

MINUTES

EAST SUSSEX COUNTY COUNCIL

MINUTES of a MEETING of EAST SUSSEX COUNTY COUNCIL held at Council Chamber, County Hall, Lewes on 18 JULY 2023 at 10.00 am

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

21. Minutes of the meeting held on 9 May 2023

21.1 RESOLVED – to confirm as a correct record the minutes of the County Council meeting held on 9 May 2023.

22. Apologies for absence

22.1 Apologies for absence were received on behalf of Councillors Godfrey Daniel, Penny Di Cara, Joanna Howell, Christine Robinson, and Phil Scott.

23. Chairman's business

COUNCILLOR BARRY TAYLOR

23.1 The Chairman began with the sad news of the death of Councillor Barry Taylor. Councillor Taylor was first elected to represent the Eastbourne Meads division in 2005, and served on Eastbourne Borough Council until May 2023. As a County Councillor, Barry was most recently the Vice Chair of the Planning Committee and sat on the council's Standards Committee. He was also a dedicated member of the East Sussex Fire Authority. The Chairman offered his condolences to Councillor Taylor's family and friends. The Leader of the Council and the other group leaders offered condolences and shared memories of Councillor Taylor. The Council stood for a moment's silence as a mark of respect to Councillor Taylor.

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HIS MAJESTY'S BIRTHDAY HONOURS

23.2 The Chairman congratulated all those living or working in East Sussex who had been recognised in the King's birthday honours list.

CHAIRMAN'S ACTIVITIES

23.3 The Chairman reported that he had attended a number of engagements since the last County Council meeting including: the Mayor of Eastbourne's 'Thank You' party at Willingdon Golf Club, the ceremony of Mayor making at the annual meeting of the council at Lewes Town Hall, the Rye ceremony of Mayor making at Rye Town Hall, a reception with the Lord Lieutenant at Westfield House, the official launch in Crowhurst of manufacturing investment in machinery for SUDwell, a resin bonded slab company. The Chairman also attended Sussex Day at Demelza Children's Centre in St. Leonards, a celebration of the new King at the EBM Centre in Peacehaven, the raising of the Armed Forces flag at County Hall, the Conservators of Ashdown Forest board meeting at the Cat's Protection League, two citizenship ceremonies in Crowborough, the Veterans and Armed Forces day at the Martello Fields in Seaford, the ABF Soldiers Champagne Reception at Pashley Manor in Ticehurst, and the Chairman's Summer Reception at Buxted Park.

23.4 The Chairman thanked the Vice Chairman for his ongoing support, including his attendance at a Samaritans AGM.

PETITIONS

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

Councillor Julia Hilton - calling on the County Council to make 20mph the default speed on residential streets.

Councillor Pat Rodohan - calling on the County Council to create a crossing to Hartfield Square on the Avenue, Eastbourne.

PRAYERS

23.6 The Chairman thanked Reverend Ben Brown of St. Anne's Church in Lewes for leading prayers before the meeting.

24. Questions from members of the public

24.1 Copies of the questions from members of the public and the answers from Councillor Claire Dowling (Lead Member for Transport and Environment), Councillor Fox (Chair of the Pension Committee), Councillor Glazier (the Leader of the Council), and Councillor Standley (Lead Member for Education and Inclusion, Special Educational Needs and Disability) are attached to these minutes. Three supplementary questions were asked and responded to.

25. Declarations of Interest

25.1 There were no declarations of interest.

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26. Reports

26.1 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 - Bishopstone Junction, Seaford) and Paragraph 2 (Notice of Motion - to review and update policy PS05/02 Local Speed Limits).

NON-RESERVED PARAGRAPHS

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

Governance Committee – Paragraph 1 (Change in Membership of the Corporate Parenting Panel) and paragraph 2 (Appointments to Committees: Planning Committee and Standards Committee)

27. Report of the Cabinet

Paragraph 1 (Council Monitoring Q4 2022/23 Year End)

27.1 Councillor Glazier moved the reserved paragraph.

27.2 The Motion was CARRIED after debate.

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

27.3 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.

27.4 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.

28. Cabinet priorities for the forthcoming year

28.1 This item was taken with paragraph 2 of the Cabinet report.

29. Report of the Lead Member for Transport and Environment

Paragraph 1 (Notice of Motion – Bishopstone Junction, Seaford)

29.1 The Chairman stated that as the recommendation of the Lead Member for Transport and Environment was to reject the motion rather than proposing an amendment the Council would vote on the original motion as proposed by Councillor Lambert and seconded by Councillor MacCleary as set out in paragraph 1.1 of the report.

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29.2 Councillor Claire Dowling introduced the reserved paragraph in the Lead Member's report.

29.3 A recorded vote on the following motion was requested and taken:

On 15 February 2021, Cllr Darren Grover and Cllr Carolyn Lambert submitted a Notice of Motion (NOM) to the Lead Member for Transport and Environment. The NOM called attention to two accidents in two days that closed the A259 in Seaford, the biggest town in Lewes District.

