



Meeting of
East Sussex County Council
on Tuesday, 10 October 2023
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



EAST SUSSEX COUNTY COUNCIL

To the Members of the County Council

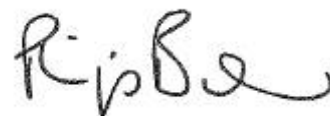
You are summoned to attend a meeting of the East Sussex County Council to be held at Council Chamber, County Hall, Lewes, **on Tuesday, 10 October 2023 at 10.00 am** to transact the following business

1. **Minutes of the meeting held on 18 July 2023** (Pages 5 - 26)
2. **Apologies for absence**
3. **Chairman's business**
4. **Questions from members of the public**
5. **To receive notice by the Returning Officer certifying the election of a county councillor for the following electoral divisions:** (Pages 27 - 28)
 - Heathfield and Mayfield
 - Eastbourne - Meads
6. **Report of the Cabinet** (Pages 29 - 40)
7. **Report of the Governance Committee** (Pages 41 - 50)
8. **Report of the People Scrutiny Committee** (Pages 51 - 54)
9. **Report of the Leader and Lead Member for Strategic Management and Economic Development** (Pages 55 - 58)
10. **Questions from County Councillors**
 - a) Oral questions to Cabinet Members
 - b) Written questions of which notice has been given pursuant to Standing Order 44
11. **Report of the East Sussex Fire Authority** (Pages 59 - 62)

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 Paddy MacBain – Vicar at All Saints Danehill with Chelwood Gate. 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



2 October 2023

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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.

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

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?

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.

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.

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.

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.

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.

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.

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

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.

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**LOCAL GOVERNMENT ACT 1972 AND
REPRESENTATION OF THE PEOPLE ACT 1983**

**ELECTIONS OF COUNTY COUNCILLORS FOR THE COUNTY OF
EAST SUSSEX HELD ON 27 JULY 2023 AND 3 AUGUST 2023**

I, the Returning Officer for elections of Councillors of the County of East Sussex, do hereby certify and return that the name of the persons elected as County Councillors for the Heathfield and Mayfield and Eastbourne Meads Divisions are as follows:-

COUNTY ELECTORAL DIVISION	NAME	DESCRIPTION
Heathfield and Mayfield	CROSS, Anne	Green
Eastbourne - Meads	WRIGHT, Brett	Liberal Democrat

Becky Shaw

Returning Officer

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REPORT OF THE CABINET

The Cabinet met on 18 July and 28 September 2023. Attendees: -

Councillor Glazier (Chair) (2)
Councillors Bennett (2), Bowdler (2), Claire Dowling (2), Maynard (2), and Standley (2).

1. Council Monitoring Q1 2023/24 Year End

1.1 The Cabinet has considered a report on the Council's position and year-end projections for the Council Plan targets, Revenue Budget, Capital Programme, and Savings Plan, together with Risks at the end of June 2023.

1.2 Broad progress against the Council's four strategic priority outcomes is summarised in paragraph 5 and an overview of finance and performance data is provided in the Corporate Summary at Appendix 1. Strategic risks are reported at Appendix 8.

Carry over report for Council Plan 2022/23

1.3 Outturns are now available for the four Council Plan measures for 2022/23, which were carried over from quarter 4. Measures are carried over when action has been completed but outturn data is not available for reporting at year-end. Outturns for these measures are provided in Appendix 3 Adult Social Care and Health and Appendix 4 Business Services Department. Overall, 70% of targets (38 of the 54 Council Plan measures) for 2022/23 were met or exceeded.

Council Plan 2023/24 amendments and variations

1.4 The Council Plan 2023/24 and the Portfolio Plans 2023/24 – 2025/26 have been updated with available 2022/23 outturns and final performance measure targets. All plans are published on the Council's website. The Corporate Summary (Appendix 1) contains a forecast of performance against targets.

1.5 The Strategic Risk Register, Appendix 8, was reviewed and updated to reflect the Council's risk profile. Risk 4 (Health), Risk 6 (Local Economic Growth), Risk 9 (Workforce) and Risk 15 (Climate) have updated risk controls. Risk 19 (Schools and Inclusion, Special Educational Needs and Disabilities (SEND)) has an updated risk definition. Risk 8 (Capital Programme) and Risk 20 (Placements for Children and Young People in Our Care) have updated risk definitions and risk controls. Risk 1 (Roads) has an updated risk control and post mitigation RAG rating.

Budget Outturn

1.6 The details of revenue over and underspends in each department are set out in the relevant appendices, and show a total forecast overspend of £16.8m. All departments are forecasting an overspend which reflects the challenging economic environment. The main headlines are:

- Children's Services (CSD) is forecast to be overspent by £15.2m. The main area of projected overspend is in Early Help and Social Care of £16.4m, the largest area of overspend is Looked After Children (£14.2m), the main pressures being External Residential costs of £12.7m due to growth in demand with an additional 26 children and young people requiring residential placements in quarter 1, plus a £1.8m pressure around additional staffing costs in our children's homes.

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Also within Early Help and Social Care, the Localities budget is forecast to be £1.6m overspent, £1.0m being on staffing including agency.

The service proposes to address the projected Looked After Children overspend primarily through a series of recommendations by consultants IMPOWER.

The CSD overspend will be mitigated Corporately for 2023/24 as follows:

Mitigation of CSD Overspend	£m
Forecast overspend	(15.2)
Mitigated by:	
General Contingency	4.9
Covid-19 General Funding (balance held Corporately)	5.6
Use of provision for budgetary risks	1.7
Part of TM underspend	3.0
Subtotal Mitigation	15.2

- The projected outturn for Adult Social Care (ASC) is an overspend of £1.0m. This comprises an overspend of £1.9m in the Independent Sector, offset by an underspend of £0.9m in Directly Provided Services with the latter mainly being due to staffing vacancies.
- Communities, Economy and Transport (CET) is forecast to overspend by £0.3m. The largest overspend is in Planning and Environment where additional transport planning applications, appeals and remodelling work has resulted in an increased cost of consultants, and Environmental Advice income from other local authorities has not materialised. This is offset by an underspend in Communities, mostly due to staff vacancies in Trading Standards and additional income from Emergency Planning training.
- Business Services (BSD) is forecasting a small overspend of £0.009m. There is an unachieved savings target of £0.2m relating to the expected move from St Marks House, Eastbourne; following the fire on site, it is unclear whether the savings can be realised in this financial year though further information will be provided in quarter 2 as the situation unfolds. This is offset by underspends across the department.
- The forecast overspend of £0.4m in Governance Services (GS) is mainly due to an increase in the number of deaths being reported to the Coroner and the increase in the number of those deaths that went to post mortem. The rise in post mortems directly increases mortuary, pathology, histology, and toxicology costs. There has also been an increase in post mortem fees in-line with local market rates.
- The ongoing impact of the reported overspend has the potential to increase the Council's budget deficit in 2024/25, which had been assessed at £4m when the Council's State of the County report was published in June. Modelling is currently being undertaken to provide a set of balanced budget scenarios, taking into consideration the local and national position that presents itself as we work towards setting the budget for 2024/25.

1.7 Within Treasury Management (TM), centrally held budgets (CHB) and corporate funding there is an underspend of £11.2m (including the general contingency):

- In CHB there is a forecast underspend of £0.5m for Pensions as a result of the actuarial revaluation; this is offset by an accounting adjustment estimated at £0.3m to reflect the potential risk that increasing outstanding debt levels will not be settled. The General Contingency of £4.9m will be required in full to offset part of the service overspend.
- There is currently an estimated £4.3m underspend on TM, based on an improvement in the current forecasts for our market investment returns and increased cash balances. The anticipated average investment return for the year has increased to 5.49% from the 4.45% assumed when the budget was set, based on the latest forecasts from our external treasury

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management advisors. In addition, slippage on the capital programme and an increase in our cash balances has reduced the need to borrow externally in 2023/24.

- There is a planned £1.7m use of the in-year provision made for budgetary risks to cover part of the remaining overspend on service budgets.
- Corporate Funding budgets are underspending by £0.1m as central government announced an increase to the 2023/24 Services Grant allocations above the provisional settlement proposals by distributing unused contingency, resulting in an increased allocation compared to the original budget.

1.8 The Council is still experiencing residual COVID-19 related costs and income losses which are being fully mitigated from general and specific funding; the balance of un-ringfenced general funding is being used mitigate CSD overspends. The following table shows the use of this funding in 2023/24:

COVID-19 Grants 2023/24 (£m)	Carried forward	Estimated use in-year (including payback*)	Balance to offset CSD overspend	Specific set-aside for LAC in future years	Estimated balance remaining
COVID-19 General Funding	9.1	(1.7)	(5.6)	(1.8)	-
COVID-19 Specific Funding	4.3	(3.5)	-	-	0.8
Total funding	13.4	(5.2)	(5.6)	(1.8)	0.8

- *To date the Council has repaid £2.1m of unused grant

1.9 Capital Programme expenditure for the year is projected to be £96.3m against a budget of £104.5m, a net variation of £8.2m. Of the net variation, £4.8m relates to Local Enterprise Partnership (LEP) funded projects. Main variations include:

- Bexhill and Hastings Link Road – Project costs remain for post excavation archaeology, landscaping, and remaining compensation. There is a projected overall overspend on the scheme in the region of £2.1m, of which £0.8m is expected to materialise during 2023/24.
- Special Educational Needs Additional Places (Grove Park) – Slippage of £4.4m. A contractor has recently been appointed to progress with feasibility and detailed design works which has resulted in an updated high level programme plan, with the bulk of the works due to commence in 2024/25. In addition, a recent ecologist visit identified key risks that require mitigation plans to be considered which may cause delays to the project plan.
- Hastings Bexhill Movement and Access Programme (LEP funded project) – Slippage of £4.1m. Funder approval from the South East Local Enterprise Partnership is now anticipated in autumn 2023, to be followed by Lead Member sign off, following a requirement to undertake a prioritisation process.

