



Meeting of
East Sussex County Council
on Tuesday, 6 December 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, 6 December 2022 at 10.00 am** to transact the following business:

1. **Minutes of the meeting held on 11 October 2022** (*Pages 5 - 22*)
2. **Apologies for absence**
3. **Chairman's business**
4. **Questions from members of the public**
5. **Report of the Lead Member for Transport and Environment** (*Pages 23 - 26*)
6. **Questions from County Councillors**
 - (a) Oral Questions to Cabinet Members
 - (b) Written Questions of which notice has been given pursuant to Standing Order 44

Note: There will be a period for collective prayers and quiet reflection in the Council Chamber from 9.30 am to 9.45 am. The prayers will be led by the Reverend Ben Brown, Rector of St Annes Church, Lewes. 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



28 November 2022

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MINUTES

EAST SUSSEX COUNTY COUNCIL

MINUTES of a MEETING of the EAST SUSSEX COUNTY COUNCIL held at Council Chamber, County Hall, Lewes on 11 OCTOBER 2022 at 10.00 am

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

26. Minutes of the meeting held on 12 July 2022

26.1 RESOLVED – to confirm as a correct record minutes of the County Council meeting held on 12 July 2022.

27. Apologies for absence

27.1 Apologies were received from on behalf of Councillors Chris Collier, Chris Dowling Sarah Osborne, Paul Redstone, Christine Robinson, Pat Rodohan and Bob Standley.

28. Chairman's business

HER MAJESTY QUEEN ELIZABETH II

28.1 As this was the first Full Council meeting since the death of Her Majesty Queen Elizabeth II the Chairman asked all present to stand in silence as a mark of respect.

GARRY PELTZER-DUNN

28.2 The Chairman referred to the recent death of a former colleague Garry Peltzer-Dunn. Garry was a member of Hove Borough Council and Brighton & Hove City Council. Many councillors knew Garry through his involvement with the Fire Authority. Councillor Galley, as Chairman of the East Sussex Fire Authority, then spoke and paid tribute to Garry.

CHAIRMAN'S ACTIVITIES

28.3 The Chairman reported that he had attended a number of engagements since the last meeting of the Council including: the appeal launch for St John's Church, Hollington, the Lewes, Glynde and Beddingham Brass Band centenary concert, wreath laying in Lewes in memory of her Majesty the Queen, events to commemorate the Newhaven Dieppe raids, a garden fete for the Conquest

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Hospital, the proclamation events for King Charles III in Lewes and Hastings, the BBC Sussex and Surrey Make a Difference Awards, the Choral Evensong at Chichester Cathedral, a Jewish South Coast seminar for councillors and an event hosted by the Rotary Club of East Sussex. The Chairman also attended receptions hosted by the Bishop of Chichester, the Mayor of Seaford and the High Sheriff

28.4 The Chairman thanked the Vice Chairman for his ongoing support and his attendance at the Service of Thanks Giving for Her Majesty.

PETITIONS

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

- | | |
|-------------------|--|
| Councillor Galley | - calling on the County Council to introduce a 30 mph speed limit and other traffic calming measures in Piltdown |
| Councillor Maples | - calling on the County Council to divest the Pension Fund from fossil fuel related investments and to support a windfall tax on oil companies and support for affordable green energy |
| Councillor Scott | - calling on the County Council to install traffic calming measures in the Northampton Way, Norfolk Drive, Kent Road and Lincoln Close area of Hastings. |

PRAYERS

28.6 The Chairman thanked Pastors Cathy and Glenn Khan for leading prayers before the meeting.

29. Questions from members of the public

29.1 Copies of the questions from the public and the answers from Councillor Fox (Chair of the Pension Committee), Councillor Claire Dowling (Lead Member for Transport and Environment) and Councillor Bennett (Lead Member for Resources and Climate Change) are attached to these minutes. Supplementary questions were asked and responded to.

30. Declarations of Interest

30.1 The following member a declared personal interest in items on the agenda as follows:

Member	Position giving rise to interest	Agenda item	Whether interest was prejudicial
Councillor Daniel	Associate Hospital Manager of the Sussex Partnership NHS Foundation Trust	Item 6	No

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31. Reports

31.1 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 (Annual Progress Report on the Council's Climate Emergency Plan)

NON RESERVED PARAGRAPHS

31.2 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 – Financial Regulations), paragraph 2 (Amendment to Constitution – Scheme of Delegation to Officers) and paragraph 3 (Amendment to the Constitution – Health and Wellbeing Board Terms of Reference)

32. Report of the Cabinet

Paragraph 1 (Council Monitoring) and Paragraph 2 (Annual Progress Report on the Council's Climate Emergency Plan)

32.1 Councillor Bennett introduced the reserved paragraphs in the Cabinet report.

32.2 The paragraphs were noted after debate.

33. Questions from County Councillors

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

Questioner	Respondent	Subject
Councillor Field	Councillor Maynard	Ability to fulfil duties in relation to Adult Social Care
Councillor Lambert	Councillor Bennett	Services to be delivered by the NHS from Warwick House, Seaford
Councillor Murphy	Councillor Glazier	Cost of security staff for the County Council meeting
Councillor Scott	Councillor Maynard	Support for hosts of Ukrainian guests
Councillor Stephen Shing	Councillor Claire Dowling	Consideration of the planning application in relation to Exceat Bridge

