/23. We have also commissioned five Solar Photovoltaics projects (Appendix 3).

1.28 The Council has continued to work with a range of partners to develop and deliver carbon reduction and climate change adaptation work in quarter 1. This has included bidding for funding alongside Lewes and Eastbourne councils, West Sussex County Council and the National Park; working with the Sussex Air Partnership to secure funding to retrofit 40 Brighton & Hove Buses to be less polluting; and enabling households across the county to benefit from lower cost solar panels through the Solar Together partnership (Appendix 5).

1.29 The State of the County report, which was considered by Council in July, set out the significant uncertainty which continues to dominate the context within which we are working, including the challenges presented by the national economic environment and the increases in the cost of living, and the significant national reforms to several services, the impacts of which are not yet clear. The financial outlook for the Council remains unclear with Government funding that the Council will receive between 2023/24 – 2025/26 yet to be confirmed and uncertainty about plans for national reform of the local government funding regime. The Council Plan and Portfolio Plans 2022/23 have been refreshed with completed outturns, and there have been some changes to the performance measures and targets based on the outturns now available. The updated plans are available on our website (Appendix 6).

2. Annual Progress Report on the County Council's Climate Emergency Plan

2.1 In October 2019 the County Council declared a climate emergency. It set a target of achieving carbon neutrality from its activities as soon as possible and in any event by 2050 and committed to reporting annually to full Council on its progress towards meeting this target. Appendices 10 and 11 set out the progress report.

2.2 In October 2019 the County Council agreed the following Motion, that the County Council:

(i) supports the aims and implementation of the UN Sustainable Development Goals.

(ii) recognises and declares a Climate Emergency.

(iii) will set a target of achieving carbon neutrality from its activities as soon as possible and in any event by 2050, in line with the new target for the UK agreed by Parliament in 2019.

(iv) will build upon the work we have undertaken to date, will commit resources where possible and will align our policies to address the Climate Emergency.

(v) will set out a clear plan of action to reduce our carbon emissions.

(vi) will report annually at the May County Council Meeting on its progress towards the target.

(vii) will investigate all possible sources of external funding and match funding to support this commitment, as well as writing to central government with respect to the emergency to request funding to implement swift appropriate actions.

(viii) will use our Environment Strategy to provide a strong unified voice in lobbying for support to address this emergency, sharing best practice across East Sussex and more widely through other partners.

2.3 In line with the commitment made in the Motion agreed in 2019, the County Council developed a Climate Emergency Action Plan to set out how the organisation would go about reducing its carbon emissions. The Action Plan was agreed by Cabinet in June 2020 and built on work undertaken since the first Carbon Management Plan was put in place in 2009. The Action Plan covers 2020-22 and set out the scale of the carbon footprint, described the carbon budget that the Council will aim to keep within, and included a set of actions. In 2021-22 Cabinet agreed a further £9.867m to support the work to enable the Council to become carbon neutral.

2.4 An updated corporate climate emergency plan is being developed to cover 2023-25. It will be brought to Cabinet in January 2023, once a working group of the Scrutiny Place Committee has reviewed and commented on the draft plan during September to November, and to Full Council in February 2023. This progress report covers the current climate emergency plan covering 2020-22 and not the draft action plan for 2023-25.

Assessing the Council's carbon emissions

2.5 A clear understanding of the carbon emissions generated by our activities is a key foundation for working towards carbon neutrality. The corporate Action Plan set out an initial assessment of the carbon emissions from the Council's activities using the Greenhouse Gas (GHG) Protocol, an accepted global standard for measuring and reporting on an organisation's GHG emissions. The Protocol divides GHG emissions into three categories, referred to as Scope 1, 2 and 3. Together, these represent the total GHG emissions related to an organisation and its activities. Each scope covers the following emissions:

- Scope 1 – emissions from the combustion of gas, oil, petrol, diesel, coal, or wood. For the Council this covers buildings and vehicles where the Council is responsible for paying for the fuel
- Scope 2 – emissions from the electricity purchased by the Council
- Scope 3 – emissions that result from all other activities of the Council. There are 15 different scope 3 categories defined in the Protocol, some of which do not apply to a local authority (e.g. emissions from manufactured goods). The categories that do apply include emissions from business travel, water usage, waste, procurement and staff commuting. In other words, the County Council's scope 3 emissions mostly comprise the scope 1 and 2 emissions of other organisations (e.g. contractors).