1.10 The Chartered Institute of Public Finance and Accountancy published the revised Treasury and Prudential codes in 2021, which now requires quarterly reporting of performance against forward looking prudential indicators. The performance of the Council's treasury management activity, against benchmarks and the key indicators in the Council's Treasury Management Strategy, as approved by Full Council at its meeting of 7 February 2023, are provided at Appendix 2.

Progress against Council Priorities

Driving sustainable economic growth

1.11 The Council has spent £309m with 884 local suppliers over the past 12 months, 66% of our total spend, exceeding our target of 60%. We have continued throughout quarter 1 to work with suppliers to maximise the social value delivered by our contracts. In quarter 1 we

achieved benefits that were equal to 19% of our spend, against an annual target of 10% (Appendix 4).

1.12 The Council approved additional funding for highways in July, recognising the deterioration of the network following the last prolonged, wet and cold winter. The additional funding includes an additional one off £2.5m for carriageway patching works, an additional one off £3.1m for drainage works, an additional £5m per year for two years for carriageway repairs, plus a proposed additional £5.1m per year for the capital programme for roads. Additional patching sites have been identified and works instructed using the additional £2.5m. Work has also continued in quarter 1 to replace worn out road signs and to refresh road markings using the one-off funding carried forward from 2022/23. A number of large surfacing schemes have been completed or are underway in Wivelsfield, Uckfield, Hartfield and Hailsham. Preparation works are also underway for the start of the surface dressing programme in quarter 2. 16 road improvement schemes were completed in quarter 1 to improve the condition of the roads. 7,250 potholes were repaired in quarter 1, with 6,500 of these being carriageway potholes; the remainder were primarily footway potholes (Appendix 6).

1.13 The Council is working to build apprenticeships into career progression for staff at all levels, to provide more skills for our employees and address recruitment and retention challenges. The Apprenticeship Team are holding regular information sessions for staff and the level of interest has been encouraging (Appendix 6).

1.14 The Youth Employability Services has been re-commissioned, with the new contract starting on 1 October 2023. The new contract will have an increased focus on those young people who are Not in Education, Employment or Training. More targeted and intensive support will be provided for some of our most vulnerable young people (Appendix 5).

1.15 837 people enrolled on Family Learning Programmes in our libraries in quarter 1. Wadhurst library has re-opened after flooding in 2022/23, the team took the opportunity to refurbish the library updating the furniture, fixtures and equipment. Renowned children's author Jacqueline Wilson visited Seaford Library in April 2023 to discuss with children what it's like to be an author and share her new book (Appendix 6).

Keeping vulnerable people safe

1.16 The demand for Children's Social Care and complexity of cases has continued to increase in quarter 1. The rate of children with a Child Protection (CP) plan fell from 64.8 per 10,000 at the end of 2022/23 to 62.1 in quarter 1. However, the rate of Looked After Children (LAC) has increased from 62.3 per 10,000 children at the end of 2022/23 to 63.5 in quarter 1. CP plans remain under review with a range of audits taking place to identify where it's possible to safely reduce the number of plans. Demand for LAC placements has increased alongside a reduction in the number of in-house and agency foster care placements available. This has resulted in more children having to be placed in external residential homes at a much higher cost (Appendix 5).

1.17 The Council and Get Safe Online (GSO) promoted a number of online safety campaigns in quarter 1. These included advice on how someone's online history can potentially be seen by other people, or tracked and held in multiple databases; advice on how to use smart devices safely and securely; and advice on how to support children to enjoy a safe and secure online experience (Appendix 3).

1.18 Trading Standards made 117 positive interventions to protect vulnerable people in quarter 1. 83 of these were support sessions and training, and 34 were direct interventions. National Scams Week took place during quarter 1, which enabled Trading Standards to engage with vulnerable people and try to reduce the likelihood of them falling victim to scammers or becoming repeat victims. 27 of the direct interventions involved fraudulently obtained money being returned to victims (Appendix 6).

Helping people help themselves

1.19 A joint five-year Sussex Shared Delivery Plan was endorsed in June 2023 by the Council and the East Sussex Health and Wellbeing Board. The plan brings together delivery milestones for 2023/24 and a roadmap for years 2 – 5. The delivery milestones cover ongoing priorities for children and young people and mental health services, as well as new plans that have been shaped by our East Sussex Health and Care Partnership (Appendix 3).

1.20 Two Family Hubs are now open in Hailsham and East Hastings, with further hubs scheduled to open over the summer. Professionals who will offer support from the new hubs include Midwives, Health Visitors and Early Communications Support Workers amongst others. The hubs will give children and parents the chance to socialise and support their children's needs and development (Appendix 5).

1.21 The Public Health 'Healthy Places Team' was highlighted as one of the three best practice case studies across England in a report by the Quality-of-Life Foundation in quarter 1. The report focuses on work done to help embed health in planning decisions through our collaborative relationships with partners (Appendix 3).

1.22 Quarter 1 saw a transition process from the old highways contract to the new contract with BBLP. 17 road safety infrastructure schemes have begun and are expected to be completed by the end of quarter 2. Seven further schemes have been submitted to our new contractor, Balfour Beatty Living Places (BBLP), and will be implemented by the end of 2023/24. We delivered 184 'Bikeability' courses to 1,577 individuals at participating schools and the Cycle Centre at Eastbourne Sports Park in quarter 1. We also delivered 60 'Wheels for All' sessions to 704 attendees at the Sports Park (Appendix 6).

1.23 31% of eligible clients were receiving Direct Payments at the end of quarter 1, equating to a total of 1,543 people. The number of people receiving direct payments has increased since the end of 2022/23, however the total number of people receiving care has increased at a much greater rate and this has resulted in a drop in reported performance. Direct Payments are always considered when deciding how to meet an adult's care needs and identified outcomes and are offered as an option where appropriate, although, of course, the person does not have to choose this option (Appendix 3).

Making best use of resources now and for the future

1.24 We have continued work to develop a range of initiatives to help address our significant recruitment and retention challenges as a result of the current labour market conditions and cost of living pressures in quarter 1. Our new employer recruitment brand 'We Choose East Sussex' has continued to progress, with the creation of new content for the Council's job pages (Appendix 4).

1.25 Staff sickness absence decreased by 14.8% in quarter 1, compared to quarter 1 2022/23. The main reason for the decrease is a significant fall in COVID-19 absences. However, mental health absences have increased compared to quarter 1 2022/23, so additional support was put in place in quarter 1, such as extra support being offered to staff when they report a mental health absence; raising awareness of mental health support available through a number of channels; and a men's health campaign in June, which included a film focused on mental wellbeing. GoodShape data indicates that increased mental health absences are occurring across the local authority sector, and our absence rates are within the averages seen in other authorities (Appendix 4).

1.26 A number of energy efficiency projects were completed in quarter 1, including one LED lighting project and two Solar PV schemes. A number of other schemes have started installation. Four heat decarbonisation schemes also began in quarter 1. Although we have made good progress in quarter 1 there are challenges relating to supply chain and capacity in the wider sector that may affect our ability to deliver our target number of schemes for the year. The data on carbon emissions from Council buildings is available a quarter in arrears.

The final outturn for 2022/23 shows there has been a 32% reduction in carbon emissions against the 2019/20 baseline year, below the target of 34%. Improved management of buildings to reduce energy usage, and more typical weather compared to the unexpectedly low average minimum temperatures experienced in 2021/22, contributed to the reduction. However, the need to provide ventilation in our buildings as part of COVID-19 safety measures is still adversely affecting our overall reduction. The reduction in emissions resulting from energy efficiency projects completed towards the end of 2022/23 will be realised during 2023/24, which is expected to assist in securing our 2023/24 target of a 43% reduction on baseline year (2019/20) emissions (Appendix 4).

1.27 The Council has continued to work with a range of partners to develop and deliver carbon reduction and climate change adaptation work in quarter 1. We assisted 44 Small and Medium Enterprises (SMEs) to measure their carbon footprint and awarded grants to 21 SMEs to improve energy efficiency and install renewable energy systems, which will reduce their energy bills (Appendix 6).

1.28 As part of our corporate lobbying work during quarter 1 the Leader took the opportunity to meet with Local MPs to discuss the latest priorities for the Council and residents including on local authority funding and highway conditions. The Leader also co-signed a letter, with other county council Leaders in the region, to the Prime Minister. The letter raised the significant under-funding for highways maintenance. It also called for greater oversight of the work of utilities companies on the roads. Further engagement with the Minister for Roads is expected as a result of this correspondence (Appendix 7).

1.29 Council considered the State of the County report in July. The report sets out the uncertainty which continues to define the context within which we are working. The challenging national economic environment continues to impact on residents and the Council. Many of our services are subject to significant national reforms, and there is still increased demand for local services. The report also outlines the broader demographic and policy context which will form the backdrop for planning for 2024/25 and beyond. The financial outlook for the Council remains unclear. We expect a further one-year financial settlement for 2024/25. It is also unlikely there will be any significant national reforms to local government funding before the next general election, which is expected in 2024. In this context, we will need to continue to take proactive action to prepare for the time ahead, to maximise our resilience as an organisation and to best manage growing demand for our services (Appendix 7).

1.30 In the context of ongoing uncertainty and increasing demand for our services, a clear and current understanding of the views and priorities of people who live and work in East Sussex is important to inform our planning for the future through RPPR, and our approach to ensuring best value. As part of ongoing planning for 2024/25 and beyond, it is proposed to undertake a broader engagement exercise this autumn to seek additional feedback directly from local people on priorities and financial choices. This survey, alongside our RPPR engagement with key partners and groups representing local communities, will provide valuable additional insight to inform Cabinet recommendations and Council decisions on our budget and Council Plan in early 2024.

2. Scrutiny Review of Equality and Inclusion in Adult Social Care and Health

2.1 The Cabinet has considered a report of the People Scrutiny Committee on its Review of Equality and Inclusion in Adult Social Care and Health (ASCH). The report of the Scrutiny Committee is included elsewhere on the agenda (item 8).

