

PLACE SCRUTINY COMMITTEE

MINUTES of a meeting of the Place Scrutiny Committee held at Council Chamber, County Hall, Lewes on 28 March 2023.

PRESENT	Councillors Matthew Beaver (Chair), Chris Collier, Alan Hay, Julia Hilton (Vice Chair), Ian Hollidge, Stephen Holt, Philip Lunn, Paul Redstone and Stephen Shing
LEAD MEMBERS	Councillors Nick Bennett, Claire Dowling and Rupert Simmons
ALSO PRESENT	Rupert Clubb, Director of Communities, Economy and Transport Ros Parker, Chief Operating Officer Ian Gutsell, Chief Finance Officer Anne Epsom, Head of Policy & Improvement, Orbis Procurement Nigel Brown, Assistant Director Property Karl Taylor, Assistant Director Operations Justin Foster, Waste Team Manager

24. MINUTES OF THE PREVIOUS MEETING

24.1 The Committee RESOLVED to agree the minutes of the meeting held on 24 November 2022 as a correct record.

25. APOLOGIES FOR ABSENCE

25.1 Apologies for absence were received from Councillor Eleanor Kirby-Green.

26. DISCLOSURES OF INTERESTS

26.1 Councillor Chris Collier declared a personal, non-prejudicial interest under agenda item 8, Food Waste Environment Act 2021 requirements, as he is the Cabinet Member for Performance at Lewes District Council.

27. URGENT ITEMS

27.1 There were none.

28. RECONCILING POLICY, PERFORMANCE AND RESOURCES (RPPR)

28.1 The Chair introduced the report which asked the Committee to review its input into the Reconciling Policy, Performance and Resources (RPPR) process for the financial year 2023/24 and to consider any RPPR related items that it may wish to add to the work programme.

28.2 The Committee discussed the report, and a summary of the discussion is given below.

28.3 The Committee commented that one of the potential areas of work that could be included in the work programme was the idea of developing a range of 'shovel ready' projects that had been costed and prioritised (with a weighting in terms of importance and benefit) for inclusion in the Council's budget should Government funding become available. This could be developed by asking officers to include information on areas for improvement, policy changes, or service issues that require funding as part of the reports that are presented to the Committee. For example, the upcoming reports on the Rights of Way service and the Libraries and Information Service.

28.4 The Committee noted that the timetable of the RPPR process would mean that the Committee would need to agree detailed work now in order to have a range of projects ready for inclusion in the following financial years budget.

28.5 The Director of Communities, Economy and Transport commented that one of the challenges is that often Government funding is made available for specific purposes and may be subject to a bidding process. It can be difficult to find the necessary revenue funding in order to develop a pipeline of costed projects, although the Government has more recently recognised this problem and made capacity building funding available (e.g. for the Bus Service Improvement Plan). Some new policies, such as the requirement to collect food waste, are new areas but are not considered as a new burden for which the Government will provide additional funding. This can put added pressure on any revenue funding the Council has. As the RPPR process is an iterative process, the Scrutiny Committee has an opportunity to comment on where it might be better to allocate any funding that does become available.

28.6 The Committee RESOLVED to:

- 1) Note the report; and
- 2) Request that future reports include areas for improvement, policy changes, or service issues that require funding, in order to develop a prioritised pipeline of 'shovel ready' projects that the Committee could investigate, support and recommend for funding.

29. SCRUTINY REVIEW OF PROCUREMENT: SOCIAL VALUE AND BUYING LOCAL

29.1 The Chair of the Review Board, Councillor Chris Collier introduced the report of the Review Board on the Scrutiny Review of Procurement: Social Value and Buying Local. He thanked the other Board members who were Councillors Julia Hilton and Paul Redstone, and the officers and other witnesses who took part in the review. Councillor Julia Hilton and Councillor Paul Redstone also commented on the report.

29.2 The Chief Operating Officer outlined that the report was very well received by the Procurement Team and the department is happy to take forward the findings and recommendations from the review. The Head of Policy & Improvement, Orbis Procurement also welcomed the review and outlined that the Team is happy with the recommendations of the review and will be taking them forward. Councillor Bennett, Lead Member for Resources and Climate Change thanked everyone for the report and the work that they had done.

29.3 There were no questions on the report from the Committee.

29.4 The Committee RESOLVED to endorse the report of the Review Board, and make recommendations to Cabinet for comment, and County Council for approval.