2.6 The County Council has measured scope 1, 2 and some scope 3 emissions since 2008-9. Data in relation to scope 1 and 2 is of higher quality whereas data in relation to most scope 3 emissions is much more varying in detail and quality. The current Action Plan highlights that scope 3 emissions are by far the largest part of the Council's estimated carbon footprint, notably through the supply chain i.e. the goods, works and services that are purchased by the County Council in order to deliver its functions. This is typical for a local authority, as most of the Council's revenue and capital budgets are used to procure goods, services and works from third parties. For an upper tier authority this includes major services such as highways maintenance, waste disposal, and education, as well as social care provision commissioned from a myriad of relatively small independent providers. The Action Plan also highlights that the largest proportion of scope 1 and 2 emissions is from schools. Overall, this means that the majority of carbon emissions generated by the Council's activities are from sources over which the Council has influence but limited direct control.

2.7 The County Council therefore has a large and complex carbon footprint. Further work is required to quantify most scope 3 emissions before they can begin to be integrated reliably into the Council's carbon footprint and modelled for future emission reductions, notably from procurement. Consequently, the current Action Plan focusses primarily on reducing scope 1 and 2 emissions first, for example carbon emissions from buildings, and investing in more renewable energy. This is a similar approach to that adopted by most local authorities.

Working towards carbon neutrality from our activities

2.8 The approach adopted in the Action Plan is that, in order to make its fair contribution to reducing county-wide emissions, the County Council will aim to cut its own emissions by half in the 5 years between 2020-25. This is based on a recognised methodology developed by the UK's Tyndall Centre for Climate Change Research for calculating the carbon budget by local authority area. A carbon budget represents the total quantity of greenhouse gases which can be released to the atmosphere if we are to contain temperature rises to a given level – this can be calculated globally and then broken down into national and sub-national budgets. The Tyndall model, based on current scientific understanding, indicates that to stay within a budget based on a rise of no more than 1.5 degrees centigrade above pre-industrial levels (as set out in the UN Paris Agreement on Climate Change) requires cutting emissions from East Sussex by half roughly every 5 years.

2.9 This science-based reduction target is what the County Council is working towards, rather than a fixed end date by which it will become carbon neutral. This approach is in line with advice to Councils from the Local Government Association, which has stated that: *“There is no science to picking an end year where emissions are zero. Setting a target year by which emissions will be zero can be symbolically important. However, what counts is the trajectory of the commitments to carbon reduction between now and the target zero emissions year. This defines the actual level of emissions reduction being promised over the budget period. This is what matters to climate change”*.

2.10 Cutting emissions by half every 5 years is extremely challenging. The County Council has had a significant programme of activity in place to cut carbon emissions for a number of years. It has reduced scope 1 and 2 corporate carbon emissions by over 66% between 2008-9 and 2021-22. In 2020-21 the Council achieved a 13% reduction in its scope 1 and 2 carbon emissions, which was partly due to the effect of Covid-19 lockdowns, as fewer buildings were open and staff travelled less for business. In 2021-22 the Council achieved a 7% reduction in its scope 1 and 2 carbon emissions. This lower rate of reduction was because buildings reopened, and Covid ventilation requirements meant that the heating was on and windows were open, and business mileage increased. Appendix 8 sets out a summary of the carbon reduction measures implemented by the Council to cut its own corporate emissions as well some of the many programmes and projects that the Council has implemented to cut carbon emissions as part of the services it delivers across the county. These include, amongst others, significant programmes to address fuel poverty, to enable more walking, cycling and use of public transport, and to support local businesses to reduce their energy bills and carbon emissions.

2.11 Appendix 9 provides a summary of the status of the actions in the climate emergency plan. A number of the actions will be carried forward into the next climate emergency plan, covering 2023-25, as they are long term actions (e.g. installing electric vehicle charge points and working in partnership with other organisations).