2.2 In July 2022 the People Scrutiny Committee agreed to establish a Review Board to undertake a Scrutiny Review of Equality and Inclusion in Adult Social Care and Health. The review focussed on identifying key communities that ASCH seldom hears from but should, barriers preventing groups and people from accessing services, and how ASCH can reduce those barriers and improve its engagement with those groups.

2.3 The Scrutiny Review of Equality and Inclusion in ASCH is welcomed by the Department and in particular to ensure we improve staff knowledge, delivery and accessibility of our services.

2.4 It was considered by the Review Board that dissemination of findings of the report, as well as ensuring continuous engagement with trusted partners and intermediaries, is an important aspect of implementation of the recommendations. The Review Board stressed ensuring the department give feedback to our seldom heard people on how their feedback is utilised in the development of services and policies.

2.5 The Review Board recognised the cross-council approach needed to implement some of the recommendations and has asked the department to work with Corporate Equality Diversity and Inclusion Board to ensure consistency of approach.

2.6 The Scrutiny Review has highlighted a range of recommendations, many of which recognise the work already underway and the need to continue to build on that. All of these recommendations are considered positive and reflective of the direction of travel for the Department, and the Department considers that the recommendations are realistic and achievable.

2.7 In welcoming the findings of the Scrutiny Committee, the Cabinet has considered a report by the Director of Adult Social Care and Health (as set out in Appendix 9) on the specific recommendations and endorsed it as its response to the recommendations.

2.8 The Cabinet, in welcoming the report, recommends the County Council to –

☆ approve the response of the Director of Adult Social Care and Health on the implementation of the recommendations in the Scrutiny Committee's report.

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

3.1 The Cabinet considered an annual progress report on the County Council's Climate Emergency Plan.

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

3.2 In October 2019 the Council agreed the following Motion, that the Council:

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

(ii) recognises and declares a Climate Emergency.

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

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

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

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

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

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

3.3 In line with the commitment made in the Motion agreed in 2019, Cabinet agreed a Climate Emergency Plan in June 2020, which set out how the organisation would continue to reduce its carbon emissions, building on work undertaken since the first Carbon Management Plan was put in place in 2009. The Action Plan covered 2020-22 and set out the scale of the Council's carbon footprint, described the carbon budget that the Council will aim to keep within, and included a set of actions. In 2021-22 Cabinet agreed a further £9.945m to support the work to enable the Council to become carbon neutral and agreed that climate change be considered a basic need requirement within the Council's Capital Programme and Capital Strategy. Climate change has been embedded in the Council Plan (section 4.1 and 'making best use of resources' targets) and is recognised as a strategic corporate risk. In February 2023 an updated corporate Climate Emergency Plan, covering 2023-25, was agreed by full Council.

Assessing the Council's Carbon Emissions

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

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

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

3.6 The Council therefore has a large and complex carbon footprint. Further work is being carried out to quantify scope 3 emissions, notably from our extensive supply chain, before they can begin to be integrated reliably into the Council's carbon footprint and targets set.

Consequently, the Climate Emergency Plan focusses primarily on reducing scope 1 and 2 emissions, for example carbon emissions from buildings. This is also typical for most local authorities.

Working Towards Carbon Neutrality From Our Activities

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

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

3.9 Cutting emissions in half every 5 years is extremely challenging. This is highlighted by modelling carried out by independent experts in 2022, which indicated that the Council would need approximately £200m up to 2050 to pay for capital intensive interventions to keep within the science-based target for just its scope 1 and 2 emissions. Many of the simpler and cheaper measures, and those within the Council's direct control, have already been implemented through the Council's carbon reduction programme that has been delivered for many years and which is summarized in Appendix 10. In addition, the last year has seen significant cost increases through the supply chain, as well as delays to delivery with some projects due to bottlenecks in the supply of particular items and the limited availability of consultants and contractors with the right skills and experience. Some of these pressures have been partly mitigated by the Council successfully securing £1.9m of additional external funding since 2020. Bids for further external funding continue to be made, however there is intense competition for funding. In view of the challenging financial position for local government, which is highlighted in the Council's State of the County report in June 2023, lobbying of government to encourage larger scale and longer-term sustained funding for public sector decarbonization has also taken place.

3.10 Despite the challenging circumstances, the Council is performing well against the five year science-based carbon reduction target for scope 1 and 2 emissions covering 2020-25. Appendix 1 illustrates that the Council has reduced its emissions by 32% between 2019-20 and 2022-23, against the cumulative target of 34%. This is a shortfall of 316 tonnes of CO₂e, which is equivalent to the average carbon reduction achieved from three heat decarbonization schemes. The 32% reduction has largely been achieved through a combination of the carbon reduction measures that the Council has invested in, the decarbonization of the national electricity grid and changes to the Council's buildings portfolio. This is against a backdrop during which national greenhouse gas emissions increased by 10% between 2020 and 2021 and by 1% between 2021 and 2022, largely as a result of a post pandemic rebound in economic activity (national data are not yet available for 2022-23). Other local authorities do not yet appear to have reported publicly on their performance in 2022-23, so it's not currently possible to compare the Council's performance with that of other local authorities.

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

3.12 The Council has recognised the severity of the climate crisis by declaring a climate emergency, by setting a clear science-based target and by committing an additional £9.9m of funding up to March 2025 to cutting corporate carbon emissions. The scale of the Council's functions and the diversity of providers the Council works with makes this a complex and substantial task. Significant work has already been undertaken to reduce emissions and will continue to be undertaken. The report sets out the further progress made during 2022-23.

4. East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Review

4.1 The Cabinet considered a report on East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan review.

4.2 East Sussex County Council work in partnership with the South Downs National Park Authority and Brighton & Hove City Council (the Authorities) in the preparation of minerals and waste planning policy for East Sussex, Brighton & Hove and the area of the National Park within the County and City. Together, the Authorities have prepared the Waste and Minerals Plan (WMP, 2013), and the Waste and Minerals Sites Plan (WMSP, 2017). These adopted plans form the Waste and Minerals Local Plan (WMLP) which is used by each of the Authorities in the determination of planning applications for waste management activities, and minerals extraction and infrastructure in the Plan area. The WMLP forms part of the Development Plan and is, therefore, also applicable to the District and Borough Councils as local planning authorities.

4.3 Over the past few years, the Authorities have been undertaking a partial review of the WMLP (primarily focussed on minerals planning matters) and in November 2022 the proposed Waste and Minerals Revised Policies document was subject to an independent Examination in Public, which was conducted by two Examining Inspectors from the Planning Inspectorate. The Inspectors raised no concerns over the soundness of the majority of the Revised Policies document and no concerns around legal compliance were raised. However, and as is always tends to be the case with Local Plans, the Inspectors have requested that the Authorities propose some modifications to certain policies to ensure that the Plan can be found 'sound' and subsequently adopted by the Authorities.

4.4 Officers have drafted a series of modifications to the plan to address the matters raised by the Inspectors. These modifications now need to be subject to a formal period of consultation and Cabinet/Council approval is required to enable this to take place. The South Downs National Park Authority and Brighton and Hove City Council will also need to approve the publication and consultation of the modifications.

4.5 Separate to the matter concerning the proposed modifications to the Waste and Minerals Plan, the Council needs to put in place a new and updated Statement of Community Involvement (SCI). The SCI sets out how the County Planning Authority will consult and involve the public and various interested organisations in the preparation of any new/revised Waste and Minerals Plan that we prepare. It also sets out arrangements for community involvement in the consideration of planning applications the County Council is responsible for determining. The current iteration of our SCI was adopted in March 2018 and the Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2012 requires an SCI to be reviewed every five years.

Supporting information

4.6 The modifications being proposed to the Submission draft of the Revised Policies document are only in response to the issues raised by the Inspectors and/or to reflect any updated policy and guidance. It would not be appropriate to introduce modifications and/or additions to the Plan that fall outside of this scope. To do so would risk the Examination period for the Plan being further protracted, or even undermine the likelihood of the Plan being found to be 'sound' and therefore capable of being adopted by the Authorities for decision making purposes. The Council is committed to commencing a Full Review of the Waste and Minerals Local Plan in mid 2024, with the aim of progressing it through to adoption in 2027. This Full Review will provide an opportunity for new and altered policies to be considered, which currently fall outside of the scope of the modifications being proposed.

4.7 The proposed modifications are set out as track changes in full in Appendix 11 of this report. In summary, the modifications being proposed are;

- To reduce the end of the Plan period from 2034 to 2030 so that it is consistent with the existing WMLP. Such a change has necessitated the need for proposing changes to certain policies (e.g. previously quoted figures for matters such as aggregate need have been recalculated to account for the shorter plan period).
- Setting out clearer explanation that justifies the figures for aggregate need over the plan period.
- Amendments to policies concerning safeguarding of minerals resources and associated infrastructure, as well as the policy and supporting text that sets out requirements for when Local Planning Authorities consult the Minerals Planning Authority on non-mineral related development proposals in the safeguarded areas.
- Set out the commitment to a full review of the WMLP once this partial review has been completed, as well as the timescales for doing so.
- Provide further clarity on how certain proposed revised policies will be applied in practice.

4.8 The proposed modifications do not include any additional waste or minerals allocations. The modifications also do not propose to amend the policy direction that seeks to ensure the sustainable use of aggregate in new developments. Should approval to publish the proposed modifications be given, the consultation period is expected to commence on the 27 October 2023 and end on the 22 December 2023. Any representations made will be for the Inspectors to consider and only once they have had a chance to review these will we know if any further hearing sessions will be held as part of the Examination process.

4.9 The proposed modifications have been informally shared with the Inspectors, who have subsequently commented that, *"following minor revisions to the draft Main Modifications (MMs), the Inspectors are content that these are in a suitable form to be used for public consultation subject to prior completion of a Sustainability Appraisal (SA) and Habitats Regulations Assessment (HRA). There is no need for the SA and HRA of the MMs to have received any prior comment from the Inspectors in advance of the commencement of the consultation process."* The proposed modifications have been subject to a Habitats Regulation Assessment, as well as the Sustainability Appraisal process. Updates and addendums to the Habitats Regulation Assessment and Sustainability Appraisal will be published for consultation alongside the Proposed Modifications.