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Councillor Daniel	Councillor Glazier	Provision of sustainable funding from the Government for local services in East Sussex
Councillor Ungar	Councillor Maynard	Funding of joint working with the NHS
Councillor Maples	Councillor Glazier	Windfall tax on Big Oil and support for affordable green energy
Councillor Denis	Councillor Glazier	Local planning process and Investment Zones
Councillor Stephen Shing	Councillor Bennett	Update regarding County Council owned land in Eastbourne Road, Willingdon

33.2 Six written questions were received from Councillors Field, Lambert, Murphy and Georgia Taylor for the Lead Member for Adult Social Care and Health, the Lead Member for Transport and Environment and the Lead Member for Resources and Climate Change. The questions and answers are attached to these minutes. The Lead Members responded to a supplementary questions.

THE CHAIRMAN DECLARED THE MEETING CLOSED AT 12.02 pm

The reports referred to are included in the minute book

QUESTIONS FROM MEMBERS OF THE PUBLIC

1. Question from Becca Horn, Hastings, East Sussex

Is the Council concerned that it has, via its pension fund, investments in Southern Water (via UBS)? As the council is no doubt aware Southern Water is responsible for over 125 sewage spills onto Hastings & St Leonard's beaches in the last year, and continues with these breaches this year despite £90m in fines from the Environment Agency. What, if anything, does the Council plan to do about these investments?

Response by the Chair of the Pension Committee

The Pension Committee does not select individual companies within the Pension Fund's assets but makes strategic decisions for exposure to asset classes in line with the regulations. In relation to this question, an investment was made into an illiquid close ended infrastructure investment in 2008, to get access to diversification through real assets which have inflation linkage and regular income streams. The Pension Committee, at the Chair's prompting, has expressed concern over sewage discharges resulting in fines to Southern Water and has engaged with the investment manager specifically on this issue to understand the governance structures and activity of the Board of Directors related to this holding and to explain to the Committee how such a failure of stewardship and resulting loss of shareholder value had come to pass. The Pension Committee has limited options to exit its position without incurring significant costs but continues to monitor and assess its investment, however this investment portfolio is in its liquidation phase and it is expected the exposure to this company to be sold down in the near future.

2. Question from Rod Calder, Forest Row, East Sussex

The current East Sussex Highways work programme for 2022-2023 shows that the Carriage Way Resurfacing to the A22 Lewes Road, Forest Row is complete. This is not the case. 50% of the cracked and crazed carriageway has not been touched. The rest of the carriageway has been hand laid with the wrong material. Full lane patching on the A22 should be machine laid HRA WC and PCC as was carried out in early July on the A22 south of the village. The planned and, therefore, budgeted Carriage Way Resurfacing should be laid to the same specification and standard as the Carriage Way Resurfacing completed last week on the A275 going through Chailey. Would you please let the residents of Forest Row and the A22 road users know why this section of the A22 between Wall Hill Road and Tesco's has not received the same standard of resurfacing as the A275 going through Chailey?

Response by the Lead Member for Transport and Environment

When our Highway Engineers consider maintenance of a particular road there are always a number of different materials and techniques available and they will select the most appropriate and cost effective solution for the road in question. With regard to the A22 it may be helpful to explain the history attached to this particular stretch of road and the design approach that has been adopted.

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The A22 through Forest Row has over recent years been the subject of a series of site investigations including coring, trial holes and ground penetrating radar surveys to understand the nature of the sub-structure and construction of the road as the type of failures experienced suggested a foundation made up of soft and artificially hard spots and some voids within the subgrade (foundation layer). These investigations showed that the road has been made up over time with various materials creating a variable foundation with many areas having low CBR (strength) values that show movement and settlement that has reflected through to the road surface.

In considering possible surfacing solutions our Highway Engineers will have used information from the site investigation alongside their technical experience to determine the most appropriate solution for the A22. Hot Rolled Asphalt (HRA) is a relatively stiff material which requires a firm foundation for it to be laid upon. Where the subgrade is prone to movement or is soft, which it the case for much of the A22 through Forest Row, HRA surfacing will be susceptible to cracking and failure over a relatively short time span. Whilst we could dig out the soft material and replace it with a stone fill to create a modern foundation, investigations show this would need to be to a considerable depth which would be cost prohibitive. Excavating and removing the subgrade materials and laying new stone fill (effectively building a new road) would be a significant cost and very disruptive particularly given that our investigations also show the presence of relatively shallow depth utility company service under the road surface.