2.12 It is likely to become more costly and complex to reduce carbon emissions over time as the 'quick wins' – the more cost effective and simpler measures, and those which are within the Council's direct control - are completed. Officers have successfully bid for additional external funding to increase the County Council's ability to deliver greater carbon reduction and are continuing to bid for further external funding. In addition, the Council has commissioned modelling work to identify the options to get to net zero and the associated net costs. This

modelling will be used to inform the development of the corporate climate emergency plan for 2023-25.

2.13 In 2020-21 the Place Scrutiny Committee undertook a Scrutiny Review of Becoming a Carbon Neutral Council. The review looked at the work underway to make progress towards net zero emissions from the Council's activities and made a number of recommendations which were accepted by Full Council. Of the 27 actions, 6 (22%) have been completed and 21 (78%) are on-going. The large number of actions that are on-going reflect that getting to net zero is a journey that, in many areas, takes time and because some actions are not within the Council's control (for instance technology changes, such as hydrogen for heating or transport).

2.14 Contracts with external providers make up the largest proportion of our carbon footprint, as part of Scope 3 emissions. The Council can influence emissions from our supply chain by requiring carbon reduction targets when renewing relevant contracts, which is the approach adopted in the current highways contract. Many smaller contractors and suppliers will not have data on their emissions, or will have relatively small-scale emissions, or do not have the capital funding available to make the significant changes required to reduce their emissions. Consequently, the Council is focusing on contractors and suppliers where the likely scale of their emissions and the ability of the Council to influence these emissions are greatest, for instance where the Council is a major client.

2.15 The Council is working closely with its Orbis partners to share costs and expertise in driving down carbon reduction from its supply chain. This includes working with Surrey County Council to trial a database that will enable suppliers to measure their baseline emissions and set a carbon reduction target, and commissioning specialist consultancy support to assess the potential cost of decarbonising the supply chain. These actions will enable carbon emissions from procurement to be more complete and reliable, which will enable the Council to then set a base year against which to measure progress in cutting carbon, potentially on a sector-by-sector basis.

2.16 Progress towards becoming a carbon neutral council is overseen by the Climate Emergency Board, which has senior representatives from every department and is co-chaired by the Chief Operating Officer and the Director for Communities, Economy and Transport. Reporting on progress is made quarterly to Officers and annually to Full Council and is set out on the Council's website.

2.17 The Council has recognised the severity of the climate crisis by declaring a climate emergency, setting a clear science-based target and committing an additional £9.9m of funding to cutting corporate carbon emissions. The scale of the Council's functions and the diversity of providers the Council works with makes this a complex and substantial task. Significant work has already been undertaken to reduce emissions and will continue to be undertaken. This progress report sets out what has been achieved to date.

3. Ashdown Forest Trust Fund 2021/22

3.1 This report sets out the outturn financial position of the Conservators of the Ashdown Forest (COAF) for 2021/22 against the approved budget (Appendix 10), approved by the Board of Conservators at their meeting on 29 November 2020 and presented to the Cabinet on 2 March 2021.

3.2 The Countryside Stewardship (CS) budget presents a surplus of £9,274 for 2021/22 due to reduced activity and expenditure on CS projects. The surplus has been added to the CS Reserve which, at 31 March 2022, has a balance of £418,991. The CS budget is entirely funded from government grant and is ringfenced for CS activity.

3.3 The Core budget presents a deficit of £75,658 for 2021/22. Within this deficit position is £19,592 in respect of accounting (non-cash) adjustments, which leaves an adjusted operational deficit of £56,066. In accordance with the Ashdown Forest Act 1974, at the end of 2020/21 the Council contributed £69,792 to COAF to offset the forecast in-year deficit for 2020/21. The 2020/21 outturn actually concluded with a surplus of £36,520, resulting in an overpayment by the Council of that amount, which has been carried forward to offset against the 2021/22 operational deficit, leaving an unfunded deficit of £19,546. The balance of the Core Reserve at 31 March 2022 was £321,114.