4.10 At the same time as the proposed modifications are consulted upon, it is proposed that the County Council also consults on a revised draft of its Statement of Community Involvement (SCI). The existing SCI has been reviewed and given that the consultation approaches outlined have been considered effective, very few changes are being proposed to the revised SCI at this stage. Changes that are being suggested include making greater use of engagement and consultation through technology and ensuring that any updated legislation that concerns consultation on planning matters is fully reflected in the SCI. Appendix 12

contains the revised draft of the SCI, with the changes that are being proposed being shown as track changes.

4.11 With the Waste and Minerals Revised Policies document now at the Examination stage, it is clear that the Authorities are at a significantly advanced stage in the preparation of this Plan. To enable the Examination to be concluded, and a positive outcome to be reached by the Planning Inspectors, some modifications need to be made to the version of the Plan that was originally submitted for Examination. The Authorities need to give interested parties the opportunity to comment upon these proposed modifications and, should such comments be forthcoming, it will be for the Inspectors to consider these as part of their considerations of the Plan.

5. Ashdown Forest Trust Fund

5.1 The Ashdown Forest Trust, a registered charity, was set out by declaration of Trust in 1988. East Sussex County Council is the trustee and agrees grants made to the Ashdown Forest Conservators, from the Ashdown Forest Trust Fund.

Supporting Information

2021/22 Accounts

5.2 Subsequent to the 2021/22 accounts being approved, the independent Examination process has now been completed in accordance with Section 145 of the Charities Act 2011.

5.3 The Examiner's report is attached as Appendix 13. It does not identify any issues that require any further action by the Council as the trustees.

2022/23 Accounts

5.4 The Trust's Income and Expenditure Account and Balance Sheet are set out in the attached at Appendix 13. The Income and Expenditure Account shows a surplus in 2022/23 of £5,019.

5.5 The main sources of income to the Trust are rental income from the Royal Ashdown Golf Club at £70,000 per annum and bank interest, which has seen a significant increase, reflecting the rise in base rates.

5.6 The expenditure primarily relates to the £65,100 grant paid to the Ashdown Forest Conservators, with remaining expenditure being audit fees.

5.7 The accumulative General Reserve totalled £172,088 at 31 March 2023.

5.8 A formal annual report and statement of accounts will be compiled in accordance with the Charity Commission's Statement of Recommended Practice (SORP) by the end of January 2024, once the Independent Examiner report has been received.

5.9 The trust made an operating surplus of £5,019 during 2022/23. The General Reserve as at 31 March 2023 amounts to £172,088. This fund is available to finance expenditure which meets the Trust's objectives.

29 September 2023

KEITH GLAZIER
(Chair)

REPORT OF THE GOVERNANCE COMMITTEE

The Governance Committee met on 18 July and 28 September 2023. Attendances:

Councillor Glazier (Chair) (2)

Councillors Bennett (2), Bowdler (2), Collier (2) and Tutt (2)

1. Amendment to Constitution – Scheme of Delegation to Officers

1.1 The County Council's Scheme of Delegation provides the Director of Communities, Economy and Transport (CET) with authority to perform a number of functions and make certain decisions across the range of services that make up the directorate. National policy and legislative changes can result in new and amended functions that need to be performed by the CET directorate. To ensure that decisions are taken at an appropriate level, and are capable of being taken within prescribed timeframes, certain changes and additions are proposed to the Scheme of Delegation to Officers. Primarily this is to account for new certain new duties on the Council as a result of the Environment Act 2021.

Proposed amendments to the Scheme of Delegation

Local Nature Recovery Strategies

1.2 The Environment Act 2021 set a requirement for Local Nature Recovery Strategies (LNRS) to be prepared and implemented across the country. In broad terms, the LNRS will set a spatial strategy for how and where measures to achieve nature recovery will be achieved. The LNRS will inter-link with the soon to be mandatory requirement for new developments to deliver a minimum 10% increase in Biodiversity Net Gain (BNG). In April 2023, the Department for Environment, Food and Rural Affairs (Defra) published The Environment (Local Nature Recovery Strategies) (Procedure) Regulations 2023, which sets out the legislative procedure for preparing a LNRS. Defra has also announced that East Sussex County Council has been defined as a "Responsible Authority" for preparing a LNRS for the administrative areas of the County Council and Brighton & Hove City Council.

1.3 Defra expects that each Responsible Authority will have prepared a LNRS by March 2025. Production of the Strategy will involve a number of key stages, including a public consultation on a draft LNRS. Due to the relatively short timeframe to prepare a LNRS, it is considered essential that certain actions, tasks and decisions are delegated to the Director of Communities, Economy and Transport. Examples of this will include; publishing information relating to progress of the LNRS on a website; engaging with Supporting Authorities (District and Borough Council's, South Downs National Park Authority, Brighton & Hove City Council and Natural England) on the draft LNRS, and; publishing a draft LNRS for public consultation. It is therefore recommended that the following additional paragraph is included in Section xx of the Scheme of Delegation;

"To publish a consultation draft of a Local Nature Recovery Strategy and undertake all tasks under Regulations 4 to 12 inclusive, of The Environment (Local Nature Recovery Strategies) (Procedure) Regulations 2023, in preparing and publishing a draft LNRS. To make representations on Local Nature Recovery Strategies prepared by neighbouring authorities."

1.4 Approval of the final LNRS, as referred to in Regulations 13 to 19, will be an Executive decision and taken as a Lead Member/Cabinet decision.

Development Consent Orders

1.5 For Nationally Significant Infrastructure Projects (NSIPs), through the provisions of the Planning Act 2008 the planning process is dealt through Development Consent Orders (DCOs), rather than planning applications. DCOs are considered by the Planning Inspectorate, who prepare a report and make a recommendation to the relevant Secretary of State. The Secretary of State makes a decision on whether to grant or refuse the DCO. To date, no DCOs have been promoted within East Sussex, although there have been several DCOs promoted and determined within neighbouring authority areas. Both the proposed extension to the Rampion windfarm and the proposal from Gatwick Airport Limited for their Northern Runway Project are being dealt with through the DCO process.

1.6 The County Council is a statutory consultee for DCOs that relate to proposals within the county, as well as neighbouring authority areas. Opportunities to provide input and make representations on the proposals will be at the Pre-application, Acceptance, Pre-examination and Examination stages. Consultation periods at the Pre-application and Pre-examination stages will often be 6 weeks. At the Acceptance stage, consultees have 14 days to make a representation to the Planning Inspectorate as to whether they consider the consultation and engagement undertaken by the proponent to be adequate, or not.

1.7 In light of the above, it is clearly apparent that consultees, such as the County Council, will need to consider and respond to consultations in a timely manner. The Scheme of Delegation currently allows for the Director of Communities, Economy and Transport to respond to DCO consultations under paragraph 41, which states *“To respond on behalf of the Council as County Planning Authority, Highway Authority and/or Lead Local Flood Authority to consultations from government departments and other statutory and non-statutory organisations.”*

1.8 Given that additions are already being proposed, it is considered that this is an opportunity for explicit reference to be made to Development Consent Orders in the Scheme of Delegation. It is therefore proposed that the following additional paragraph is included after the existing paragraph 41;

“To make representations on Development Consent Orders at the Pre-application, Acceptance and Pre-Examination stages, and to further these representations and represent the County Council at the Examination stage.”

1.9 In some cases and in recognition of the strategic importance and interest in the proposals, outside of the formal consultation periods a report may be taken to Lead Member/Full Council in order to establish a general over-arching view on the proposals.

1.10 The Committee recommends the County Council to:

- ✧ agree to amend the Scheme of Delegation to Officers as set out in paragraphs 1.3 and 1.8 of this report.

2. Co-opted Independent Members on the Audit Committee

2.1 The *CIPFA Position Statement: Audit Committees in Local Authorities and Police 2022* has been published, replacing the 2018 edition. The statement represents CIPFA's view on Audit Committees and is the outcome of consultation with local authority representatives. It is expected that all local government bodies make the best effort to adopt the principles within the statement. The Department of Levelling Up, Housing and Communities support the guidance.

Independent Members of Audit Committees

2.2 In the section “Membership and the effectiveness of the audit committee”, CIPFA reference the role of the co-opted independent members (also known as lay members), in

GOVERNANCE

increasing the knowledge and experience base of the committee, whilst also reinforcing its independence. Whilst there is no legislative requirement for independent members in most English authorities (it is a legal requirement in Wales and in English combined authorities), CIPFA recommends the committee includes two co-opted independent members.

2.3 CIPFA's reasons for their recommendation are:

- To supplement the knowledge and experience of elected representatives in specific areas, such as audit or financial reporting;
- To provide continuity outside of the political cycle;
- To help achieve a non-political focus on governance, risk and control matters;
- Having two co-opted members rather than one will allow recruitment of members with different but complimentary knowledge and experience, increase resilience and continuity of the committee;
- Having two co-opted members shows a commitment to supporting and investing in the committee.

2.3 The role of the co-opted member will be the same as for Councillors on the committee. The only real difference would be where the committee has delegated decision-making responsibilities, which is not the case for the ESCC Audit Committee, in which co-opted members could not be able to participate on the decision making process.

2.4 It is normal practice to make a form of remuneration to recognise the value and time contributed to the committee, together with the reimbursement of expenses. If approved, this will need to be determined.

2.5 In a survey of 30 counties, through the Society of County Treasurers, there are 16 authorities who have 1 or two co-opted independent members, with North Yorkshire having 3. A further 8 authorities are either considering or actively recruiting to new co-opted independent members, with only 5 authorities taking no action at this time.

2.6 In order to assess whether there are particular knowledge and/or skills that an independent member could bring, the Audit Committee will undertake a self-assessment, in line with the CIPFA Position Statement.