30. COMMUNITY ASSET TRANSFERS AND ASSET USE

30.1 The Assistant Director Property introduced the report and summarised the key points regarding the Council's policy and processes for community asset transfers and asset disposal and use. He highlighted that there are some statutory considerations where the Council is required to secure best value for disposals which applies to the sale of property assets and includes the freehold transfer of land/buildings or the grant of a lease over 7 years.

30.2 The Committee discussed the report and a summary of the questions and key points raised is given below.

30.3 The Committee asked how many Council assets are currently declared surplus and being considered for disposal. The Assistant Director Property responded that there are currently ten building assets that are surplus and being considered for disposal, retention for income generation or transfer.

30.4 The Community Asset Transfer (CAT) policy is dated 2016 and some Committee members commented that community groups in Hastings were not aware of the policy. The Committee asked what plans there were to update the CAT policy and ensure that it is communicated to Voluntary, Community and Social Enterprise (VCSE) partners so that they are aware of the policy.

30.5 The Assistant Director Property outlined that the CAT Policy had been included within the Strategic Asset Plan 2020-2025, and officers would update the CAT policy within the next six months. The update work will include talking to VCSE groups about the policy and many groups are already aware of the CAT policy.

30.6 The Committee asked if the Council has a mechanism for working collaboratively with public and private sector partners to bring forward the development of land or property where the Council owns or has an interest in part of the potential development site (e.g. where working together would unlock a site for development for the benefit of the local community).

30.7 The Assistant Director Property explained that this is the role of the Strategic Property Asset Collaboration in East Sussex (SPACES) programme and there are examples of successful projects where the SPACES Group has pooled land to realise development opportunities. Officers are also part of a wider Developer Group in East Sussex, and the Council has sold land in conjunction with private developers.

30.8 The Committee noted that the original report request included a request for an update on the SPACES programme and its successes. The Committee asked if it would be possible to have a follow up report on the updated CAT policy and an update on the SPACES programme.

30.9 The Assistant Director Property outlined that a review of the SPACES programme was carried out in January 2023 which looked at the future focus of the programme and has a detailed implementation plan. All partners have agreed a slightly different approach, which will focus on Adult Social Care wellbeing, asset rationalisation and climate change. The Chief Operating Officer added that it will be possible to bring an update report on the CAT policy and SPACES programme to a future meeting.

30.10 Councillor Stephen Shing asked about the disposal of the former Hindsland playing fields in Polegate which is listed on the Council's Forward Plan of Decisions and whether part of the site could be used as open space for the community. The Assistant Director Property clarified that the site was being marketed and any proposals for community use would be considered together with any other proposals for the site, or part of the site.

30.11 The Committee RESOLVED to:

- 1) Note the report; and
- 2) request an update report on the SPACES programme and updated CAT policy.

31. FOOD WASTE - ENVIRONMENT ACT 2021 REQUIREMENTS

31.1 The Waste Team Manager introduced the report and summarised the key points and implications for the Council of the requirement in the Environment Act 2021 for councils to provide a food waste collection service. The report outlines the implications for East Sussex County Council (ESCC) as the waste disposal authority. The District and Borough councils (D&Bs) in East Sussex, who are the waste collection authorities (WCAs), will be responsible for operating the food waste collection service and they will then deliver the food waste to ESCC for composting. The Waste Team Manager outlined that he thought ESCC was in a good position to deal with this new requirement with the waste disposal facilities that are already in place.

31.2 The Committee discussed the report and a summary of the key points and questions raised is given below.

Use of home composting 'hot bins'

31.3 The Committee commented that providing food waste collections in rural areas could be expensive and asked whether the Council could request that the WCAs offer 'hot bins' for food waste composting instead of food collections. The Waste Team Manager explained that it is a legal requirement to collect food waste so it might not be possible to offer home food composting facilities as an alternative. However, he would investigate and come back to the Committee with an answer.

Food waste composition of 'black bag' residual waste

31.4 The Committee questioned whether the estimate of around one third of 'black bag' (residual) waste being food waste was accurate, as Covid and the cost of living crisis has made people much more aware of reducing wasting food. The Committee also asked if the Waste Team knows the proportion of the different types of food waste to draw a distinction between the ones that could be minimised (e.g. the proportion of surplus food waste/cooked food, versus food preparation waste such as peelings that are less amenable to waste minimisation). The Waste Team Manager responded that percentage of food waste in black bins is quite high, and the Waste Team is planning to carry out a composition study to get an up to date analysis of the composition of 'black bag' waste. This will cover the different types of food waste.