3.4 The Combined Income and Expenditure Summary is set out in Appendix 10

3.5 The key variations against the approved budget were:

- Unrestricted Funding: The Ashdown Forest Foundation (TAFF) budget planned for £150,000 of donations. However, TAFF is a newly formed charity with new trustees and, given the backdrop of launching during the pandemic, the charity had not been in a position to make an income contribution this year. The COAF had worked to mitigate the shortfall in income with reduced staff costs and controlling operational expenses.
- There is a net overspend on staff costs which is mostly due to the in-year staff restructure. Income from licences and other forest revenue is higher than forecast and there is also a small underspend in operational expenses.
- It is estimated that £30,000 of income has been lost due to Covid-19 restrictions on income generating aspects of the COAF operation during 2021/22.

3.6 While the Council has a statutory obligation to meet the shortfall between expenditure and income of the Conservators' Core Budget, it also has the responsibility for approving the level of expenditure. It is recognised that the 2021/22 deficit in the Core budget has arisen primarily from an over-estimation of the level of income the TAFF could raise in its first year, together with the impact of the pandemic and was not wholly foreseeable when the budget was agreed.

3.7 The Cabinet agreed that the Council makes a financial contribution to the COAF of £19,546, being the adjusted Core budget operational deficit of £56,066 less the adjustment for the over contribution in 2020/21 of £36,520. Given that it is estimated that in the region of £30,000 of income was lost due to the continuation of the pandemic, it is proposed that the Covid-19 grant funding is allocated to fund the deficit.

29 September 2022

KEITH GLAZIER
(Chair)

REPORT OF THE GOVERNANCE COMMITTEE

The Governance Committee met on 19 July, 2 September and 29 September 2022.

Attendances:

Councillor Glazier (Chair) (2x)

Councillors Bennett (2x), Robinson (2), Simmons (1x), Standley (1), Tutt (2x) and Webb (x)

1. Amendment to the Constitution – Financial Regulations

1.1 In order to ensure that sound systems of financial management are in place the self-assessment on risk requires that the financial regulations are reviewed every 3 years or in the event of a significant change. The regulations were last updated in May 2019 and this report therefore is the outcome of the 3 year review. Changes to State Aid and the Subsidy Control Act that are likely to come into force in the Autumn may require further changes to regulation as well the potential impact of the implementation of Oracle Fusion.

1.2 The most significant changes are for the provision of discretionary grants. Specific budgets for such grants no longer exist and currently most departments do not have a specific limit for the provision of discretionary grants, or it is low at £1,000, when compared to current practice (in Communities, Economy and Transport and Children's Services particularly). The proposed change is for a £24,999 limit to be set for the provision of discretionary uncompetitive grants as a general delegation before a competitive process is required and the External Funding Protocol should be followed. This will ensure consistency across all departments and consistency with procurement limits for letting contracts without competitive dialogue.

1.3 The other main change is for payments in advance (non-schools) under £500. It is proposed that no financial sign off is required under £500, which mainly constitute training courses, accommodation, conferences and similar where the booking can only be secured with payment.

1.4 Additionally, the Community Infrastructure Levy (CIL), which by use of the definition 'Levy', is legally considered a grant, has required words to be added to clarify that it is not covered by the External Funding Protocol. Separate governance arrangements are in place for CIL bidding, which should be prepared in accordance with the Section 106 (s106) and Community Infrastructure Levy (CIL) Working Group Governance and Prioritisation arrangements.

1.5 The proposed changes are summarised in Appendix 1.

1.6 The Committee recommends the County Council to:

☆ approve the Financial Regulations and other parts of the Constitution being updated as set out in Appendix 1 and that the Constitution be amended accordingly.

2. Amendment to the Constitution – Scheme of Delegation to Officers

2.1 The County Council's Scheme of Delegation provides the Chief Operating Officer, with authority to perform several functions and make certain decisions across the range of services that make up the directorate. These functions include provision for Property Service activities within specified limitations.

2.2 A number of revisions that help modernise and revise the Scheme of Delegation to Officers in relation to Property Services are detailed in Appendices 2 and 3. Appendix 2 highlights the proposed amendments via tracked changes and Appendix 3 summarises the proposed amendments in a table.

2.3 The Scheme of Delegation allows for a grant of leases to secure rental income, and it is proposed that the threshold for delegation to officers be revised. To provide certainty for ESCC as a landlord as well as commercial organisations and community groups as the tenants, it is proposed to increase the authorisation to grant leases to a third party from 14 years to 21 years.