The NOM requested the Cabinet to undertake a proper survey of the whole town, not just the Buckle by-pass, with particular focus on all the junctions with the A259, to identify the areas of greatest risk to both car users, cyclists and pedestrians, and to come up with some concrete proposals to enhance road safety. The NOM recognised that the County Council was already undertaking a review of the A259 from Seaford to Brighton in terms of congestion and argued that the safety of both car users, pedestrians and cyclists should form part of that study. The Cabinet was asked to:

- impose lower speed limits on the approaches to Seaford and to work with partners to ensure these are enforced;
- provide safe pedestrian crossings at key points of the A259 including at the Bishopstone junctions.

These requests were refused on the grounds that:

- a study was already being carried out;
- reducing the speed limit would require a significant level of engineering work;
- the request for a pedestrian crossing at Bishopstone needed to be considered holistically as part of the study and in any event, funding was not available.

At the County Council meeting of 7 February 2023, Cllr Carolyn Lambert submitted a further written question to the Lead Member, pointing out that the situation with the A259 was now critical and that Seaford, in particular, was suffering. The A259 continues to be regularly gridlocked and there have been further serious accidents. The outcome of the study has been delayed and any practical proposals are still awaited leaving residents still regularly facing dangers and delays on this difficult road.

Given the further delay to the study, and the length of time residents have been waiting for improvements, this NOM calls on Cabinet to:

- Provide temporary traffic lights at the Bishopstone junction to assess the effectiveness of this as a traffic management solution. The County Council is reminded that, despite initial resistance from the local authority, temporary traffic lights have worked well at Exceat and have been well received by residents;
- Seek to provide a safe route for pedestrians and cyclists over the A259 at Bishopstone by bidding for funding for a footbridge using the £750k still in the County Council's Active Travel Fund.

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29.4 The motion was LOST with the votes being cast as follows:

FOR THE MOTION

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

AGAINST THE MOTION

Councillors Adeniji, Azad, Beaver, Belsey, Bennett, Bowdler, Clark, Chris Dowling, Claire Dowling, Fox, Galley, Geary, Glazier, Hay, Hollidge, Kirby-Green, Liddiard, Lunn, Marlow-Eastwood, Maynard, Milligan, Pragnell, Redstone, and Standley.

ABSTENTIONS

None.

Paragraph 2 (Notice of Motion to review and update policy PS05/02 Local Speed Limits)

29.5 The Chairman stated that as the recommendation of the Lead member for Transport and Environment was to reject the motion rather than proposing an amendment the Council would vote on the original motion as proposed by Councillor Denis and seconded by Councillor Taylor as set out in paragraph 2.1 of the report.

29.6 Councillor Claire Dowling introduced the reserved paragraph in the Lead Member's report.

29.7 Councillor Maples proposed the following amendment to the motion.

This Council agrees:

(Delete)

- ~~a) To request the Lead Member for Transport to demonstrate that PS05/02 and its operational implementation is fully in line with the Circular 01/2013 with a full audit of speed limit assessments completed in the last 2 years.~~
- ~~b) To request that the Lead Member shares the results of this audit with Full Council within two months.~~
- ~~c) That PS05/02 be reviewed within the next two months and be presented to Full Council to ensure it is fully in line with all aspects of Circular 01/2013~~
- ~~d) That community and resident experience, quality of life and fear of speeds are included as explicit criteria in PS05/02 as clearly indicated in Circular 01/2013~~

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(Insert)

- a) *That the updated scheme assessment in the local transport plan will appropriately prioritise the criteria relevant to community and resident experience, quality of life and fear of speeds are included as explicit criteria as clearly indicated in Circular 01/2013.*
- b) *That the definition of an “effective speed limit” includes consideration of the investment in engineering, street markings and community education, rather than just being about changing the speed limit alone.*
- c) *The Speed Management Programme review identifying lengths of the main road network that would benefit from a reduced speed limit, should consider all of the roads where residents and/or local councils have requested a reduced speed limit and provide an estimate of the cost for each of those projects so that local councils can decide whether to fund these projects through local fundraising.*

29.8 Councillor Dowling raised concerns regarding the validity of the motion and Councillor Maples addressed the Chair in support of the proposed amendment.

29.9 The Chair decided that the proposed amendment which replaced the motion in its entirety and has been presented once the original motion had been responded to was not relevant to the original motion and therefore not a valid amendment. The Chair considered that if Members wanted Council to consider it, it should instead be treated as a new motion and considered at a future meeting.

29.10 A recorded vote on the following motion was requested and taken:

Policy PS05/02 sets out the Council’s policy on local speed limits. It claims to be in line with Government best practice guidance and legislation on road safety. (Road Traffic Regulation Act, and more recently the Department of Transport Circular Roads 01/2013.)

The Policy sets out speed limits in section 5 of this policy with average speed limits and it states that if average speeds are above that level then, subject to “available resources”, where injury or crashes at a site justify the necessary expenditure, engineering measures will be implemented first and, if this is not possible, then a lowering of the speed limit may be introduced.

This policy oversimplifies an approach to road safety and speed limits that is not consistent with the guidance outlined in the Department of Transport Circular Road 01/2013.

The above Circular sets out that “Local traffic authorities are responsible for determining speed limits on the local road network”.