2.7 The Audit Committee was consulted at its meeting on 7 July 2023, at which support was expressed for the proposal. A number of questions were raised which will need to be worked through should the proposal be approved, including:

- A detailed job description and person specification, aligned to any complimentary knowledge/experience requirements;
- Term of office – how long and how to maintain organisational memory;
- Impact of electoral cycle;
- Remuneration levels;
- Potential, at a future point, for an independent Chair of the Audit Committee.

2.8 The Committee recommends the County Council to:

☆ (1) agree to amend the size and composition of the Audit Committee to include two independent members to the Audit Committee, in line with the CIPFA Position Statement on Audit Committees 2022.

(2) delegate authority to the Governance Committee to appoint the independent co-opted Members to the Audit Committee.

(3) amend the Constitution accordingly.

3. Appointments of Members to Committees, Sub-Committees and Panels

3.1 Following the by-elections of 27 July and 3 August 2023 a request was received to review the allocations to political and independent groups the places on and membership of committees, sub-committees and panels.

3.2 In appointing members to committees, sub-committees, most panels and some outside bodies, the Council must comply with section 15 of the Local Government Act 1989 and subsequent Regulations. These provide that places on committees must be allocated to political groups in proportion to the number of seats on the Council held by each group, unless there is agreement, without dissent, that the provisions of the Act should not be applied.

3.3 The allocation of places to party groups must, so far as is reasonably practicable, give effect to the following principles:

- (a) not all the seats on the body can be allocated to the same political group;
- (b) where more than half the members of the Council belong to one political group, that group shall have a majority on all committees, sub-committees, etc;
- (c) subject to (a) and (b) above, the total number of seats on the ordinary committees (including sub-committees) allocated to a political group reflects that group's proportion of the members of the Council;
- (d) subject to (a), (b) and (c) above, the number of seats on each body allocated to a political group reflects the proportion of the seats on the Council held by the group.

3.4 The rules require seats to be allocated on a proportional basis "so far as practicable" and inevitably there must be some rounding up and rounding down. It is open to the Council to review the size and number of committees and sub-committees at any time.

3.5 The principle in paragraph 3.3 (c) above applies to appointments to ordinary committees (including sub-committees). Accordingly, before considering the allocation of places to political groups the Committee will need to consider whether it wishes to recommend any changes in committees, including their size.

3.6 The party group leaders and independent members have been asked to let the Assistant Chief Executive have nominations to fill the places on committees, sub-committees, panels and other bodies covered in this report provisionally allocated to their group. The final list of nominations received will be circulated to members of the County Council prior to the annual council meeting, for approval by the Council.

Allocation of seats

3.7 The tables in Appendix 1 of this report have been compiled following consultation with the Group Leaders and show the revised allocation of seats for 2023/24 following the by-elections in July and August 2023. The proposals in relation to the ordinary committees and sub-committees, their total membership and the number of seats on each to which the groups will be entitled follows the principles set out in paragraph 3.3 above.

3.8 The proposed size of the Governance Committee has been increased to 6 to take into account the importance of having one member from each of the four largest political

groups. Membership of this Committee normally includes the Group Leaders and better reflects the make-up of the Council.

Other Committees and Panels

3.9 There is no obligation in relation to other committees and panels to aggregate the total number of places and to adjust allocations so that the total number of places allocated to each group reflects its proportion of the members of the Council. It is proposed that places should be allocated on a proportionate basis which has been the custom for certain panels over many years.

3.10 Following consultation with Group Leaders these allocations and appointments remain unchanged and are set out in Appendix 2.

3.11 The Committee resolved to recommend to County Council the number of places on the Committees and Panels listed in Appendix 1.

3.12 The Committee recommends the County Council to:

- ☆ (1) increase the Membership of the Governance Committee to 6 members.
- (2) agree the allocation to political and independent groups the places on, and membership of the main committees in appendix 1 of this report the other committees and panels listed in Appendix 2 of this report; and
- (3) agree the appointment of Councillor Johnny Denis to the Governance Committee;
- (4) agree the appointment of Councillor Anne Cross to the Regulatory Committee;
- (5) agree the appointment of Councillor Charles Clark to the People Scrutiny Committee;
- (6) agree the appointment of Councillor Colin Swansborough to the People Scrutiny Committee;
- (7) agree the appointment of Councillor Brett Wright to the Place Scrutiny Committee.

4. Appointments to Outside Bodies

4.1 Following the by-elections of 27 July and 3 August 2023 a request was received to review the allocation of places to political and independent groups the places.

4.2 The County Council is invited to appoint members (in some cases non-county councillors are eligible) to serve on a wide range of outside bodies. Appointments are normally made for the lifetime of the County Council. In the case of appointments being made now the term will be to the date of the annual council meeting in the next County Council full election year unless otherwise indicated, although in most cases it is open to the County Council to change its representation at any time by resolution.

4.3 In appointing members to some outside bodies, places on committees must be allocated to political groups in proportion to the number of seats on the Council held by each

GOVERNANCE

group, unless there is agreement, without dissent, that the provisions of the Act should not be applied.

4.4 The political balance provisions apply to the East Sussex Fire Authority and the Conservators of Ashdown Forest. The table in Appendix 1 of this report has been compiled following consultation with the Group Leaders and shows the revised allocation of seats for 2023/24 following the by-elections in July and August 2023. The Independent Democrats are entitled to an additional place on the East Sussex Fire Authority and the Green Group are entitled to a place on the Conservators of Ashdown Forest.

4.5 In addition to a representative from each authority in Sussex, the Constitution of the Police and Crime Panel allows for additional local authority members to be appointed to address any imbalance in political proportionality. Any such appointments will be for a one-year period. In order to achieve political proportionality, it was proposed by West Sussex County Council, who support the Panel, that for 2023/24 East Sussex County Council appoint a Green as a second representative.

4.6 The Committee recommends the County Council to:

- ☆ (1) agree the allocation to political and independent groups of places on the East Sussex Fire Authority as set out below and to the appointment of Councillor Stephen Shing.

- (2) Agree the allocation to political and independent groups places on the Conservators of Ashdown Forest as set out below.

East Sussex Fire Authority	6 Conservatives 3 Liberal Democrats 1 Labour 1 Green 1 Independent Democrat
Conservators of Ashdown Forest	Four Conservative Members Two Liberal Democrat Members One Green Member One Labour Member

5. Review of the County Council's procedure for considering Notices of Motion

5.1 The Councils procedure for considering notices of motion is set out in paragraphs 36 to 39 of the Council Procedure Rules within the Constitution. In summary, the procedure is that the Chairman can either refer the motion to the next Council or, where the Chairman considers it appropriate, to a Committee or Lead Member. Where in the past the Chairman has referred a motion straight to Council, concerns have been raised by Members that there is insufficient background information for them to be able to make an informed decision. As a result, the usual practice that has been adopted is for the motion to be referred to the relevant Lead Member whereby an officer report is produced, and the Lead Member makes a recommendation to Full Council.

5.2 The Council is required to keep its governance arrangements under review. Accordingly, a review of the way in which the Council considers motions has been undertaken to ensure that the process is efficient, effective and fit for purpose. The aim of the review is to ensure that the Council has a process which balances the need for motions to be

debated in a timely manner, for all members who wish to speak on the matter to have the opportunity to do so and that sufficient information is provided to members to allow them to consider the issue.

Supporting Information

5.3 Group leaders were asked for their view on how they feel the existing arrangements are working. The feedback was mixed, and a range of views expressed.

- Some members were supportive of the current arrangements and stated, in particular, that members found it useful for a motion to be heard at a Lead Member and that a report is then produced which was a process members found useful.
- There was a desire for motions submitted before a Full Council meeting (by the deadline stated) to be heard at that Full Council meeting, and not delayed until the following meeting. It was considered that the deadline for notices of motion is usually 10 – 12 days before the Full Council meeting; it was felt that this should provide ample time for officers to prepare their responses for the Lead Member responsible. Usually the motion and the officers report are sent to a Lead Member meeting. It was considered that this is unnecessary as it doesn't usually change the result, or what goes to Full Council in any way, so is just a time waster.
- The process whereby the report of the LM becomes the substantive motion and then any amendments at Council are treated as amendments to this is considered confusing. It is considered that it would be far better to just propose amendments during the debate, and then Members vote on amendments and the original motion as proposed.
- That evidence that is cited in the motion submission is addressed specifically in the response to the motion, and that any challenges to this evidence is clearly laid out in response to the evidence points.
- The view was expressed that the person and seconder who submits the notice of motion should have the opportunity to introduce the motion, to speak at least once in the debate and to sum up and respond to those who have challenged the motion, addressing all suggestions of amendments. This means they would speak three times during the debate.

Proposed changes to the process

5.4 The Council's current process allows flexibility for how motions should be considered. The process of referring all motions to the Lead Member can result in delay, although it is also important to acknowledge that some motions relate to complex issues with a range of views and so the production of an officer report can take some time. The current practice can generate some confusion at Council where the Lead Member recommendation becomes the substantive motion on which amendments are then proposed.

5.5 It is proposed that the current approach of the Chairman of the Council determining the most appropriate route for the motion to take is retained. However, it is proposed that the practice be adopted whereby a motion that is referred straight to Full Council accompanied by an officer briefing to ensure that full context and background information is available for consideration by members (and members of the public) prior to the consideration of the matter. Where a motion is referred straight to Council, any amendments proposed during the debate would be treated as amendments to the original motion.

5.6 In relation members rights to speak, at present, when a motion is referred straight to Full Council, the member who submitted the motion is given a right of reply at the end of the debate, before either the Chair of the relevant Committee or the relevant Lead Member. Similarly, where a motion is referred to a Committee or Lead Member and then reported on to Full Council, the member who submitted the Notice of Motion is given a right of reply immediately before the Chair of the Committee or the relevant Lead Member (as applicable). In the event of any amendments to the motion, the Proposer of Motion would also have the right to speak on any amendments proposed.

5.7 The Committee recommends the County Council to:

- ☆ (1) agree the revised process for considering motions at Full Council (as set out in paragraph 3 of the report) and that the Constitution be amended accordingly.
- (2) That the deadline for submitted notices of motion for before a Full Council meeting be amended to 20 working days before that meeting date; and
- (3) That the Constitution be amended accordingly.