2.4 As rental levels have increased over the years, it is proposed to increase the threshold to allow most commercial lettings to be undertaken under delegated powers to officers. The thresholds for delegations in relation to property transactions have not been revised since 1992. Therefore, using inflation indices, a rental level in 1992 at £25,000 per annum would now be circa £45,000 per annum in 2022. This has informed the proposed amendment to the Scheme of Delegations to seek changes to £50,000 per annum. There are relatively few lettings per annum, and it is anticipated it would be 3-5 property transactions per year that fall into the bracket of £25,000 to £50,000 per annum income or letting. Any lettings above the revised threshold of £50,000 would be referred to the Lead Member Resources and Climate Change for approval.

2.5 For any property transaction being let under delegated authority, there is a robust approval system in place. The lead internal surveyor produces a report. This report, together with the Heads of Terms and appropriate background information form the delegated approval papers. The surveyor signs the approval form, before presenting the papers to the Estates & Disposal Manager for approval. Final approval is then given by the Assistant Director of Property, who is a Chartered Surveyor and member of the Royal Institution of Chartered Surveyors. If the property is directorate specific, the relevant Director within the service is also required to sign the approval form before a pack is collated in the formal instruction to Legal Services.

2.6 In relation, to the Council's disposal of assets, it is intended to keep the thresholds at the same level. The Council does occasionally dispose of small strips of land or garden land which have a low value. However, the significant disposals are assets that are marketed and when offers are analysed, these are subject to a Lead Member report, where key stakeholders including the Chief Operating Officer and Chief Finance Officer will have management oversight of the reports.

2.7 The Council's management of its operational, commercial and non-operational properties has evolved and there is some slightly revised wording proposed to add clarity and to reflect the modern asset management of the county council property portfolio.

2.8 It is considered that the additions and amendments proposed to the Scheme of Delegations, are necessary for the County Council to effectively respond to legislative and policy changes and do not undermine the democratic accountability of the Council. Some of the amendments will aid in the ability for decisions to be taken in an efficient and timely manner, which is considered particularly important where deadlines need to be met for certain actions to be undertaken.

2.9 The Committee recommends the County Council to:

☆ approve the amendments to the Scheme of Delegation to Officers as set out in Appendices 2 and 3.

3. Amendment to the Constitution – Health and Wellbeing Board Terms of Reference

3.1 The Health and Social Care Act 2012 established Health and Wellbeing Boards as statutory committees of all upper tier local authorities in England and prescribed the Boards' functions and membership.

3.2 Section 197 of the Act requires a Health and Wellbeing Board to have a member representing NHS England when it considers certain matters, including preparing the Joint Strategic Needs and Assets Assessment (JSNAA) and local health and wellbeing strategy, and considering a matter that relates to the exercise or proposed exercise of the commissioning functions of NHS England. S.197(5) permits that person to be someone who is not a member or employee of NHS England, with the agreement of the Health and Wellbeing Board.

3.3 The Health and Care Act 2022 established Integrated Care Boards (ICBs) across England on a statutory basis from 1 July 2022, replacing Clinical Commissioning Groups (CCG) as the local NHS commissioning organisations. ICBs form part of local Integrated Care Systems bringing together ICBs, upper tier local authorities and NHS providers, primary care providers and the voluntary, community and social enterprise sector.

3.4 ICBs cover a wider footprint than the predecessor organisations; NHS Sussex is the ICB covering East Sussex, West Sussex and Brighton & Hove and replaces three CCGs. Most local commissioning within ICBs will be undertaken at 'place' level, however, which corresponds to the three local authority boundaries.

3.5 NHS Sussex has also taken on primary care commissioning functions from NHS England – including General Practice, community ophthalmology, pharmacy and dentistry – which are planned to be commissioned at place level.

3.6 The Health and Wellbeing Board has a role to provide whole system leadership and strategic influence over commissioning in East Sussex, including ensuring commissioners have regard to and contribute to the delivery of the Joint Local Health and Wellbeing Strategy. Under the new commissioning arrangements, HWBs in Sussex will focus their role on overseeing place-based commissioning.