It continues: “The underlying aim should be to achieve a ‘safe’ distribution of speeds. The key factors that should be taken into account in any decisions on local speed limits are:

- *history of collisions*
- *road geometry and engineering*
- *road function*
- *composition of road users (including existing and potential levels of vulnerable road users)*
- *existing traffic speeds*
- *road environment*

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While these factors need to be considered for all road types, they may be weighted differently in urban or rural areas. The impact on community and environmental outcomes should also be considered” [my emphasis].

The following parts of the policy PS05/02 are not consistent with national Circular 01/2013: specifically:

- *Paragraph 5. Speed limit table is an over simplification of a complex assessment and as such is only one part of the overall process. Using this table in this way means that the views and experiences of residents are not being taken into account when assessing speed limits as set out in the Circular. (ref 23 Circular 01/2013)*
- *Paragraph 6. Refers to speed limits being investigated will be subject to “available resources”. The Circular outlines a cost benefit analysis that includes a wide range of non monetary benefits that have to be considered including quality of life factors and fear of speeds [my emphasis]. (ref: 31 Circular 01/2013)*
- *Paragraph 7a: casualty reduction: The Circular further sets out that the assessment is not simply about casualties on a road or killed or seriously injured, but is a more complex process of assessment that has to include the experience of other road users, pedestrians, cyclists, horses and riders [my emphasis] (ref 32 Circular 01/2013)*
- *Paragraph 7c: The self enforcing requirements of PS05/02 is not a defacto requirement. It is a factor to consider and as such the danger is that policy is used to uphold existing speed limits rather than consider why compliance might be an issue and how to address compliance. (ref 26 Circular 01/2013).*
- *Appendix A outlines an approach to speed limit criteria that is equally outwith of the national guidance, which requires local traffic authorities to perform an assessment that includes listening to local residents, and introduce 20mph speed limits in towns AND villages, “particularly where the streets are being used by people on foot and on bicycles, there is community support and the characteristics of the street are suitable” (ref 84 Circular 01/2013).*

Such priorities are given further emphasis in the January 2022 revisions to the Highway Code, in particular, the clear notation on the ‘Hierarchy of Road Users’, which “places those road users most at risk in the event of a collision at the top of the hierarchy. ... [These are] pedestrians, cyclists, horse riders and motorcyclists, with children, older adults and disabled people being more at risk.”

This Council agrees:

- e) To request the Lead Member for Transport to demonstrate that PS05/02 and its operational implementation is fully in line with the Circular 01/2013 with a full audit of speed limit assessments completed in the last 2 years.*
- f) To request that the Lead Member shares the results of this audit with Full Council within two months.*
- g) That PS05/02 be reviewed within the next two months and be presented to Full Council to ensure it is fully in line with all aspects of Circular 01/2013*
- h) That community and resident experience, quality of life and fear of speeds are included as explicit criteria in PS05/02 as clearly indicated in Circular 01/2013.*

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29.11 The motion was LOST with the votes being cast as follows:

FOR THE MOTION

Councillors Collier, Denis, Hilton, Maples, Daniel Shing, Stephen Shing, Taylor and Webb.

AGAINST THE MOTION

Councillors Adeniji, Azad, Beaver, Belsey, Bennett, Bowdler, Chris Dowling, Claire Dowling, Fox, Galley, Geary, Glazier, Hay, Hollidge, Kirby-Green, Liddiard, Lunn, Marlow-Eastwood, Maynard, Milligan, Pragnell, Redstone and Standley.

ABSTENTIONS

Councillors Field, Holt, Lambert, MacCleary, Murphy, Osborne, Rodohan, Shuttleworth, Swansborough and Tutt.

30. Questions from County Councillors

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

| Questioner | Respondent | Subject |
|--------------------|---------------------------|---|
| Councillor Osborne | Councillor Claire Dowling | Community Match Schemes and change to the Council's Highways contractor |
| Councillor Murphy | Councillor Standley | Free nursery provision for three and four year olds |
| Councillor Lambert | Councillor Claire Dowling | Grass cutting and gulley cleaning programme |
| Councillor Collier | Councillor Bennett | Climate migration and the Council's Risk Register |
| Councillor Denis | Councillor Bennett | East Sussex County Council's climate and net-zero policies |
| Councillor Taylor | Councillor Claire Dowling | Road works in Forest Row |

30.2 Five written questions were received from Councillors Lambert, Taylor and Hilton for the Lead Member for Resources and Climate Change, the Lead Member for Adult Social Care and Health, the Lead Member for Education and Inclusion, Special Educational Needs and Disability and the Lead Member for Transport and Environment. The Lead Members responded to supplementary questions.

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THE CHAIRMAN DECLARED THE MEETING CLOSED AT 1.16 pm

The reports referred to are included in the minute book

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QUESTIONS FROM MEMBERS OF THE PUBLIC

1. Question from Arnold Simanowitz, Lewes, East Sussex

I understand from Councillor Taylor that last year she emailed the Head of Pensions, with a list of papers, reports and experts that she believed the Fund should consult for its upcoming report on the “Merits of Divestment versus Engagement”.