6. Amendment to the Constitution – Public Questions

6.1 Standing Order 42 of the Constitution sets out the arrangements for questions from members of the public. Paragraph 42.2 states that a question must be a genuine enquiry and not a statement. At each ordinary meeting a period of up to 30 minutes shall be set aside for questions from residents or by individuals who work in East Sussex.

6.2 Officers have been asked to consider whether the Constitution could be amended to bring greater clarity to an area of potential confusion relating to the asking of questions by members of the public at Full Council. Whilst the Constitution permits a questioner to ask a supplementary question experience has shown that members of the public often wish to provide some background and context and to their further question. This can give rise to some confusion as to whether or not this forms part of the question and is therefore permitted. It is a matter for the Council to determine arrangements for questions at Council meetings. There is variable practice across local authorities and the level of take-up by the public of the facility to ask questions also varies considerably across authorities.

6.3 The Committee was asked to consider whether members of the public wishing to ask a supplementary question at full council should be permitted to include a short statement as a prelude to their question. A time limit of up to three minutes has been suggested for both any introductory statement and the supplementary question. It is not proposed that any of the arrangements for written questions or the total allocated time set aside for questions should be amended.

6.4 The Committee was asked to consider a minor amendment to the Standing Orders, as follows:

- a) A new Standing order 42.6 be inserted as follows:

42.6 Questioners may include a short statement (which may include a point of clarification, brief contextualising background or summary rationale) as a preface to the question or any supplementary question. The questioner's statement and question combined should be limited to a maximum of three minutes.

- b) and existing standing orders 42.6 and 42.7 be renumbered accordingly.

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6.5 The Committee recommends the County Council to:

- ✧ (1) agree to the proposed amendment to the Constitution set out in paragraph 6.4 of the report.

28 September 2023

KEITH GLAZIER
(Chair)

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REPORT OF THE PEOPLE SCRUTINY COMMITTEE

The People Scrutiny Committee met on 17 July 2023.

Present: Councillors Sam Adeniji, Mathew Beaver (substitute for Penny di Cara), Charles Clark, Chris Dowling, Kathryn Field, Nuala Geary, Johanna Howell (Chair), Wendy Maples, Stephen Shing, John Ungar (Vice Chair) and Trevor Webb
Mr John Hayling (Parent Governor Representative)
Mr Trevor Cristin (Diocese of Chichester Representative)

Also Present: Councillor Bob Stanley, Lead Member for Education and Inclusion, Special Educational Needs and Disability)
Councillor Bob Bowdler, Lead Member for Children and Families (via MS Teams)

1. Scrutiny Review of Equality and Inclusion in Adult Social Care and Health

1.1 The People Scrutiny Committee has completed its Scrutiny Review of Equality and Inclusion in Adult Social Care and Health. A copy of the Committee's full report is attached at Appendix 1.

1.2 The Adult Social Care and Health (ASCH) Department has developed an ASCH Equality and Inclusion Strategy, which is now in its third year of delivery. This sits within the broader One Council approach to Equality, Diversity and Inclusion and focuses on actions which are more specific to ASCH services. In July 2022 the People Scrutiny Committee established a Scoping Board to look into the merit of conducting a scrutiny review of Equality and Inclusion in Adult Social Care and Health (ASCH).

1.3 The Scoping Board heard about the mechanisms ASCH uses for engagement, including its use of consultations and equality impact assessments, and how the Department is trying to improve its engagement with seldom heard communities and people. The Scoping Board concluded, based on the discussion with officers, that whilst they were encouraged by the work underway, there were issues that could benefit from closer examination by scrutiny through a review, in particular identifying key barriers preventing seldom heard groups and people from engaging with and accessing ASCH services.

1.4 The Scoping Board agreed to focus on the following areas:

- Identifying key communities that ASCH seldom hears from, but should
- Barriers preventing groups and people from accessing services
- How ASCH can ameliorate those barriers and improve its engagement with those groups

1.5 The review concluded that there is a strong commitment from the Department to identify and engage with seldom heard groups and to providing an inclusive and accessible service. The Review found that a lack of trust, stigma around using services, and a lack of understanding about services were the biggest barriers for seldom heard groups and communities and made a number of recommendations to

help overcome those barriers. The Review also recognised that who is seldom heard will change over time, so it was important for the Department to continue to identify and listen to the needs of the community.

1.6 The People Scrutiny Committee **recommends** to the County Council that –

1.6.1 The Adult Social Care and Health Department continue to learn about and listen to seldom heard groups and people. The Department should prioritise resources to take actions and adapt services to ameliorate barriers for these communities through:

- a) The use of internal and external forums and advisory groups and through ongoing conversations with external partners and trusted intermediaries;
- b) Considering whether engagement has taken place with these communities and people by recording this in Equality Impact Assessments, where applicable;
- c) Giving feedback to seldom heard communities about how such feedback has been utilised through appropriate approved mechanisms in a timely manner including in print and online.

1.6.2 The Adult Social Care and Health Department work closely with internal and external partners and intermediaries, with expertise on working with seldom heard people and communities, to tackle stigma and lack of trust. Including (but not limited to):

- a) Collaborating with the Homeless Inclusion Health Service to make signposting/ referral to Adult Social Care and Health easier and simplified;
- b) Collaborating with Gypsy and Traveller Team to gain better insight into the communities they work with and to spread awareness about accessing ASCH services.

1.6.3 The Adult Social Care and Health Department reach out to the communities where they are and through community events with trusted intermediaries to engage with groups and record, disseminate and share feedback within the Department to embed learning.

1.6.4 The Adult Social Care and Health Department draw upon the links with people associated with Adult Social Care and Health including Members, volunteers, People Bank and Citizens Panel members to share information about Adult Social Care and Health services with wider residents.

1.6.5 The Adult Social Care and Health Department work closely with the Corporate Equality Diversity Inclusion Board to make progress on a One Council Approach to community engagement through:

- a) Establishing mechanisms for engagement with communities identified as being seldom heard and ensuring Adult Social Care and Health regularly involves them in their work;
- b) Developing best practice with a community engagement framework, to ensure groups are clear on how their feedback will be used and how any outcomes of engagement work will impact the work of the Council;
- c) Ensuring the needs of seldom heard groups are considered in engagement work through formal mechanisms like Equality Impact Assessments.

1.6.6 The Adult Social Care and Health Department develop staff knowledge and skills through ensuring appropriate priority in the budget for:

- a) The development of peer learning opportunities to enable staff to share knowledge and experience;
- b) Embedding knowledge and skills about working effectively with people from seldom heard communities into ESCC Equality, Diversity and Inclusion training;
- c) Developing the Equality, Diversity and Inclusion training offer to staff through training by expert partners, incorporating this into staff CPD plans, and ensuring that training is responsive to changing local need;
- d) Ensuring managers support and actively encourage staff to attend Equality, Diversity and Inclusion training.

1.6.7 The Adult Social and Health Department should ensure communication about its services is accessible and inclusive by:

- a) Promoting and supporting the use of ESCC interpreting and translation services to wider staff in the Department, and using this to respond to changing local need;
- b) Using a variety of all available and appropriate communication media, formats and languages to target particular groups including non-text and translated versions, including the publication of newsletters and information leaflets in different formats;
- c) Communicating clearly what the service and offer is in promotional material;
- d) Ensuring that the priorities identified in the Digital Inclusion Review are considered in communications.

1.6.8 The Adult Social Care and Health Department increase inclusivity at initial contact to adapt services, where possible, to support the needs of communities and individuals, considering:

- a) How to support people to access services;
- b) The location, timing and staffing at meetings to support different needs, including being sensitive to cultural and religious values;
- c) How information is presented to and gathered from people.

1.6.9 The Adult Social Care and Health Department develop a systematic way of working with a range of VCSE partners by:

- a) Building upon existing relationships and exploring new partnership work by regularly reviewing and expanding the list of identified partners to help build trust with seldom heard groups;
- b) Supporting partners to facilitate Equality, Inclusion and Diversity conversations through guidance;
- c) Where possible, sharing data with other local authorities and groups to support people moving in and out of East Sussex.

[See also Report of the Cabinet – 28 September 2023]

17 July 2023

JOHANNA HOWELL
Chair

REPORT OF THE LEADER AND LEAD MEMBER FOR STRATEGIC MANAGEMENT AND ECONOMIC DEVELOPMENT

The Leader and Lead Member for Strategic Management and Economic Development held a meeting on 28 September 2023. Also present: Councillors Julia Hilton, Paul Redstone and Bob Standley.

1. Gatwick Airport Limited (GAL) - Gatwick Northern Runway Project (NRP) and the current Development Consent Order (DCO) application

Policy Context

1.1 Sir Howard Davies was commissioned by Government in 2012 to examine the need for additional UK airport capacity. The Commission concluded in summer 2015 that there was a need for one net additional runway to be in operation in the south east by 2030. Of the three shortlisted options considered, the Commission's recommendation to Government was to progress with a third runway north west of the existing runways at Heathrow; the other two options being a third runway west of the existing runway at Heathrow and a second runway at Gatwick. The Commission also recognised the need for a further additional runway in the south east by 2050 as well as a need for other airports to make more intensive use of their existing infrastructure.

1.2 In response to the Airports Commission consultation on the shortlisted options, East Sussex County Council (ESCC) voted at a Full Council meeting in January 2015 to support Gatwick's proposal for a second runway, noting the potential economic benefits that Gatwick's proposal would bring to the county. This support was caveated that any detrimental impacts arising from the second runway would be appropriately mitigated, including impacts of noise on local communities and surface access issues.

1.3 Government's subsequent 2018 Aviation Strategy call for evidence was supportive of those airports wishing to make best use of their existing runways subject to environmental issues being addressed. This was reflected in the Government's 2018 Policy Paper 'Making the best use of existing runways'.