3.7 The Chief Executives of three NHS provider trusts are currently members of the East Sussex Health and Wellbeing Board – East Sussex Healthcare NHS Trust (ESHT), Sussex Partnership NHS Foundation Trust and Sussex Community NHS Foundation Trust. Under the local ICS arrangements providers will work more closely together and with commissioners through local place-based partnerships.

3.8 Given the new commissioning structure and transfer of primary care commissioning functions from NHS England to the ICB, NHS England is unlikely to undertake significant commissioning activity at a 'place' level in the future. Consequently, NHS England intends to withdraw membership of the Health and Wellbeing Board, and NHS Sussex proposes that its three members represent NHS England on the Health and Wellbeing Board to fulfil the requirements of the 2012 Act. Similar arrangements are already in place at a number of other Health and Wellbeing Boards locally and nationally given the practical difficulties of NHS England attending multiple local authority Boards.

3.9 In addition, in view of the creation of the ICB and the three underpinning 'place' based partnerships in East Sussex, Brighton & Hove and West Sussex bringing local commissioners and providers together as part of the wider ICS, it is proposed that one NHS provider trust Chief Executive represents all local providers on each of the three Health and Wellbeing Boards in Sussex. For East Sussex this is proposed to be the Chief Executive of ESHT.

3.10 In light of the requests from NHS England and the three provider trusts to rationalise their membership of the HWB in order to reflect the new commissioning arrangements under

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the 2022 Act, there is a need to update the Terms of Reference of the Health and Wellbeing Board to reflect the amended membership.

3.11 Proposed changes to the existing Terms of Reference are shown at appendix 4. In summary these comprise:

- Removal of NHS England, Sussex Partnership NHS Foundation Trust and Sussex Community NHS Foundation Trust as members of the Board;
- Addition of a notification that NHS Sussex will represent NHS England on the Board;
- Addition of a notification that ESHT will provide representation on the Board for all NHS provider trusts delivering services in East Sussex; and
- Removal of Maidstone and Tunbridge Wells NHS Trust and University Hospitals Sussex NHS Foundation Trust as invited observers.

3.12 The revised terms of reference will reduce the number of members on the HWB from 17 to 14 and invited observers from 9 to 7. The quorum will remain as half the membership (now 7 members) including at least one elected Member of the County Council and one representative of NHS Sussex.

3.13 The proposed changes to the Health and Wellbeing Board terms of reference will more closely align the membership of the Board with new commissioning arrangements within the Integrated Care System.

3.14 The Committee recommends the County Council to:

☆ approve the revised Health and Wellbeing Board Terms of Reference set out in Appendix 4 and that the Constitution be amended accordingly.

29 September 2022

KEITH GLAZIER
(Chair)

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, 8 September 2022.

Present: Councillors Galley (Chairman), Lambert (Vice-Chair), Azad, Dowling, Evans, Geary, Hamilton, Maples, Marlow-Eastwood, Peltzer Dunn, Powell, Redstone, Scott, Taylor, Theobald, Ungar and West

Apologies: Councillor Osborne.

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 ANNUAL PERFORMANCE OUTCOME REPORT 2021/22

- 1.1 The Fire Authority considered a report presenting the annual performance results for 2021/22. In total there were twenty-one indicators, but only sixteen had comparable data due to the Covid-19 pandemic. Eight of the top-level indicators improved or met the target set in 2021/22 and eight showed a decline. Comparison would remain difficult with the years affected by the Covid-19 pandemic, however, there was already a noticeable direction back to pre-pandemic levels. There had been an increase in both the number of incidents and the levels of staff sickness. There had been a reduction in serious fires and the Service was performing as expected with regards to containing a fire to the room of origin.
- 1.2 Members queried what were the improvements that were so successful in Eastbourne and Rother and sought clarity on increases in Accidental Dwelling Fires (ADF) despite the significant outreach work being undertaken. The Covid-19 pandemic had changed and impacted how the Service had to work. The Annual Assessment of Risk was used to target those groups that were most in need of safety advice especially in the prevention of ADFs, the improvements in Eastbourne and Rother demonstrated the success of targeted initiatives.
- 1.3 Members asked about attendance at Automatic Fire Alarms (AFAs) and response times. The Authority were reminded that they had taken the decision not to attend AFAs, as it was still early days it would be a while before the figures would be available on this change. Control officers provided challenge to calls, under a nationally recognised process, to establish that it was indeed a false alarm, if there was any doubt the Service would attend. The Service had consulted with the public on how they would like to see response standards reported, there were two ways of measuring; an 'on station' response and an 'on-call' response.
- 1.4 There was a question regarding whether increasing number of Electric Vehicles (EV) presented an increased risk. This was a well-known risk, lithium batteries burn in a specific and difficult to control way, the National Fire Chiefs Council (NFCC) had provided national guidance and additional local guidance had been put in place. Members could assist in the management of this risk by ensuring that their planning colleagues considered EV fires when granting permission to build underground car parks or the fitting of charging points in existing.