In particular, I understand that she urged those doing the research for the report to contact: Dr Ellen Quigley (Senior Research Associate in Climate Risk and Sustainable Finance at Cambridge University's Centre for the Study of Existential Risk); Dr Theodor F Cojoianu (Associate Professor in Energy Finance at the University of Edinburgh); and Carbon Tracker.

In order to produce a balanced report do you agree that all relevant experts should be consulted and if so have the researchers taken evidence from those experts have the report's researchers taken evidence from those three experts?

Response by the Chair of the Pension Committee

The Pension Committee commissioned a report to assesses the fiduciary and legal consequences of fossil fuel divestment for the Fund; examine how such a move aligns with relevant guidance and advice; explore how practical an act it would be within the context of the government's pooling agenda; and review evidence on the efficacy of such an approach in promoting the energy transition. Some Members of the Pension Committee have sent in research papers to the investment consultant who is compiling the report. All materials shared by the Committee members will be taken into consideration in the compilation of the report.

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

In July 2022 Costain carried out hand lay carriageway resurfacing and extensive patching on A22 Lewes Road, Forest Row between Wall Hill Road and Tesco's. At a site meeting held on 11th January 2023 two senior Highway staff agreed that the works had not been laid to an acceptable standard and extensive remedials would be required. On 6th April another Highways representative wrote that “due to the extent of the failures” the work “has to be included in our planned work programme for delivery later this year”. This has not been done.

Costain's maintenance period expires this month and I now understand that Balfour Beatty will be carrying out the remedials.

So my question is, on behalf of the Forest Row residents and the A22 road users; What is the extent of the remedials to be carried out, what specific British Standard materials will be used and what proportion of Balfour Beatties invoice will be paid by Costain?

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Response from the Lead Member for Transport and Environment

The works will include:

- 50mm HRA inlay surfacing/patching from the mini roundabout down to Blenheim Studio.
- Ground stabilisation using injected resin ('Geobear') to stabilise the unstable sub-strata for approximately 51m either side of the bridge deck and then resurfaced using 100mm of AC and 50mm of HRA.
- 50mm HRA inlay surfacing/patching up to the junction with Warr Hill Road.
- The gullies throughout this section will be cleaned as part of the works and the various ironworks will be adjusted/ replaced where required.

With regards to what proportion of the invoice will be paid by Costain - payments are withheld from the contractor for defective works identified under the contract. The final value of these for this and a number of other sites is still being concluded with the contractor so we are unable to say what the value is at this time.

3. Question from Anna Sabin, St. Leonards, East Sussex

By what date do you intend to have a comprehensive safe cycle network in every East Sussex town?

Response by the Lead Member for Transport and Environment

The delivery of active travel in the County is underpinned by the East Sussex Local Cycling & Walking Infrastructure Plan. This sets out a network of potential routes to support more walking, wheeling and cycling across eleven key towns in the County. This was approved by the County Council in September 2021.

The County Council and its partners, have been successful in securing a range of national funding streams, including Local Growth Funding through the South East Local Enterprise Partnership and Active Travel Funding from Active Travel England. This, alongside county council capital funding ringfenced for local transport improvements and development contributions, has been utilised to deliver a range of cycling and walking infrastructure improvements and initiatives which are working towards providing comprehensive safe cycle networks.

However, the ongoing delivery of the LCWIP network is dependent on funding being available, and our and partner's ability to secure this. You may be aware that there has recently been a £200m cut in the national budget for active travel in this parliamentary period. Therefore, it is not possible to provide a definitive date in respect of when these networks will be fully delivered.

We are currently reviewing our Local Transport Plan, which sets out the transport strategy for the County. With the need to decarbonise transport, our emerging LTP will strongly recognise the key role that active travel plays in supporting this on short or part of longer journeys. With our LCWIP being a 'live document' this will be updated to reflect our emerging LTP strategy to ensure that we and our partners are in a strong position to secure future funding and deliver an active travel network in East Sussex which is fit for purpose.

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4. Question from Claire Carr, St. Leonards, East Sussex

Many children in this county apply for or have an Education and Healthcare Plan (EHCP) due to the need for extra support to successfully access education. Where there is a dispute to issue a plan or with some aspect of the plan a tribunal proceeding may be issued by the County Council to seek a resolution.

Can you tell me, for the last financial year, how many cases went into tribunal proceedings, how many were conceded by ESCC at any point during those proceedings, and also what was the overall cost of tribunal proceedings in relation to EHCPs in that year? Lastly when was this policy and process last received?

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

It is important to note that not all children with SEND need to have an EHCP in order to access additional support in school. Local mainstream schools are able to support children with a very broad range of Special Educational Needs as part of their universal offer. Additionally, East Sussex provides a comprehensive range of support services to our schools to help broaden expertise and ensure that children access a fully inclusive curriculum. 96% of children in East Sussex have their needs met in a local school without the need for an EHCP, this includes those with SEND.

In the last financial year, a total of 368 tribunals were lodged against decisions that we made; of these, we have conceded 88. Out of all of the decisions that we do make in a year which are open to challenge, 93% are not; the total number of tribunals, therefore, represents only a very small proportion of the decisions that we make each year. Where we do concede, in the vast majority of cases this is because of changes brought during the tribunal process. For example, additional evidence may be provided by a parent or a school may decide part way through that they can no longer offer a place.