Given these challenges and in considering a range of solutions and whole life costs over at least 20 years, the use of HRA and the associated reconstruction of the road foundations would not offer good value. We carried out micro screeding works (mastic asphalt surfacing) approximately five years ago on other parts of this road and it has proven to be successful and has lasted well. Micro screeds are more flexible and bond to poor surfaces very well and they also seal any cracks and fissures providing a water tight surface protecting the foundations and they have good skid resistance. Micro screeding is also a relatively cost effective solution when considered over a 20 year life span as it can be re-laid several times and still provide a lower whole life cost compared to HRA. As an example looking at the recent works, the cost of resurfacing with HRA, excluding the cost of new foundations, was estimated to be £158,000 and without the new foundation it was estimated that the new HRA surface would last 7-10 years before failure was likely to occur due to subgrade movement. While the cost of the micro screed works was £67,570 and can be repeated every 3-5 years at less total cost than HRA.

In devising maintenance interventions our Engineers also consider the extent of repairs required, and in the case of these particular works we focussed on only those sections deemed necessary. Those sections of road still serviceable and with sufficient life remaining were not a priority at that time. The micro screeding solution adopted also accords with best asset management principles, providing the least whole-life cost solution, providing best value for Council Tax payers in East Sussex.

3. The same or similar questions were asked by:

Mary-Jane Wilkins, Lewes, East Sussex

Sonya Baski, Lewes, East Sussex

Jan Tramunto, St Leonards on Sea, East Sussex

Lisa Katz, St Leonards on Sea, East Sussex

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Susan Jolly, Lewes, East Sussex
Iain Sheard, Battle, East Sussex
Jane Clare, Crowborough, East Sussex
Phillipa Sen, Hove
Simon Hester, Hastings, East Sussex
Arran Allison, St Leonards on Sea, East Sussex
Edward Richardson, Ringmer, East Sussex
Carolyn Beckingham, Lewes, East Sussex
Sarah Macbeth, St Leonards on Sea, East Sussex
Sue McCormick, Forest Row, East Sussex
Nicola Harries, Brighton
Jane Keegan, Hastings, East Sussex
Mary Rice, St Leonards on Sea, East Sussex
Serena Penman, Lewes, East Sussex
Evie Sier, Eastbourne, East Sussex
Veronica Blakey, Heathfield, East Sussex
Sarah Casey, Lewes, East Sussex
Anna Keiller, St Leonards on Sea, East Sussex
Geoff Aucock, Heathfield, East Sussex
Jen Rouse, Hastings East Sussex
David Burnand, Brighton
Annabel Colvill, Forest Row, East Sussex
Jane Wilde, Brighton
Pam Knapp, Eastbourne, East Sussex
Riley Blunt, Brighton

The 2019 Conservative manifesto pledged not to lift England's moratorium on fracking unless it was scientifically proven to be safe amid concerns over earthquakes. No such proof has emerged. The Government's recent decision to lift the moratorium on fracking is therefore a clear breach of its 2019 manifesto commitment. Moreover, it also flies in the face of Paris Climate Agreement (whose goals imply no new fossil fuels) and will do little or nothing to address the UK's energy crisis. What steps is East Sussex County Council taking to oppose this dangerous move?

Response by the Lead Member for Transport and Environment

On the matter of fracking, the County Council has a statutory role for considering and determining any planning applications that propose fracking for the extraction of shale oil or gas in the parts of the county that lie outside of the South Downs National Park. Within the National Park, this role is performed by the National Park Authority. The current situation in East Sussex is that there are no active sites and no current planning permissions or applications for oil and gas exploration. The County Council has also not been approached by any company or organisation with a prospective proposal for oil and gas exploration in the county.

Nevertheless, should any such proposal emerge in the part county outside of the National Park, it is important to note that the County Council has a legal obligation to consider the planning application on its own merits taking into account national and local planning policy, as well as material planning considerations relevant to that proposal. Because of this, the Council cannot fetter any future decisions it may need to

take on such an application and to do so would risk successful legal challenge of any decision that we take. Therefore, whilst I acknowledge that there are significant public concerns over fracking, for the County Council to openly oppose such operations would run the risk of a successful legal challenge in the event of an application for such a proposal being determined.

Should any planning applications that involve fracking be submitted to the County Council, those who wish to comment on the proposal will have an opportunity to do so and those comments will be taken into consideration in any eventual decision taken. However, I would wish to reiterate that at this point in time we have no permissions, applications, or even pre-application enquiries being made for such proposals in the county.

4. The Same or similar questions were asked by:

Abi Saunders, Lewes, East Sussex
Erica Smith, Hastings, East Sussex
Anne Massey, Hove
Benjamin Clench, Hove
Claire Duc, Lewes, East Sussex
Zoe Garrity, Seaford East Sussex
Julia Dance, Bexhill, East Sussex
Andrea Needham, Hastings, East Sussex
Mark Legg, Bexhill, East Sussex
Alison Hooper, Hastings, East Sussex
Grace Lally, St Leonards on Sea, East Sussex
Fiona MacGregor, St Leonards on Sea, East Sussex
Claire Isitt, Rodmell, East Sussex
Jason Evans, Brighton
Judith Felton, Eastbourne, East Sussex
Lorna Russell, Brighton
Janet Stuart, Ditchling, East Sussex
Jane Carpenter, Lewes, East Sussex

The world's highest-ranking diplomat, UN Secretary-General Antonio Guterres has called for all developed economies to tax the windfall profits of fossil fuel companies. Those funds should be re-directed in two ways: to countries suffering loss and damage caused by the climate crisis; and to people struggling with rising food and energy prices.' What actions will East Sussex County Council be taking to support this call?