Gatwick Airport Limited (GAL)'s Northern Runway Proposal (NRP)

1.4 In response to the Government's Aviation Strategy, Gatwick's 2019 Masterplan presented their proposal for the potential use of the standby runway, north of the existing main runway, to enable dual runway operations and to increase the overall capacity of the airport. The northern runway would be utilised by smaller aircraft (eg A320 and A321s used by chartered carriers) for take-off whilst the main runway would continue to be used by larger aircraft for take-off and by all aircraft for landing.

1.5 The NRP would potentially increase Gatwick's passenger throughput from the 'without project' projection of 62.4 million passengers per annum (mppa) to approximately 75.6mppa by 2038, an increase of approximately 13.2mppa. By 2047, the NRP would enable passenger throughput of approximately 80.2mppa, an increase of 13mppa over the 'without project' projection of 67.2mppa.

1.6 In autumn 2021 Gatwick published a preliminary environmental impact report (PEIR) on the NRP which sought to identify and assess the significant effects likely to arise from the project. The County Council responded in detail to this consultation and raised concerns about

LEADER AND LEAD MEMBER FOR STRATEGIC MANAGEMENT AND ECONOMIC DEVELOPMENT

how the assessment had been undertaken. This was reflective of the comments raised by the other Gatwick Officers Group (GOG) authorities, which comprise East Sussex, West Sussex, Surrey and Kent County Councils, and Crawley, Reigate & Bansted, Mole Valley, Tandridge, Mid Sussex, and Horsham Councils.

1.7 In summer 2022 a further consultation took place on updated highway design proposals around the airport, as well as plans on car parks, the airfield, water management, carbon, and noise in relation to the NRP project. Key comments in the Council's response included a request to extend the transport modelling to include Ashdown Forest, and improvements to public transport connections (bus) between the airport and East Sussex, particularly the centre and north of the county where currently there is limited public transport connectivity.

1.8 Since the 2021 and 2022 consultations GAL has continued working on developing their proposals. In doing so they have been engaging with the local authorities through a range of Topic Working Groups (TWG), mainly attended by representatives from GOG, as well as other officers as necessary. For East Sussex the topic working group areas of greatest importance are surface access, noise, air quality and climate, health, and economy.

Submission of the Development Consent Order (DCO) application

1.9 Gatwick submitted a DCO application for their NRP to the Planning Inspectorate (PINS) on 6 July 2023. In the context of GAL's NRP DCO application to PINS, East Sussex County Council is classified as a category D prescribed consultee - 'an upper tier county council which shares a boundary with a host 'C' authority - a neighbouring authority (s43(3))'. It is important that the Council engages throughout the process to ensure that, should the proposal receive consent, the Council can demonstrate that local communities are represented appropriately, and that any associated impacts are mitigated.

Stages in the NRP DCO Process

1.10 With the submission of the DCO application, the following stages will take place over the next 12 to 18 months.

(i) The 'Acceptance Stage' (6 July – 3 August 2023)

1.11 Following the submission of Gatwick's DCO application, GOG authorities submitted a collective Adequacy of Consultation (AoC) response highlighting concern over how Gatwick has engaged with the affected authorities up to this stage, and concerns about the absence of sufficient information or evidence for the GOG authorities to fully understand what the impacts on the respective authorities would be.

1.12 Nevertheless, PINS deemed GAL to have complied with section 55 of the 2008 Planning Act in relation to accepting DCO applications, and the DCO application was accepted on 3 August 2023.

(ii) The 'Pre-examination Stage' (6 September - (anticipated) beginning December 2023)

1.13 As part of the pre-examination stage, Gatwick issued a section 56 notice under the Planning Act 2008 on 6 September 2023 seeking relevant representations from interested parties to be submitted to PINS with a submission deadline of 23:59 on 29 October 2023. 'Relevant Representations' are and can be made by anyone, including local authorities as well as individual members of the public, on the DCO application. With a maximum of 1,500 words, any representation should include:

- a summary of what is agreed and/or disagreed within the application;
- what the main issues are considered to be; and
- their impact.

LEADER AND LEAD MEMBER FOR STRATEGIC MANAGEMENT AND ECONOMIC DEVELOPMENT

1.14 The relevant representation responses are used by PINS to help inform their initial assessment of principal issues for the next stage, the examination.

1.15 The County Council will be submitting a relevant representation to PINS which will focus on the areas of greatest importance in relation to the NRP around surface access, noise, air quality and climate, health, and economy. A summary of the key points that will be included in our representation are outlined at Appendix 1.

(iii) The 'Examination Stage' (likely to start beginning of 2024):

1.16 PINS as the Examining Authority have appointed a panel of five Inspectors who will undertake the DCO examination of the proposals. Ahead of the examination, interested parties are invited to provide more details of their views in writing, including:

- 'Written Representations' - the most appropriate document to set out views on the application i.e. whether they do or do not support the application and reasons; and
- 'Local Impact Reports' (LIR) - a technical document submitted by a local authority setting out an evidence-based assessment of the impacts of a proposal on the communities affected.

1.17 It is important to note that at the examination stage, interested parties such as local authorities can only raise issues previously referred to in their 'Relevant Representations' provided at the pre-Examination stage.

1.18 After the submission of both the Written Representations and the LIR, the views of stakeholders and interested parties will be considered by the Examining Authority at a series of hearings which are expected to commence in early 2024 and run over a period of five to six months.

1.19 Neither the County Council or the other local authorities in the vicinity of the airport are the decision making authority on Gatwick's DCO application; the decision on the application will be made by the Secretary of State for Transport. Based on the current timetable, it is expected that the Examining Authority's recommendation will be reported to the Secretary of State for Transport in late summer or early autumn 2024 and the Secretary of State making their decision in late 2024 or early 2025.

1.20 As GAL's DCO application progresses through the pre-examination and examination stages, it is important that we seek the views of Full Council to help inform the Council's responses to the LIR and Written Representation. It is therefore recommended that Full Council are asked to engage and debate the topic areas which are considered most likely to affect East Sussex - surface access, economy, noise, air quality, carbon, climate change and health – at the Council meeting on 10 October 2023, as well as consider the County Council's overall position on Gatwick's Northern Runway proposal.

1.21 Individual Councillors can register as interested parties on the DCO application and can make their own representations on the proposals.

Conclusion

1.22 The County Council has regularly engaged and responded to consultations on Gatwick's NRP since 2021 to ensure that those living in and visiting East Sussex are appropriately represented, and it will continue to do so. The focus of The Council's responses and engagement through the various topic working groups undertaken by Gatwick Airport on their proposals has been in relation to surface access, economy, noise, air quality, carbon, climate change and health. In doing so, the Council have worked collaboratively with other local authorities to ensure common issues and concerns are raised collectively to strengthen the voice and ensure these are fully considered and addressed by Gatwick in their proposals.

LEADER AND LEAD MEMBER FOR STRATEGIC MANAGEMENT AND ECONOMIC DEVELOPMENT

1.23 Gatwick submitted their DCO application to PINS on 7 July 2023. Despite the collective concerns raised by GOG on the adequacy of Gatwick's consultation ahead of submission, the DCO application was accepted by PINS on 3 August 2023.

1.24 As highlighted in sections 1.9 to 1.21 of this report, following the acceptance of the DCO application, the process moves into its next stages at which the Council has further opportunities to highlight any concerns and issues regarding the NRP and in the event of the proposal being approved, what mitigations should be in place. A summary of the key points that will be included in the Council's relevant representation and that focus on surface access, economy, noise, air quality, carbon, climate change and health can be seen in Appendix 1.

1.25 The Leader and Lead Member noted the responses provided to date by the County Council, the forthcoming DCO stages, and that the Council will continue to make representations on the issues relevant to East Sussex in the Council's Relevant Representation response (Pre-Examination Stage) and at the later Examination Stage when preparing the LIR and Written Representations. Under the County Council's scheme of delegation for the Department, the final responses submitted to PINS will be subject to approval by the Director for Communities, Economy and Transport and/or the Assistant Director, Economy.

1.26 As the DCO application progresses through to the Examination stage, it is important that the views of Councillors are sought to help inform the Council's responses to the LIR and Written Representation. The Leader and Lead Member resolved to seek the views of Full Council on Gatwick Airport Limited's Northern Runway Project Development Consent Order at the Council meeting on 10 October 2023, and that Members debate the topic areas which are considered most likely to affect East Sussex, those being surface access, economy, noise, air quality, carbon, climate change and health.

1.27 The Leader and Lead Member for Strategic Management and Economic Development **recommends** the County Council to –

✧ (1) note and comment on the Gatwick Airport Limited's Northern Runway Proposal Development Consent Order.

28 September 2023

COUNCILLOR KEITH GLAZIER

Leader and Lead Cabinet Member for Strategic
Management and Economic Development

EAST SUSSEX FIRE AUTHORITY

Report of a meeting of the East Sussex Fire Authority held at County Hall, St. Anne's Crescent, Lewes BN7 1UE at 10:30 hours on Thursday, 7 September 2023.

Present: Councillors Galley (Chairman), Lambert (Vice-Chair), Asaduzzaman, Azad, Denis, Evans, Geary, Goddard, Howell, Kirby-Green, Marlow-Eastwood, Muten, Redstone, Scott, Theobald, Tutt, Ungar and West

The agenda and non-confidential reports can be read on the East Sussex Fire & Rescue Service's website at <http://www.esfrs.org/about-us/east-sussex-fire-authority/fire-authority-meetings/> A brief synopsis and the decisions relating to key items is set out below.