Unfortunately it is difficult to easily isolate the costs of a tribunal as there are a range of factors included in them. What we do know is that we do not contest a tribunal lightly nor do we proceed with one where it is clear that there is no longer justification to do so. Our practice in regards to tribunals is under constant review to ensure that we act in line with the Children and Families Act and the associated Code of Practice.

5. Question from Brett Wright, Eastbourne, East Sussex

The Meads community in Eastbourne are very concerned about the potential loss of the sporting and community facilities linked to Brighton University following their announcement that they are withdrawing from the town. Please can the Leader of the Council inform me what actions ESCC have taken in order to secure them for the future benefit of local residents?

Response from the Leader of the Council

Whilst we respect the right of Brighton University to manage their services and estate as they see fit, we have, jointly with the Borough Council, discussed with the University the need for them to consider the impacts on the residents of Meads, Eastbourne and more widely on East Sussex, of a change. Although the provision of leisure facilities is not a function of this Council, we would express our support for the Borough Council in seeking to ensure that provision is continued.

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6. Question from Mark Etherington, Hastings, East Sussex

There is robust evidence regarding the negative health effects of air pollution from the transport sector, particularly upon the young. What traffic management measures do ESCC intend to implement to help address this hazard?

Response by the Lead Member for Transport and Environment

We are in the process of reviewing our Local Transport Plan (LTP). This is a statutory document developed with partners, setting out the transport strategy for the county. It is acknowledged that there is evidence demonstrating the impact of air pollution on health, with road vehicles producing nitrogen oxides and other emissions. Therefore, the opportunity for transport measures to support improvements in air quality is a key element of the emerging strategy. The LTP is programmed to be available for public consultation in the autumn 2023.

The types of measures which will support better air quality include those which will have a greater emphasis on active travel, improved access to public transport and electric vehicles. Therefore, to support the delivery of the LTP a series of supporting plans and strategies, including the Local Cycling and Walking Infrastructure Plan, the Bus Service Improvement Plan (BSIP) and the emerging Electric Vehicle (EV) Strategy will set out the types of measures which can be brought forward during lifetime of the plan.

Measures to support air quality include School Streets (or Zones) and Liveable neighbourhoods, which look to restrict access for vehicles and give greater priority for people walking, wheeling and cycling, particularly for school journeys and within local communities. Moreover, ESCC has a good track record of securing significant levels of funding = to deliver public realm, active travel and traffic management improvements to our town centres.

Our BSIP proposes bus priority measures on key corridors of movement, alongside real time information to make bus travel more attractive and reliable. This will be alongside bus timetable service enhancements for all journeys and bus fare reductions, particularly for children and young people. The council is also developing an EV Strategy which will set out proposals for the delivery of electric vehicle charging infrastructure, to support a move towards increasing the use of low carbon technology.

The review of the LTP does include recognition that to improve air quality alongside other key policy areas, including the decarbonisation of transport, will require changes to travel behaviour. Therefore, the LTP will continue to support travel behaviour change programmes, subject to the availability of funding.

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7. The same or similar questions were asked by:

Martyn Dunne, Lewes, East Sussex
Jennifer Mehra, St. Leonards, East Sussex
Penelope Steel, Brighton
Suzy Miller, Forest Row, East Sussex
Ben Seddon, Hastings, East Sussex
Michael Wyatt, Bexhill, East Sussex
Sarah Demoratti, Hastings, East Sussex
Malcolm Telfer, Brighton
Ian Bunch, Hastings, East Sussex
Hugh Dunkerley, Brighton
Louise Jolly, Hove
Jonathan Kennedy, Brighton
Mary Rice, St. Leonards, East Sussex
Lisa Katz, St. Leonards, East Sussex
Gary French, St. Leonards, East Sussex
Martin Ensom, Uckfield, East Sussex
Anne Massey, Hove
Ayesha Mayhew, Brighton
Antony Gordon, Heathfield, East Sussex
Adrian Ross, Lewes, East Sussex
Sam Burgess, Brighton
EJ Newbury, Lewes, East Sussex
Macha Farrant, Lewes, East Sussex
Lorraine Langham, Bexhill, East Sussex
Leon Panitzke, Bexhill, East Sussex
Clare Nickson, Brighton
Susan Williams, Brighton
Andrea Jones, Hove
Les Gunbie, Brighton
Wendy Gubby, Bexhill, East Sussex
Anne Fletcher, Seaford, East Sussex
Lawrence Studd, Hove
Ruth Simister, Hove
Clare Halstead, Brighton
Richard Wistreich, Hastings, East Sussex
Jane Wilde, Eastbourne, East Sussex
Valerie Mainstone, Hove
Jane Clare, Crowborough, East Sussex
Gabriel Carlyle, St. Leonards, East Sussex
Sarah Hazlehurst, Brighton
Penny Cloutte, Portslade, Brighton
Julia Dance, Bexhill, East Sussex
Laura Ribbons, Hastings, East Sussex
Guy Crawford, St. Leonards, East Sussex
Ezra Cohen, Seaford, East Sussex
Nadia Edmond, Brighton
James Turner, St. Leonards, East Sussex
Andrew Downs, St. Leonards, East Sussex
Alison Hooper, Hastings, East Sussex
Felix Lozano, Battle, East Sussex
Milan Rai, St. Leonards, East Sussex
Andrea Needham, Hastings, East Sussex

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Rona Drennan, St. Leonards, East Sussex

Background

After years of 'engagement', the Church of England has finally lost patience with oil and gas companies' greenwash and made a public commitment to fully divest from fossil fuels. The announcement follows Shell's recent decision to abandon plans to cut oil production each year for the rest of the decade, and BP's similar decision to scale back its plans to cut oil and gas production this decade.