Response by the Lead Member for Resources and Climate Change

Before agreeing a particular course of action the County Council would want to understand the implications of supporting a particular approach. Given these companies are heavily regulated and government sets policy on these matters the County Council is not placed to be able to take action on this issue. It is a matter for regulators and government.

5. The Same or similar questions were asked by:

Suzy Miller, Forest Row, East Sussex
Les Gunbie, Brighton
Stephen Watson, Lewes, East Sussex
Arnold Simanowitz, Lewes, East Sussex
Polly Gifford, Hastings, East Sussex
Chris Sanders, Bexhill, East Sussex
Tessa George, Lewes, East Sussex
Clare Finn, Hove
Anthony Bradnum, St Leonards on Sea, East Sussex
Richard Wistreich, Hastings, East Sussex
Alison Noyes, Hastings, East Sussex
A Tear, Brighton
Rich Allum, Newick, East Sussex
Manuela McLellan, Hastings, East Sussex
Martina O'Sullivan, Brighton
Charmian Kenner, St Leonards on Sea, East Sussex
Ayesha Mayhew, Brighton
Steve Lawless, Brighton
Pal Luthra, Westfield, East Sussex
Ian Lawrence, Bexhill, East Sussex
Melissa McClements, Brighton
Penny Steel, Brighton
Ben Seddon, Hastings, East Sussex

According to the world's highest-ranking diplomat, [UN Secretary-General Antonio Guterres](#): 'fossil fuel producers and financiers have humanity by the throat', having spent decades using their wealth to promote 'a false narrative to minimise their responsibility for climate change and undermine ambitious climate policies.' Does the East Sussex Pension Committee agree with the UN Secretary-General that it's now time 'to hold fossil fuel companies and their enablers to account'?

Response by the Chair of the Pension Committee

It is not the role of the Pension Committee to agree or disagree with the political views expressed by the UN Secretary General. However, the Fund has consistently advocated for engagement with investee companies to hold them to account and influence change on a number of issues associated with Governance, Environmental or Social risks that could lead to financial loss to the Fund. The Fund publishes a quarterly report of engagement both with companies and policy makers including voting that has taken place each quarter which is a method of escalation to hold companies to account. The Fund is also due to submit its Stewardship Code statement to the Financial Reporting Council in the next few weeks for assessment.

6. Question from Adrienne Hill, Bexhill, East Sussex

I write to ask what East Sussex Council is doing, or planning to do, about Liz Truss's intentions to lift the moratorium on fracking.

It is not a solution to the energy problem <https://www.carbonbrief.org/factcheck-why-fracking-is-not-the-answer-to-the-uks-energy-crisis/>, but will, clearly, put yet more money into the pockets of oil & gas interests who support her, and bring down on us all of the ills generated by this disastrous practice.

Fracking is proven to devastate water and habitats, a fact abundantly evidenced by the US and Australia experiences.

Please advise what the Council is doing to redress this threat, and avert its destructive consequences for our environment.

Response by the Lead Member for Transport and Environment

On the matter of fracking, the County Council has a statutory role for considering and determining any planning applications that propose fracking for the extraction of shale oil or gas in the parts of the county that lie outside of the South Downs National Park. Within the National Park, this role is performed by the National Park Authority. The current situation in East Sussex is that there are no active sites and no current planning permissions or applications for oil and gas exploration. The County Council has also not been approached by any company or organisation with a prospective proposal for oil and gas exploration in the county.

Nevertheless, should any such proposal emerge in the part county outside of the National Park, it is important to note that the County Council has a legal obligation to consider the planning application on its own merits taking into account national and local planning policy, as well as material planning considerations relevant to that proposal. Because of this, the Council cannot fetter any future decisions it may need to take on such an application and to do so would risk successful legal challenge of any decision that we take. Therefore, whilst I acknowledge that there are significant public concerns over fracking, for the County Council to openly oppose such operations would run the risk of a successful legal challenge in the event of an application for such a proposal being determined.

Should any planning applications that involve fracking be submitted to the County Council, those who wish to comment on the proposal will have an opportunity to do so and those comments will be taken into consideration in any eventual decision taken. However, I would wish to reiterate that at this point in time we have no permissions, applications, or even pre-application enquiries being made for such proposals in the county.

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

In light of recent events - in which pension funds faced “mass insolvencies” as a direct result of Liz Truss and Kwasi Kwarteng's reckless actions – when will the East Sussex Pension Fund be adding the current UK government to its risk register?

Response by the Chair of the Pension Committee

The Fund has a robust approach to risk management which is considered by the Pension Board and Committee at every meeting. Market fluctuations are already recognised within the Risk Register. The Fund has come through the recent volatility in markets, retaining its value at £4.6 billion Assets Under Management. This is a function

of the approach taken, which elevates stable and consistent strategy, fiduciary responsibility, good governance, and expert advice above political opinion and campaigning. It is an approach which saw it awarded LAPF Investments LGPS Fund of the year 2021. The Fund has published a statement on its website to provide reassurance to its members that recent media coverage surrounding Pension Fund impacts have not affected our Fund members' pensions.