Environmental impacts of food waste collection

31.5 The Committee commented that a food waste collection service would add extra vehicle movements and carbon emissions and increase resource use. It asked what the energy and environmental costs would be of the food collection service and whether ESCC would monitor the impact on carbon emissions. The Waste Team Manager explained that not all vehicle movements to deliver food waste for disposal would be to the Woodlands facility at Whitesmith. There will be other hubs to collect food waste in Brighton and Pebsham to bulk up food waste before transporting it for processing at the Woodlands site. He outlined that the carbon emissions for the service will be monitored.

Education and Communication to reduce food waste

31.6 The Committee agreed that it would be better to try and minimise food waste through education and asked if there was a role for ESCC in working with the WCAs on communications and education activities to minimise food waste. The Waste Team Manager responded that minimising food waste is very important, and the Team will do some work on this with the WCAs. ESCC can also work with the WCAs on communications and education activities and the Waste Team is happy to do this.

Food waste processing/composting capacity

31.7 The Committee noted that the capacity at the current composting facility at Woodlands may eventually be exceeded and there may be up to an additional 5,000 tonnes of food waste per year. It asked whether ESCC is investigating increasing food waste processing capacity in case the amount of food waste collected exceeds current capacity, and whether establishing smaller scale local processing/composting facilities is being considered to reduce transport requirements.

31.8 The Waste Team Manager outlined that the Team is talking to Veolia about the possibility of expanding capacity at the Woodlands facility. However, it is difficult to predict how much food waste will actually be collected and typically the amounts drop off following the introduction of a food waste collection service due to behaviour change. Therefore, it is hard to predict the need for extra capacity. The development of smaller scale local community composting groups is something that could be explored at a local level (e.g. with local community groups via the District & Borough councils).

Collection arrangements

31.9 Collections from flats and apartment blocks will be something that the WCAs will decide but is likely that blocks of flats will be provided with communal food waste collection facilities.

31.10 The Committee asked whether providing a food waste collection service is compulsory and can people opt out. The Waste Team Manager responded that it is compulsory to provide a separate weekly collection and it is likely all local authorities will have to do so by March 2025. Everyone will get a food waste caddy due to the obligation to provide a food waste collection service.

Funding

31.11 The Department for the Environment, Food and Rural Affairs (DEFRA) have indicated verbally that County Councils will not receive any extra funding for food waste collections as it is expected that they will make a saving because composting/processing food waste is cheaper than processing 'black bag' waste. Additional new burden funding will be made available to WCAs to cover the capital costs of providing the food waste collection service and possibly to cover some of the revenue costs.

31.12 The Committee asked when more detailed information would be available on the collection requirements and funding. The Waste Team Manager outlined that it could be imminently in the next two to three weeks or after the local government elections.

31.13 The Committee RESOLVED to:

- 1) Note the report; and
- 2) Request and update report in three to six months time.

32. WORK PROGRAMME

32.1 The Committee discussed the future work programme, and a summary of the key points raised is given below.

Work Programme - Economic Development

32.2 The Committee discussed scrutiny involvement in the Economic Development project development process and establishing a scrutiny board or reference group to work on this topic. The Director for Communities, Economy and Transport suggested that the best way of scrutiny having input into the process would be for the Committee to be involved with the development of the Economic Growth Strategy and would welcome the Committee's input into this piece of work.

32.3 Councillor Hilton commented that there might be an opportunity to look at the Economic Growth Strategy through the lens of climate change and examine how it could help promote green businesses. Committee members also noted that it would be helpful to include some lessons learnt as part of the work on the Economic Growth Strategy and the ongoing role of scrutiny in scrutinising this area of work. The Committee agreed to form a reference group to provide scrutiny input into the development of the Economic Growth Strategy.

Work Programme - Southern Water

32.4 The Committee noted that since the November 2022 meeting with representatives from Southern Water there had been further serious pollution incidents, notably at Bulverhythe. It was suggested that it would be helpful to put together a set of questions for Southern Water in advance of the next update from them at the 23 November 2023 Committee meeting. Committee members also noted that it would be important to get verbal updates from representatives from Ofwat and the Environment Agency on any changes in regulation and investment.

Highways Scoping Board

32.5 Councillor Lunn commented that the scoping meeting had been very interesting and productive and the recommended scope for the scrutiny review will help provide a response to residents on the issue of potholes and help with communications in this area.

32.6 Councillor Hilton asked if it would be possible to add the condition of pavements to the terms of reference of the review and indicated that she would like to be part of the Review Board. Councillor Stephen Shing asked if the Council had a plan to enlarge drainage capacity. Councillor Hollidge, Chair of the Scoping Board, commented that it would be better to focus on one specific aspect of highways i.e. potholes, before examining other areas.