The church said that it had decided to sell its holdings in Shell, BP, Exxon and Total and seven other big oil and gas companies by the end of the year 'after concluding that none are aligned with the goals of the Paris Climate Agreement'.

Question

When will the ESCC and the East Sussex Pension Fund stop providing political cover for these rogue companies and make its own public commitment to fully divest from fossil fuels?

Response by the Chair of the Pension Committee

The East Sussex Pension Fund is a Local Authority Pension Scheme (LGPS) Fund and must invest in line with LGPS regulations. The Fund's powers of investment, must be exercised in a manner calculated to ensure the security, quality, liquidity and profitability of the portfolio as a whole, and not for any other purpose including political. The Fund is constrained to ensure the best realistic risk adjusted return is the primary objective under its fiduciary duties.

This is very different to the Church of England pension fund which is an endowment fund with two duties, one to create long-term financial returns to fund some mission activities through the churches, cathedrals and dioceses and, secondly, to make sure that the investments bring benefits to the wider world in a way that consistently shows positive outcomes in its contributions to the common good. As the Church of England Pension is regulated differently it can make different investment decisions to that of an LGPS Fund.

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. The Fund is also directed to invest in line with government guidance through LGPS investment pools, which mean that the Fund cannot direct the investment vehicle to invest or not in any specific company.

The Pension Committee commissioned a report to assesses the fiduciary and legal consequences of fossil fuel divestment for the Fund; examine how such a move aligns with relevant guidance and advice; explore how practical an act it would be within the context of the governments pooling agenda; and review evidence on the efficacy of such an approach in promoting the energy transition. The outcomes of this project and research will help the Pension Committee assess its approach to climate change and its investment decision making and whether divestment can and should form a greater role within the strategy.

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WRITTEN QUESTIONS PURSUANT TO STANDING ORDER 44

1. Question from Councillor Lambert to the Lead Member for Resources and Climate Change

East Sussex County Council holds a number of large and valuable assets in Lewes including County Hall and Westfield House and the site of the old St Anne's school.

Post Covid and with the increase in home working, it is clear that both County Hall and Westfield House are substantially underused.

Nothing has happened on the St Anne's site for a number of years now to the dismay of local residents.

The under use of County Hall and Westfield House and the abandonment of ST Anne's site is of particular concern given the housing shortage and lack of affordable accommodation.

The lack of active management of the County Council's assets is also a concern given the pressure on budgets.

Can the Lead Member:

1. provide the current occupancy rates for both County Hall and Westfield House?
2. provide the current running costs for both properties?
3. provide the cost to the County Council of mothballing the St Anne's site?
4. outline proposals for either disposing or re-developing the St Anne's site?

Answer by the Lead Member for Resources and Climate Change

1. provide the current occupancy rates for both County Hall and Westfield House?

Westfield House was closed during the winter months but was opened up in April 2023 for meeting room use, including School Panels and other meetings. For April and May 2023, the total number of meeting rooms booked out in number of hours was 679 and 549 hours respectively. At County Hall, the head count for staff for each month was an average of 229 in March 2023, 242 in April 2023 and 232 in May 2023.

2. provide the current running costs for both properties?

The total running costs including reactive repairs for both properties is £932,000 for 2022/2023.

3. provide the cost to the County Council of mothballing the St Anne's site?

The Council has erected security gates at West car park and the cost was £3,500. The Council has employed additional security on site since late 2021 and this continues. The cost of this is £51,000 plus VAT. There have been no additional recent significant costs associated with the site.

4. outline proposals for either disposing or re-developing the St Anne's site?

The Council has commissioned an external company to set out some initial options and this includes County Hall, Westfield House and the former St Anne's site. It is envisaged the initial report will be drafted at the end of August 2023.

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2. Question from Councillor Taylor to the Lead Member for Adult Social Care and Health, the Lead Member for Children and Families, and the Lead Member for Transport and Environment

I have had complaints from young people in my division that there are disposable vapes being sold in the local shops and that children are getting addicted to these ways of “smoking”. The vapes are sweet flavours and marketed for children’s tastes. Some of them have illegal levels of nicotine in them. In addition to the health impacts of this practice there is also a terrible environmental impact as the vapes are disposed of all over the place. They include lithium batteries, metal parts and plastic. Lewes District Council waste team also are aware of the problem because vapes are being dumped in regular rubbish and causing fires in the refuse collection vehicles. They’d like them banned. I know that central government has considered whether to ban these types of vapes, but there is no conclusion yet. However there might be some action that local government can take.