8. Question from Susan Burton, Battle, East Sussex

At midnight, Friday 28th January new rules to the Highway Code became legal. These new changes or clarifications are designed to make people more aware of pedestrians, cyclists and horse riders. There is now a Hierarchy of Road Users and changes in junction priority. I would suggest that these changes have been introduced to give non vehicular users greater safety and promote active travel through more walking and cycling. This would also have the knock on effect of reduced pollution and counteract climate change. If these changes were reinforced by highway design their effectiveness would be increased significantly.

Is East Sussex County Council reflecting these Highway Code changes in recent highway infrastructure design? Please give examples. How will they be in the future?

Response by the Lead Member for Transport and Environment

Whilst a significant number of the rules in the Highway Code are legislative requirements, the various changes in the Highway Code referred to by Mrs Burton in her question that came into effect at the end of January 2022 are advisory rules with the emphasis that they 'should' rather than 'must' be adhered to. However, importantly they provided greater reinforcement of the message about improving safety of the most vulnerable road users.

Amongst the updates are guidance requiring improvement in care and attention from motorists and cyclists towards pedestrians giving a hierarchy of road users. We of course recognise the revisions to the hierarchy and are supportive of these.

From a policy perspective the hierarchy of road users will be reflected in the review of our Local Transport Plan, which is currently being progressed, and an early consultation with key stakeholders and the public on issues and opportunities will be undertaken from the end of October through to December 2022. With these changes likely to be embedded in our updated transport strategy and the framework for prioritising schemes for inclusion in our capital programme of local transport improvements, it will enable a much stronger emphasis on vulnerable road users in our highway infrastructure design.

Alongside the updated hierarchy of road users within the Highway Code, we will and continue to consider existing guidance such as the Government's Local Transport Note 1/20 on cycle infrastructure design, Inclusive Mobility and Manual for Streets which all focus on active travel modes, as well as Design Manual for Roads & Bridges, in the design of the schemes in our 2022/23 capital programme for local transport improvements which was approved at my decision making meeting in March 2022.

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As an example, we are developing proposals for permanent school street schemes outside three primary schools in the county which will give priority in these spaces towards vulnerable road users in accordance with the highway code changes. The learning from these proposals and other schemes in the programme will continually help to inform our approach towards supporting the changes to the road hierarchy set out in the updated Highway Code.

WRITTEN QUESTIONS PURSUANT TO STANDING ORDER 44

1. Question by Councillor Field to the Lead Member for Adult Social Care and Health

Winter is on the way with cold weather and rising heating costs, what progress has the Council made towards providing warm work spaces in its buildings?

Answer by the Lead Member for Adult Social Care and Health

Our website already has a page: [Benefits | East Sussex County Council](#) with a number of links signposting residents to advice and support for debt and money management, grants and benefit maximisation and access to the Warm Home Check Service. The Warm Home Check Service includes practical support to reduce costs and save energy through the provision of LED bulbs, radiator reflectors, draft excluders, room thermostats etc. We are also exploring the possibility of our Housing Support Provider providing a similar support service to the clients they visit (i.e. the provision of warm blankets/duvets, hot water bottles, temporary double glazing packs, hot water tank jackets etc.). Their vulnerable client group includes people who are losing or are at risk of losing their accommodation, living in temporary/emergency accommodation or unsuitable housing, as well as people who require support to maintain their independence or are at risk of losing their independence due to their housing situation.

The information available on our website has also been further enhanced with a local [cost of living support webpage](#) which has been developed with our partners. The webpage brings together details on sources of help and advice into one place and will be promoted via a range of communication channels including existing Children's Services and Adult Social Care and Health newsletters as well as via Borough and District and Town and Parish Councils.

The webpage will evolve to include a range of information for families, older people and people with disabilities. The themes of the webpage will include money and debt advice, energy advice, Warm Homes insulation advice, food, skills, employment and Warm Spaces advice and grant support. The webpage also links to relevant Government and local (East Sussex) information, advice and support. Plans are also being developed to support people who may be digitally excluded. The information will be shared with ESCC frontline staff to ensure they and our clients are made aware of the support that is available.

It is important to recognise that, especially if the weather is bad this winter, the increase in energy costs is both a national and international issue that requires the intervention of central government to manage and mitigate. The recently announced cap on domestic energy prices will go some way towards reducing the impact on our most vulnerable residents. Whilst the Council has no additional resources to address this issue, we are looking at our available resources and working in partnership with the Borough and District Councils and Voluntary, Community and Social Enterprise (VCSE) sectors to refocus and target our resources to those most in need.

The idea behind the provision of local Warm Spaces is sound. The scale and location of demand needs to be identified and then the availability of premises that are suitable, safe and affordable can be explored. Before making any new provision partners will want to understand how many people would need or want to use a Warm Space, when they would wish to use it, for how long and where they live. This last element is particularly important as any Warm Space provision would need to be delivered on a hyper-local basis, given that it is unlikely that individuals would be able to afford or be willing or able to travel far from home to visit a Warm Space.