- 1.5 Members were reassured that the Service was addressing the increase in staff sickness figures. During the pandemic staff sickness had reduced dramatically and was now showing a return to pre-pandemic levels. There were several factors influencing the figures, including NHS waiting times, ill-health retirements, and delays to occupational health appointments. Work was underway to improve Occupational Health facilities and the Service had introduced wellbeing hubs, wellbeing champions, and Mental Health first aiders. This was a national point of focus as sickness in fire and rescue services was difficult to manage due to the nature of the work we do. There were injuries that people could work with in other careers that they could not in the fire service. However, back and Musculo-skeletal injuries had been overtaken by mental health as a cause of absence. The Service was encouraging conversations and that it was OK to say that you are not OK. The Service had improved its response to trauma, but the nature of what crews attend would always be an issue. The increased retirement age would also have an impact, and potentially there would be increased long-term sickness, being a firefighter was a difficult job at 50 and even tougher at 60.
- 1.6 The Fire Authority approved the performance results and progress towards achieving the Service's purpose and commitments, also the remedial actions that had been taken to address areas of under performance in the priority areas.

2 REVENUE BUDGET & CAPITAL PROGRAMME MONITORING 2022/23

- 2.1 The Fire Authority received a report presenting the findings of the Month 4 monitoring undertaken on the Revenue and Capital Budget 2022/23 and Capital Programme 2022/23 to 2026/27. It was agreed by the Fire Authority, in consultation with the Monitoring Officer, that this item could be discussed simultaneously with agenda item 180 – Strategic Service Planning & Medium Term Financial Plan 2023/24 as there were many overlaps that would affect this report.
- 2.2 The current year forecast was for a Revenue overspend of £446,000 due to pressures including being over establishment with Firefighters and costs of overtime in the Safer Communities Directorate and Training. There was an underspend/slippage of 40% regarding the Capital Programme, this affected both fleet/engineering and estates. There were worldwide supply chain disruptions affecting both programmes, both in terms of availability of vehicles and the cost of materials for estates projects. Officers described work taking place to prioritise projects and Members supported an approach that committed to a smaller number of projects, delivered them in full and then moved on to the next tranche rather than trying to deliver more than was possible at once.
- 2.3 There were several risks affecting the organisation including additional pay awards and inflationary pressures on non-pay spend above the 2% budgeted. There were national pay negotiations ongoing for all staff. The offer to Green book had been £1,925 per person, currently in consultation, and the 2% offer made to Grey/Gold book staff had been rejected. Recent public sector pay awards more generally, for example to police and NHS staff had been around 5-6%. It was expected that risks resulting from both pay and non-pay inflation may be in the region of £1,300,000 to £2,000,000 on top of the forecast Revenue overspend.
- 2.4 Members were deeply concerned by the inflation figures and that these were predicted to rise further. There was no indication of when the rises would end, and that the Authority were clearly not in times of "business as usual" in terms of budget setting. Members were keen that the Service continue to seek additional funding from central Government.