Please can you tell me whether the public health team, the youth services teams or the waste team are aware of this problem and whether any of them are taking action to prevent the negative health impacts and the environmental impacts?

Answer by the Lead Member for Adult Social Care and Health, the Lead Member for Children and Families, and the Lead Member for Transport and Environment

Health impact: Vapes or e-cigarettes are an important aid to help people stop smoking. Although not without risk they are substantially less harmful than smoked tobacco. Smoking is the leading preventable cause of premature death in England. Despite an overall decline in prevalence, smoking continues to have a long term, negative impact on smokers, families and communities. Supporting smokers to quit is therefore the single biggest actionable activity to improve health and reduce inequalities.

There is [clear advice 1.6.3](#) from NICE (National Institute For Health & Care Excellence) and the CMO for England, that vapes should not be used by children and young people, or those who do not currently smoke, as nicotine is an addictive substance and the long term risks are not yet known. The law bans the sale of nicotine vaping products to persons under 18 and bans the proxy purchasing of these products to under-18s by adults.

Local action re: health impact:

- Regulation and compliance:
 - Trading Standards are enforcing under national underage sales legislation and compliance with regulations on vapes in East Sussex with the limited capacity they have. Enforcement of underage sales legislation and compliance relating to tobacco, vapes and alcohol are an important part of local work to reduce harm from alcohol and tobacco and it is important to ensure there is adequate capacity to do this work effectively. Public health has been supporting the enforcement and compliance work of trading standard for several years and are working with TS to ensure this work is adequately resourced in light of a growing problem with vapes.
- Advice and Guidance:

Managing Vapes in Schools guidance has recently been approved by the Association of Directors of Public Health and will be circulated to key partners locally.

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Environmental impact: From a waste disposal perspective CET are fully aware of the problems caused by disposable vapes and in particular the lithium batteries. We work closely with our Borough and District Councils, who are the waste collection authorities, and regularly give out information out about safe ways to dispose to batteries and battery-operated devices, including vapes, and are about to embark on another round of communications.

Trading Standards Officers have not seen evidence, within the small to medium retail premises visited, of facilities to recycle used disposable vapes. The enforcement authority for this requirement is the Office of Product Safety and Standards.

Marketed at young people: central government are consulting on options to address this issue. Substance misuse and addiction form part of the regular preventative work that is carried out by our Youth Workers across county, ensuring that young people are properly informed of the potential health risks and costs arising from using vapes.

Illegal levels of nicotine: Trading standards noted that when visiting premises selling vapes, 95% to 98% of non-compliant vape products are due to excess liquid and only 2 to 3% exceed the nicotine capacity limit. (please note recent non-compliant actions taken by TS below).

Trading standards have noted the following observations from some of their recent compliance and enforcement activity as follows:

There has been an exponential rise in disposable vapes available for sale across the retail and on-line market places. Trading Standards Services locally, regionally and nationally have seen an increase of intelligence in the reporting of under aged sales of vapes.

- Trading Standards have been visiting some retail shops and seizing non-compliant disposable vapes (primarily due to being above the legal capacity limit). Officers have equally been giving advice to retailers on the law surrounding these age restricted products.
- Three covert test purchase operations have taken place – using a minor to attempt to purchase a disposable vape. To date two premises have sold to an under 18. The Trading Standards team are progressing matters in line with their Enforcement Policy.
- Non-compliant vapes East Sussex Trading Standards Service have seized in past 2 years to date?
 - 1st January 2022 > 31st Dec 2022 = 3,087 vapes
 - 1st January 2023 > 7th July 2023 = 1,763 Vapes
 - Total = 4850 vapes
- It is important to note that all manner of retailers sell vapes, from traditional newsagents through to clothes shops. This makes identifying the scope of retailers selling them very hard. There is no legal duty on a retailer to register to sell vapes like there would be to sell food or alcohol.

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3. Question from Councillor Taylor to the Lead Member for Adult Social Care and Health, and the Lead Member for Education and Inclusion, Special Educational Needs and Disability

We have had three severe water supply cuts over the last year in Wealden, and there have been probably a number of less severe incidences as well. We know that some parish councils have lists of vulnerable people because of local voluntary organisations, so they are able to target water deliveries and support to those people. However there are many who are slipping through the net, and local doctors' surgeries are not allowed to share information about their vulnerable patients. There are also some examples of parish councils developing their own emergency plans and these would probably include measures to address water shortages.

However there is no county-wide approach and we do need to consider how best to address this issue in the future. Of course the districts and boroughs have an important role, but they are not the responsible council for social care, and sometimes the water companies haven't a clue how to deal with the situation (staff from Wealden District Council were repeatedly offered to the water company on the last water cut situation, but the water company consistently turned it down. Also small plastic bottles (not v environmentally friendly) were delivered to people's homes, which clearly only covers some drinking water – not water for toilets and hygiene generally, which poses potential for public health risk in the future). The water companies are woefully unprepared to address issues around vulnerability, access to water, and public health risks.

Please could you tell me whether and how the County Council would go about protecting vulnerable people during this kind of crisis in the future.