With this in mind, the Council is adopting a partnership based (with Boroughs and Districts and the VCSE), needs led approach to this initiative to help understand demand and how best to contribute to meeting the needs. Our Libraries continue to be available for people to visit for as long as they wish, during normal opening hours (we have neither the staff nor funds to extend the current opening hours). We will also be amending the criteria for the next tranche of the COMF (Contain Outbreak Management Fund) funded small grants scheme which is being made available through Sussex Community Foundation at the end of the month, to support voluntary sector organisations and Parish and Town Councils wishing to offer Warm Spaces. Separately, we are developing a scheme for some schools wishing to offer after school activities as an alternative to a Warm Space.

Additionally, the Government has recently released £3.7m funding to ESCC for the third phase of the Household Support Fund which, in addition to the provision of food vouchers for families with children eligible for free school meals, will be passported to Borough and District Councils and VCSE partners to support individuals at risk of food and fuel poverty.

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

The Lead Member will be well aware of the concerns regarding the A259, particularly through Peacehaven, Newhaven and Seaford where there have been some serious accidents.

The Lead Member will also remember the Notice of Motion submitted by Councillors Lambert and Grover asking for immediate and urgent action at the Bishopstone junctions as a result of these accidents.

The Lead Member did not support the Notice of Motion on the grounds that the County Council was carrying out a survey of the A 259. Work has begun on this but nothing further has been reported on since the last series of workshops despite assurances that further workshops would be arranged in the autumn of this year.

Could the Lead Member please provide an update on progress and timelines for this important project.

Answer by the Lead Member for Transport and Environment

The outputs from the first stage of A259 key stakeholders workshops and engagement held in October 2021 and January 2022, and the baseline evidence report has been used to identify and develop a long list of schemes for consideration as part of the A259 South Coast Corridor study, with some initial high-level sifting. Throughout stakeholders, including local Councillors, have received periodic updates on the study's progress.

In the meantime, ESCC has been in ongoing dialogue with the Department for Transport (DfT) regarding the transport modelling work that has been undertaken to date. With the recent Bus Service Improvement Plan (BSIP) funding allocation, which includes capital funding towards bus priority measures on the A259, the DfT has asked that these bus priority measures are factored into our modelling assessments of the proposed package of transport improvements for the corridor.

Consequently, this has caused a slight delay to the programme of a few months. Therefore the shortlist of proposed package of transport improvements will be presented to stakeholders in early 2023 and it is hoped that combining the modelling data of this package and the BSIP proposals will provide a stronger Strategic Outline Business Case for submission to DfT in early 2023.

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

I note ESCC is or has been involved in a number of judicial review matters either currently in progress or recently determined, see for example the recent Upper Tribunal (Administrative Appeals Chamber) decision of *EAM v ESCC* [2022] UKUT 193 AAC . I am concerned that there is little oversight/public accountability of Legal Services' and ESCC's expenditure in this area as brief synopsis of cases do not appear in the monitoring reports.

For each of the last 3 calendar years:

1. How many applications for judicial review have been initiated against ESCC in respect of:
 - Education and Children's Services, particularly SEND
 - Adult social care
 - Trading standards
 - Environmental protection
 - Planning
2. How many of these matters were ultimately determined in favour of the applicant?
3. How many of these matters were ultimately determined in favour of the respondent (ESCC)?
4. For each of the last 3 calendar years in respect of each category of matter outlined above, how much in total has ESCC been required to pay to the applicant parties as compensation?
5. For each of the last three calendar years how many cases has ESCC resolved immediately prior to a court hearing on the matter and what was the settlement?

6. For each of the last 3 calendar years, please quantify the expenditure of Legal Services on matters relating to judicial review?

Answer by the Lead Member for Resources and Climate Change

In relation to the oversight and accountability of Legal Services, the service participates in the Law Society's Lexcel legal practice quality mark scheme which requires it to be inspected annually. Following the 3 day assessment of the service this year, 46 areas of good practice were identified.

The Service does not operate in isolation, it is instructed by Departments and is integral to the delivery of their services. As such Legal Services is held to account by the Departments and by the scrutiny of the delivery of the Council's services through the Council's governance framework.

By way of clarification, the recent Upper Tribunal (Administrative Appeals Chamber) decision of *EAM v ESCC* [2022] UKUT 193 AAC matter was not a judicial review. The Upper Tribunal is an appellate body which deals with appeals regarding decisions of the First Tier Tribunal in respect of special educational needs decisions whereas a Judicial review *is* a proceeding in which a judge reviews the lawfulness of a decision or action made by a public body.

In terms of each of your questions, my responses are set out below in italics and relate to each of the last 3 calendar years (1 January 2020 to 4 October 2022):

1. How many applications for judicial review have been initiated against ESCC in respect of:
 - Education and Children's Services, particularly SEND - *Six, which includes 3 SEND cases (one of which was received this month and so is ongoing).*
 - Adult social care - *None*
 - Trading standards - *None*
 - Environmental protection - *None*
 - Planning - *None*
2. How many of these matters were ultimately determined in favour of the applicant? - *None*
3. How many of these matters were ultimately determined in favour of the respondent (ESCC)? *Two.*
4. For each of the last 3 calendar years in respect of each category of matter outlined above, how much in total has ESCC been required to pay to the applicant parties as compensation? *See response to 5 below.*
5. For each of the last three calendar years how many cases has ESCC resolved immediately prior to a court hearing on the matter and what was the settlement?