1 REVENUE AND CAPITAL BUDGET 2023/24 AND CAPITAL PROGRAMME 2023/24 TO 2027/28 MONITORING AT MONTH 4

- 1.1 The Fire Authority received a report presenting the findings of Month 4 monitoring undertaken on the Revenue and Capital Budget 2023/24 and Capital Programme 2023/24 to 2027/28. A net revenue overspend of £193,000 had been identified due to a number of pressures. The Safer Communities directorate was forecasting an overspend of £1.093m and the Service was maintaining a significant focus on the plan to reduce this pressure to ensure it did not impact the 2024/25 revenue budget. Further work was required to review the forecast, and management action was required in reviewing the staffing and overtime forecasts. The Senior Leadership Team (SLT) had considered a report detailing the pressures and overspends and setting out those which were one-offs and those which were ongoing. The Authority had benefitted from the rise in interest rates resulting in a significant increase in investment income through its Treasury Management activity, which was expected to generate additional income of £0.5m.
- 1.2 Following a review of the capital plans for 2023/24, there was reported slippage on the delivery of projects to the value of £2,387,000 this particularly related to Estates. There had been significant increases in project costs over the last six months, forecast costs of the Preston Circus project had risen from £3.5m to approximately £4.5m in that period. With regards to the wider capital programme, SLT had commissioned an affordability review as part of budget setting for 2024/25.
- 1.3 Members were grateful for the report and the update was reassuring, however they acknowledged there would be bigger financial challenges to come. Members asked whether the costs of the Royal Albion Fire were known; there was no figure yet, but most of the costs would be pay, including on-call staff and officer recall.
- 1.4 Members queried IT underspends and what the impact to the Service might be. The IT Strategy included a significant investment programme of projects, some underspends were due to contract negotiations, timing of the investment programme, new software not yet being switched on and projects taking longer than anticipated to deliver. In terms of project delivery more broadly IT is a key element, but plans change and require reviewing.

- 1.5 Members sought more information on the redevelopment of Preston Circus particularly with regards to its importance to the Service and the lack of a potential partnership for the second floor. Members were reminded that significant work had been undertaken, over many years, on Preston Circus. It is the busiest station in the service in the right location to work well with Hove and Roedean, but it is not fit for purpose as a modern Fire Station as it is and does not provide an appropriate working environment for the staff based there. The estates team have worked closely with staff, representative bodies, and key stakeholders and enablement works have started, the main contractor is appointed, but it was necessary to review the delivery of the project due to increasing costs. Significant time had been spent over the past few years in discussions with potential partners for the second floor accommodation, but nothing had been successful. SLT must focus on the operational needs of the Service and therefore it was proposed to remove the planned works on the second floor in order to allow the rest of the essential works to continue. Members agreed that the operationally essential works were the priority and were committed to getting the works done.
- 1.6 A discussion followed regarding overtime costs, some Members felt that it was inevitable and it was important to address it, paying particular attention to the levels of long-term sickness. Members asked how much was due to workplace stress or injury. The overtime costs linked to a range of issues, including the day-crewed and duty system changes and honouring leave bookings. There were currently 32 individuals off long-term due to suspension, light-duties or sickness. Those on light-duties were largely musculo-skeletal problems and the Service was working with Occupational Health to reduce time absent.
- 1.7 Members asked how it was decided when to move underspend to contingency, they were informed that, when deemed appropriate, SLT may move money out of team budgets into the Service's central contingency fund. Lately this has largely been additional funds issued to Estates to cover inflated costs of utilities that had not then been required.
- 1.8 Members were unhappy that government funding continued to be short term and too little, with Fire Services being asked to do more for less. It was essential that lobbying continue and that wherever possible the Government be reminded that the Fire sector needed to be properly funded. The Chairman reminded those present that the Fire Authority met with local MPs twice a year and continued to press the case for sustainable funding. The Fire Authority noted the risks to Revenue Budget and the projected overspend, the risks to the Capital Programme, the ITG strategy position, the reduced net forecast drawdown from reserves, the grants available and spending plans, the monitoring of savings taken in 2023/24 and the current year investments and borrowing.

2 2024/25 TO 2028/29 STRATEGIC SERVICE PLANNING AND MEDIUM TERM FINANCIAL PLAN

- 2.1 The Fire Authority considered an update on the Authority's financial planning position in advance of the start of the Service Planning and Budget Setting process for 2024/25 onwards. Whilst the main purpose of the report was to set the financial context for the service planning process, the fundamental aim of the process was to determine how best to deliver the Authority's Purpose and Commitments, the Integrated Risk Management Plan (IRMP) and the targets and priorities that underpin them, within the context of the current estimate of available financial resources for the period 2024/25 to 2028/29.
- 2.2 The Authority were reminded that when it set its budget in February 2023 it used significant reserves to balance the budget for 2023/24 on the condition that permanent savings would be found to balance the budget for 2024/25. This report would normally set out a full review of the Authority's existing five-year Medium Term Financial Plan (MTFP), but due to continued levels of uncertainty regarding both the future of local government funding and inflationary pressures on costs (pay and non-pay) it set out an assessment of the 2024/25 revenue budget only. A full review of the MTFP would be presented in February 2024.

- 2.3 The Government's Finance Policy Statement had set out the principles it would adopt for the 2024/25 settlement but could only be regarded as indicative at this stage. The fire sector would make a strong submission to the settlement process, but the timetable was unclear and it was unlikely that the outcome would be known until later in the autumn and the provisional statement was not anticipated until late December. As next year would be the end of the current three-year comprehensive spending review period and a Parliamentary General Election was anticipated, the Service expects to receive a further one-year settlement which did not aid planning for the medium term.
- 2.4 Nationally the fire sector remain reliant on significant one-off funding for investment in protection services and payment of employer's pension contributions, and locally forecasting of future Council Tax and Business Rates remained limited, making planning for the 2024/25 budget and beyond extremely difficult. Although inflation had fallen, it was not expected to return to the Bank of England's 2% target until April-June 2025. The Grey book pay award was settled at 12% over two years (2022/23 and 2023/24), 3% higher than the provision in the MTFP and the Green book pay settlement for 2023/24 had not yet been agreed and there was still a risk of industrial action. There is a significant risk that pay settlements for 2024/25 would be materially above the inflation provided for in the MTFP.
- 2.5 This uncertainty resulted in several assumptions that underpin the current MTFP being updated where possible, highlighting emerging pressures and potential risks. The potential funding gap had risen from £0.721m to £2.145m in 2024/25, depending on the level of inflation provided for. This did not include net pressures resulting from the Star Chamber process and assumed pressures on the 2023/24 revenue budget would be managed out. This meant the Fire Authority would need to consider the original savings proposals and a new set of additional options, some one-off some ongoing and this would certainly not be the end point, efficiencies alone would not be sufficient to bridge the funding gap. An update on the development of savings options was set out in the report.
- 2.6 The Fire Authority and wider fire sector continued to lobby for additional council tax flexibility of up to £5 which would provide additional income of £0.59m over the 2.99% that was currently modelled. The Authority were reminded that they were not making any decisions at this meeting, but being asked to provide a steer to officers of the modelling they would like to be undertaken in order to present options when setting the budget.
- 2.7 Members appreciated the comprehensive report, it was a difficult and sobering financial environment and economic forecasting was hard. Members agreed on the importance of campaigning and lobbying Government and ensuring that staff and residents knew this was happening, as Fire Authority Members they felt a responsibility for maximising the funding available. As a result of their discussions consensus from Members was that, as in previous years, whilst they were not happy about it the Authority would ask officers to model the MTFP based on a £5 Council Tax rise for 2024/25 if that additional flexibility were offered by Government.
- 2.8 The Fire Authority noted the report and its assessment of the potential funding gap for 2024/25, considered and commented upon the risks and the assumptions set out in the report. They also considered their policy preferences for Council Tax, should the Government set the referendum threshold higher than the 2.99% currently included in the MTFP, requesting that modelling be undertaken for a higher threshold in anticipation of it being an option as in previous years and agreed their preference for inflation provision for pay and non-pay in 2024/25 to be 4% and 3% respectively.

3 FINANCIAL REGULATIONS UPDATE

- 3.1 The Fire Authority considered a report setting out to updates to the Financial Regulations section of the East Sussex Fire Authority Constitution. The regulation updates had considered legislative changes, post titles and provided greater transparency and clarity on approval values, approval limits system and reporting requirements to support greater financial devolution across the Authority. Members approved the update to the Authority's Financial Regulations including the delegated financial management scheme and the approach to implementation.

4 2022/23 ANNUAL PERFORMANCE OUTCOME REPORT

- 4.1 The Fire Authority considered a report providing details of East Sussex Fire & Rescue Service's performance for the period April 2022 – March 2023. The report provided a single view of information allowing Members, auditors and the public to hold the Service's senior managers and staff to account in terms of provision and performance. The report highlighted an increase in performance against the previous year, particularly against the Service's five priority areas. The report showed the lowest ever number of accidental dwelling fires of which 50% did not require any firefighting, a slight reduction in the levels of sickness, the Service's target of undertaking 10,000 home safety visits (HSV) each year had been exceeded and attendance at false alarms had reduced. The Service's agreed Attendance Standards had been achieved and were improved on previous years.
- 4.2 Members were pleased to see the increase in HSV's, these were popular amongst the public, providing reassurance and engagement. There was a request for clarity regarding injuries from primary fires, it was explained that although the number of injuries had increased, this related to very small numbers and those injuries were less severe largely relating to smoke and fumes, last year there had been fewer injuries, but they had been more serious, including burns. It was established that in the new performance reports, there would be additional details and context would be provided in the narrative.
- 4.3 Members noted that although the number of high-rise inspections was increasing, it was not reflected well in terms of the national picture. The Service were undertaking 2000 inspections per year, up from 500 with most enforcement from crews undertaking fire safety checks – an approach being adopted nationally. The number of enforcement prosecutions had risen from 3-4 per year in previous years to 17 prosecutions this year. The number of high-rises in the Service area was higher than many other Fire Authorities, the 5th highest number of high-rise and the 2nd highest number of mid-rise buildings. Officers had met with the Home Office and NFCC to re-emphasise the position the Service was in and that current methodology for Protection Grant allocation was considered unfair and did not reflect numbers and therefore the related risk. The Service had lobbied directly for a change to the funding formula as the cost of Protection would only increase. It was highly likely the Service would have to take enforcement action against Local Authorities. The Service would continue to make appropriate and balanced decisions in respect to all Protection matters through the use of the enforcement management model and action would be taken whenever appropriate in the interests of the public and in line with the spirit of the legislation.

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

7 September 2023