Answer by the Lead Member for Adult Social Care and Health, and the Lead Member for Education and Inclusion, Special Educational Needs and Disability.

The County Council is committed to a countywide approach to emergency planning. We are a core part of ESREP, a countywide partnership which ensure East Sussex meets its statutory requirements under the Civil Contingencies Act. Under this Act, Local Authorities have clearly defined responsibilities in relation to civil emergencies, including as Category 1 Responders. In the case of East Sussex, ESREP member organisations (ESCC, all Borough and District Councils, and East Sussex Fire & Rescue Service) all fund a central emergency planning team to support each organisation to meet these statutory requirements. The County Council is also a member of the Sussex Resilience Forum, which maintains a number of emergency plans, including a Vulnerable People Data Sharing Plan in order to co-ordinate multi-agency support to a major incident. The Vulnerable People Data Sharing Plan provides a mechanism for organisation to share details in an emergency while protecting the personal information of those who are impacted following an incident. This is a tried and tested approach which covers not just vulnerable people, but also sites with groups of potentially vulnerable people, and allows for the County Council or NHS colleagues such as GPs to share safely.

In the specific case of water outages, it is firstly the responsibility of the water companies to advise customers of any water outages and to provide an alternative supply for the duration of the outage (which we support via making sites available as distribution points if needed, or offering staff to assist if required). Water companies are also required to maintain a register of customers that need special assistance to access services; eligible customers register for this service on the South East Water website. Nonetheless, to ensure residents are supported in the right way, the County Council can and will safely share information relating to vulnerable people known to us.

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It is worth noting that although East Sussex has an estimated 20,000 'pre-identified' or 'known' vulnerable people, this is not a static figure. Vulnerability varies, and there may be many individuals either 'unknown' to statutory authorities (perhaps receiving informal care and support from friends or family) or who are made vulnerable purely by the nature of the incident. In an emergency, the County Council will not only focus on the identification of 'pre-identified' and 'known' vulnerable groups and individuals, but also make efforts to identify 'unknown' vulnerable people, as far as possible, through liaison with partner agencies. In the recent outage in the Wealden area, South East Water did not declare a major incident.

However the Sussex Resilience Forum still came together to support, and the County Council proactively shared its most up-to-date Vulnerable People database with South East Water for the impacted postcodes. In addition, Children's Services worked in conjunction with South East Water to ensure impacted schools received appropriate support.

4. Question from Councillor Hilton to the Lead Member for Transport and Environment

Please can you provide annual costs for the total amount of successful claims made against the county council for accidents and damage to vehicles, bikes and pedestrians caused by badly maintained roads and pavements in the past five years.

Answer by the Lead Member for Transport and Environment

Claims against the County Council for damages to property and personal injury are managed by our highways contractor who manage the road network on behalf of the Council. This includes inspecting and ensuring the network is safe as well as managing any third party claims. The majority of claims, typically around 90%, are unsuccessful as they can be reasonably defended in line with Council policies and statutory defence under the Highways Act including, that the Council was not aware of the defect at the time of the incident or that we were aware but the defect was repaired within the policy timeframes.

Claims and settlements may occur over more than one financial year. The table below covers a 5-year period from 2018/19 – 2022/23.

| Cause Description | Vehicle Damage | Financial Loss | Personal Injury | Unknown | Total |
|-----------------------------|-----------------------|-----------------------|------------------------|----------------|-------------------|
| Carriageway Defect | £2,785 | | £33,519 | | £36,304 |
| Footway Defect | £1,453 | | £29,161 | | £30,518 |
| Pothole | £159,559 | | £295,297 | | £454,856 |
| Slip / Trip / Fall Highways | | £7,565 | £1,032,821 | £1,100 | £1,041,486 |
| Total | £163,796 | £7,565 | £1,390,797 | £1,100 | £1,563,259 |

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5. Question from Councillor Hilton to the Lead Member for Transport and Environment

At Full Council in February I asked if there could be signs encouraging drivers to turn off their engines at traffic lights for temporary road works. This was followed by a similar question by Cllr Field at the March 2023 Full Council. The answer stated "With the new highways contract from 1 May, for works of 3 days or longer duration that use temporary traffic signals, we are planning to introduce signage as part of the works that encourages drivers to switch off their engine while queuing. Whilst this will apply to highway works, we cannot insist that this applies to utility or developer works. However, we will be encouraging these organisations to follow a similar approach. I have seen no anti idling signs at road works in Hastings since May.

Can you confirm that these signs are being used and if not, when will this start to happen? Has the council written to the utility and developers asking them to change their policies re providing anti idling signage as part of road works? Have other council contractors such as school taxis and couriers also been encouraged to share anti idling recommendations with their drivers?

Answer by the Lead Member for Transport and Environment

New signs have been ordered for such works but so far under the Balfour Beatty tenure most of our major roadworks have been carried out under full road closures and therefore such signs would not need to be applied. We anticipate using the new signs on temporary traffic signal-controlled works from August onwards.

As previously stated, we cannot insist that utility companies and developers use these signs because they are not legally enforceable, but we will encourage their use in traffic management discussions when utility companies apply for a Permit to work on the public highway.