In one case a settlement was agreed which included a compensation amount and legal costs (both of which the Court held should be confidential). In the other two cases no compensation was paid but reasonable costs were agreed. The total amount paid over the last three calendar years was £98,606.

6. For each of the last 3 calendar years, please quantify the expenditure of Legal Services on matters relating to judicial review?

Legal Services is centrally funded to provide legal advice and support to the Council in relation to decisions that are made which are then subject to judicial review challenges and no quantifiable cost is therefore attributable to Legal Services advice and support in this area. The total cost of external Counsel instructed in relation to judicial reviews across the last three calendar years was approximately £49,845 (exc VAT).

4. Question by Councillor Georgia Taylor to the Lead Member for Transport and Environment

The current UK government has lifted the ban on fracking in the UK, suggesting it is a viable means of improving our energy security. Areas of East Sussex have previously been identified as having possible shale oil/ gas reserves worth exploring. Given that the Council support action to keep the global heating temperature increase to below 1.5 degrees, I assume that we are aligned with the Intergovernmental Panel on Climate Change (IPCC) scientifically backed up requirement to keep fossil fuels in the ground, which means no new fossil fuel exploitation. Do you think that there is a current risk of fracking or other methods of oil and gas extraction taking place in East Sussex in the next 5 – 10 years?

Answer by the Lead Member for Transport and Environment

The fracking ban that the Government recently lifted was introduced in November 2019. Prior to this date, no planning applications or pre-application enquiries were submitted to the County Council that involved fracking for shale oil or gas. For the parts of the county that fall outside of our County Planning Authority area (i.e. the South Downs National Park), we are not aware of any such proposals during this time either.

As well as requiring planning permission, any exploration for onshore oil and gas resources requires a Petroleum Exploration and Development License, which is granted by the North Sea Transition Authority. Licenced areas correlate with Ordnance Survey grid squares and there is one such licence that falls slightly within the administrative boundary of East Sussex (reference: PEDL244). The majority of this licenced area is within West Sussex and is thought to relate to the Cuadrilla operations that took place at Balcombe a number of years ago. Certainly, there has never been any approach to the County Council from any organisation who are pursuing a proposal in the licenced part of the county.

Given the above, I think the chances of oil and gas extraction taking place in the county in the next 5-10 years are low. Nevertheless, should any such proposal emerge in the part county outside of the National Park, it is important to note that the County Council has a legal obligation to consider the planning application on its own merits taking into account national and local planning policy, as well as material planning considerations relevant to that proposal.

5. Question by Councillor Georgia Taylor to the Lead Member for Transport and Environment

Has the council been approached by any organisation wishing to explore for oil or gas in the county and are you aware of any areas in the County that might be targets for fracking or other oil or gas exploration and extraction?

Answer by the Lead Member for Transport and Environment

To reiterate my responses to earlier questions, the County Council has not been approached by any company or organisation with a prospective proposal for oil or gas exploration. However, I would point out that I can only provide a definitive “no” for the parts of the county that the County Council is the County Planning Authority for. Whilst we have not been approached by any organisation that is seeking to undertake oil or gas exploration in the parts of the county in the South Downs National Park, to get a definitive answer for this particular area, I would advise you to contact the South Downs National Park Authority.

6. Question by Councillor Georgia Taylor to the Lead Member for Transport and Environment

If fracking is considered favourably by this Council, what assessments will be made of the impacts on traffic, road degradation due to use by heavy vehicles, air quality and local noise pollution?

Answer by the Lead Member for Transport and Environment

Should any planning application be submitted to the County Council for fracking, the assessments that would need to accompany such an application would depend upon the proposal itself, the site and surrounding location, the material planning considerations relevant to it and what information applicants are required to provide the Planning Authority based on legislation and the Council’s own requirements (i.e. what is known as validation requirements). As these assessments would form part of the planning application, they would be open to any individual and organisation to comment on and would be scrutinised, with specialist input, as part of the decision making process.

REPORT OF THE LEAD MEMBER FOR TRANSPORT AND ENVIRONMENT

The Lead Member for Transport and Environment met on 21 November 2022. Attendances:-

Councillor Claire Dowling (Lead Member)

Councillors Godfrey Daniel, Chris Dowling, Roy Galley, Nuala Geary, Ian Hollidge, Eleanor Kirby-Green, Wendy Maples, Paul Redstone, Bob Standley and Georgia Taylor.

1 Notice of Motion: No to Fracking

1.1 The following Motion has been submitted by Councillor Georgia Taylor and seconded by Councillor Chris Collier:

“As part of our climate emergency response, this council is committed to a just energy transition and to investments in the green infrastructure and industries that will create jobs and rapidly decarbonise our economy.