- 2.5 The Finance team were working closely with other departments to get more accurate budget forecasts. The Senior Leadership Team (SLT) had agreed some actions including management of vacancies and oversight of overtime claims. They would also be reviewing options to manage non-pay related spending including expenses, travel, hire of external venues and printing costs. Members were reminded that the Authority had some contingency within the Revenue budget and reserves which it could use to fund unplanned spend in the current financial year.
- 2.6 The Authority has been well managed financially and this put it in a good position when compared to some other Fire Authorities, to tackle the financial challenges ahead. Because of the uncertainty surrounding both funding and costs a full update of the Medium Term Financial Plan (MTFP) was not possible this year. Instead, the paper provided an illustration of the potential funding gap the Authority faced in 2023/24. This was the third year in a row that a one year settlement had been received from Government. It was unclear what this year's settlement would look like, figures were not due until late December 2022, but the messaging from Government indicated that Local Authorities would not get any additional help on either pay or price inflation. The funding scenarios had been reviewed and were based on cash +2% (for Settlement Funding Assessment) and the spending assumptions included the full year impact of forecast pay awards for 2022/23. There was also an assumption that a pay increase of 4% for all staff for would be necessary in 2023/24. The "illustrative scenario" for next year was a potential funding gap of £3,000,000. Members were reminded that $\frac{3}{4}$ of the Authority's expenditure was staffing with the majority of that being frontline.
- 2.7 The Service confirmed that they were continuing, through several channels, to lobby Government regarding funding. Officers held regular meetings with the local MPs and had been very clear with them about the situation that the Authority faced. They Chairman had written to the Fire Minister and the NFCC had made submissions to Government. Officers were doing all they could but were aware too of the wider context and that all Fire Authorities were in the same position.
- 2.8 The Authority were grateful for the information and clarity and were understanding of the likely need for them to re-visit the Integrated Risk Management Plan. Support was expressed for continued lobbying for a fair and equitable funding settlement including increased council tax flexibility. The Authority recognised that it was possible that they may have to consider the "core Service offer" at this challenging time.
- 2.9 The Fire Authority agreed to note the risks to Revenue Budget and projected overspend, risks to the Capital Programme, reduced net forecast drawdown from reserves, grants available and spending plans, monitoring of savings taken in 2022/23, and the current year investments and borrowing.

3 STRATEGIC SERVICE PLANNING & MEDIUM TERM FINANCIAL PLAN 2023/24

- 3.1 The Fire Authority considered the report providing Members with an update on the Authority's financial planning position in advance of the start of the Service Planning and Budget Setting process for 2023/24 onwards. The Fire Authority discussed this report simultaneously with item 179 – Revenue Budget & Capital Programme Monitoring 2022/23 as there were many overlaps that would affect this report. The key discussion points on this report are covered in the notes for the previous item.

- 3.2 The Fire Authority agreed to accept an additional recommendation to this report, stating:
“The Fire Authority requests a report to a future meeting outlining the range of options available to deal with the risk factors raised in the report.”
- 3.3 The Fire Authority agreed to note the report and its assessment of the potential funding gap for 2023/24, considered the risks and assumptions set out in the report, policy preferences for Council Tax namely continued lobbying for increased flexibility, and approved the planning assumption that Protection Grant would continue at its current level and to build this into the MTFP.

4 CORE CODE OF ETHICS

- 4.1 The Fire Authority considered a report providing Members with an update on progress in implementing the national Core Code of Ethics Fire Standard that had been developed in partnership with the National Fire Chiefs Council (NFCC), Local Government Association (LGA) and the Association of Police and Crime Commissioners (APCC). The Core Code of Ethics had been introduced in May 2021 and was designed to help employees of Fire and Rescue Services act in the best way towards each other and while serving the public. Those who govern fire and rescue services are asked to demonstrate their commitment to the Core Code of Ethics by championing its use.
- 4.2 The Service had long been committed to ensuring staff had clear guidance on expectations regarding behaviour, including the Service values of Proud, Accountable, Integrity, and Respect. This had been further enhanced with the creation and implementation of the Leadership and Behaviour Framework and rolling reviews. Members were pleased to see that there was significant reference to equality, diversity and inclusion in the code.
- 4.3 The Fire Authority agreed to note the progress of the Service in implementing the National Code of Ethics, the move of the Code into business as usual, and confirmed its commitment to the Code of Ethics

**COUNCILLOR ROY GALLEY
CHAIRMAN OF EAST SUSSEX FIRE AUTHORITY**

8 September 2022