32.7 The Committee discussed the issue of highways drainage and flooding from highways into properties. It was suggested that the Committee could explore this subject in more detail after the pothole review to see if it an issue across the County and what could be done about it. The Committee noted that this might be a wider piece of work looking at drainage and flooding and the links to the Nature Recovery Network and the follow-on work from Southern Water on reducing the use of combined sewer overflows. It might be possible to produce a menu of actions the Council could take on these issues in a joined up strategic way.

32.8 The Director of Communities, Economy and Transport outlined that the department does have a drainage plan to enlarge the capacity of highway drainage pipes where possible and improve capacity gradually. However, many pipes are only 150mm wide and cannot cope with heavy rainfall events such as those that sometimes occur, especially during the summer. There is funding to deal with drainage issues such as clearing pipes from root penetration, but it is not possible to replace all the drainage infrastructure due to the amount of funding available and the disruption this would cause in digging up the roads to replace drainage pipes. It is possible to reduce the risk of flooding, but it may not be possible to eliminate the risk completely. Reducing flood risk can be a challenge, and deciding where to spend the available funding for the most impact is key.

32.9 The Committee agreed to proceed with the Scrutiny Review of Pothole Management and the terms of reference for the review. The Committee agreed that the members of the Review Board will be Councillors Matthew Beaver, Julia Hilton, Ian Hollidge, Eleanor Kirby-Green and Philip Lunn, with Councillor Hollidge as Chair of the Review Board.

Forward Plan of Decisions

32.10 The Committee commented that as the Forward Plan only covers the decisions that are being made in the next four months it sometimes does not give the Committee sufficient time to examine issues, policies or service changes. The Committee asked if there is a way of getting an earlier indication of forthcoming decisions.

32.11 The Director of Communities Economy and Transport suggested that one way of getting an earlier indication would be through the State of the County report and the RPPR process. The Committee could use these reports to look at upcoming issues, some of which a cyclical such as the review of the Waste and Minerals Plan and the Local Transport Plan (LTP). Changes in legislation usually have a consultation period which may flag up any changes in advance of implementation, and having a section in reports to highlight upcoming issues may be helpful.

32.12 The department has been quite good at flagging up forthcoming issues and service changes such as through the work that was carried on the Libraries Strategic Commissioning Strategy, the Highways contract and the LTP. It might aid the Committee to have reports on service areas they are aware of but would like to know more about such as the Registration Service and the existing scheduled reports on Rights of Way and Libraries. The Waste Disposal Private Finance Initiative (PFI) contract is due to end in 2033 and this may be something to start looking at in around five years time.

32.13 The Committee noted the 12 June 2023 report to the Lead Member for Adult Social Care and Health on the retender of the Integrated Health and Wellbeing Service and asked if this would incorporate Active Travel. The Director of Communities Economy and Transport outlined that this may be more a question for the People Scrutiny Committee, but the Public Health Team will look at the wider determinants of health as part of the procurement activity and in meeting public health needs.

Local Transport Plan (LTP) Reference Group - Verbal Update

32.14 Councillor Paul Redstone, Chair of the LTP Reference Group gave a verbal update on the work of the reference group. He outlined that it was a complex and far reaching piece of work which is being guided by officers and the consultants, Steer. The Group has had some discussion about the methodology and approach to the revised LTP and has been looking at a range of transport scenarios through a series of workshops. The next stages of the Group's work will be to examine a preferred transport scenario and vision for the LTP together with the interventions that will be needed to deliver it.

32.15 The Committee RESOLVED to:

- 1) Note the work programme and Forward Plan;
- 2) Agree to form a reference group to provide scrutiny input into the development of the Economic Growth Strategy (paragraph 32.3);
- 3) Develop a list of questions for Southern Water in advance of the 23 November 2023 Committee meeting (paragraph 32.4);
- 4) Agree to proceed with a Scrutiny Review of Pothole Management, with the Review Board comprised of Councillors Beaver, Hilton, Hollidge (Chair), Kirby-Green and Lunn (paragraph 32.9);
- 5) Request that future reports include a section on areas for service improvement, policy changes, or upcoming service issues (paragraph 28.6); and
- 6) Amend the work programme by adding an update report on the SPACES programme and updated CAT policy (paragraph 30.11), and an update report on food waste collection (paragraph 31.13).

The meeting ended at 12.22 pm.

Councillor Matthew Beaver (Chair)