The construction of new fossil fuel infrastructure and expanded reliance on fossil fuels is at odds with these commitments and exposes our communities to untenable risks to public health and safety at the local and global levels. Fracking relies on high levels of water use at a time of increasing drought risk; dangerous contamination of water aquifers and creation of toxic ‘waste water’; increase of heavy vehicle traffic using the local roads, which will deteriorate our roads further; and earthquakes.

In East Sussex, areas identified as having potential oil and gas reserves include the very areas of outstanding natural beauty and national park areas we value so highly and that contribute so significantly to our local biodiversity.

The economic opportunities presented by a clean energy transition far outweigh the opportunities presented by an economy supported by expanding fossil fuel use and extraction. Fracking for shale oil or gas will also fail to provide relief to those struggling with fuel bills, as the tiny contribution such activity would make to the world market would not affect prices.

We therefore resolve to oppose, as a matter of council policy, any initiatives to develop fracking, or other methods, for the extraction of shale oil or gas in East Sussex.”

1.2 In November 2019, the Government placed a moratorium on fracking following a report by the Oil and Gas Authority (now known as the North Sea Transition Authority) found that it was not possible, at the time, to accurately predict the probability or magnitude of earthquakes linked to fracking operations. In September 2022 the Government removed this moratorium. Subsequent to the submission of this Notice of Motion, on 26 October 2022 the Government announced that they had reimposed the moratorium on fracking. Should the moratorium be removed again, for fracking to take place a number of permissions, permits and licenses are required. This includes a Petroleum Exploration and Development License (PEDL), which is granted by the North Sea Transition Authority, an Environmental Permit issued by the Environment Agency, and planning permission.

1.3 East Sussex County Council has made a clear commitment through its Climate Emergency Action Plan to achieve net zero carbon emissions from its own operations, as well

as helping to facilitate the county in general to move towards this target. The further use of fossil fuels is clearly at odds with this target, particularly at a time when there should be a greater move towards renewable and low carbon energy supplies in order to ensure that local, national and international climate change targets and obligations can be met. In light of this, and also recognising that significant concerns remain over the impacts arising from fracking, not least from the general public, the reimposition of the moratorium on fracking is something to be welcomed.

1.4 East Sussex County Council is a Minerals Planning Authority and therefore deals with oil and gas matters. If the moratorium on fracking were to be removed again, the Council as the Planning Authority would deal with any planning application for the exploration, appraisal and production of unconventional hydrocarbons (shale oil and gas) within East Sussex, though any proposals within the National Park would be dealt with by the South Downs National Park Authority. The current situation in East Sussex is that there are no active sites and no current planning permissions or applications for oil and gas exploration. In addition, to date the County Council has not been approached by any prospective applicant with any pre-application enquiry for the extraction of shale oil or gas.

1.5 Should a planning application be received in the future, the County Council has a legal obligation to consider it on its own merits taking into account national and local planning policy, as well as material planning considerations relevant to that proposal. Members of the Planning Committee must consider each application with an open mind, and must not predetermine the outcome.

1.6 Section 25(2) of the Localism Act 2011 provides that a decision maker is not to be taken to have had, or to have appeared to have had, a closed mind when making a decision just because the decision maker has previously done something that, directly or indirectly, indicates what view the decision maker might take, or would or might take in relation to a matter, and the matter was relevant to the decision. This provision makes it clear that just because a Member has given a view on an issue, this, considered in isolation, does not show that the Member has a closed mind on that issue. Predisposition is where a Member may have a pre-existing opinion or attitude about the matter under discussion but remains open to listening to all the arguments and changing their mind in light of the information presented at the meeting.

1.7 It is therefore open to Members to support the motion, or to oppose it. If the motion is approved, and the Council adopts a position of opposing, as a matter of council policy, initiatives to develop fracking, or other methods, for the extraction of shale oil or gas in East Sussex this will not, of itself, predetermine any planning applications or fetter the Council's discretion in respect of those matters. The Council policy will be one relevant consideration, amongst others, that the Members of the Planning Committee must have regard to when considering the application on its own merits. The key will be to ensure that the Members of the Planning Committee keep an open mind when considering the application.

1.8 It is acknowledged that many people are concerned and object to the principle of fracking. The extraction and use of shale oil and gas is also at odds with local, national and international climate change targets and obligations. Should a planning application be received in future, the County Council has a legal obligation to consider it on its own merits taking into account national and local planning policy, and any other material planning considerations relevant to the proposal. Members of the Planning Committee would need to consider any application with an open mind and must not predetermine the outcome.

1.9 However, for the reasons set out in paragraph 1.3 of this report, it would not be unreasonable for the County Council to state that it is generally unsupportive of fracking and therefore welcomes the reimposition of the moratorium on fracking, which was announced on the 26 October 2022.

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

✧ approve an amended Notice of Motion as set out below:

“The County Council recognises the significant public concerns over any initiatives to develop fracking, or other methods, for the extraction of shale oil or gas in East Sussex. The County Council, therefore, supports the Government’s recent announcement that reinstates the moratorium on fracking.”

21 November 2022

COUNCILLOR CLAIRE DOWLING
(Lead Member)

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