



LEADER AND LEAD MEMBER FOR STRATEGIC MANAGEMENT AND ECONOMIC DEVELOPMENT

DECISIONS to be made by the Leader Lead Member for Strategic Management and Economic Development, Councillor Keith Glazier

THURSDAY, 14 MARCH 2024 AT 4.00 PM

REMOTE MEETING VIA MICROSOFT TEAMS

AGENDA

1. Decisions made by the Lead Cabinet Member on 16 February 2024 (*Pages 3 - 4*)
2. Disclosure of Interests
Disclosure by all Members present of personal interests in matters on the agenda, the nature of any interest and whether the Members regard the interest as prejudicial under the terms of the Code of Conduct.
3. Urgent items
Notification of any items which the Lead Member considers urgent and proposes to take at the appropriate part of the agenda.
4. SELEP transition - update scheme of delegations to officers (*Pages 5 - 24*)
Report by the Director of Communities, Economy and Transport
5. Levelling Up Partnership - Rother and Hastings (*Pages 25 - 28*)
Report by the Director of Communities, Economy and Transport
6. Any other non-exempt items previously notified under agenda item 3
7. Exclusion of the Public and Press
To consider excluding the public and press from the meeting for the remaining agenda item on the grounds that if the public and press were present there would be disclosure to them of exempt information as specified in paragraph 3 of Part 1 of the Local Government Act 1972 (as amended), namely information relating to the financial or business affairs of any particular person (including the authority holding that information).
8. Levelling Up Partnership - Rother and Hastings - Exempt Information (*Pages 29 - 36*)
Report by the Director of Communities, Economy and Transport
9. Delivery of Infrastructure project - 'Queensway Gateway Road' - delivery options, delivery programme, total costs and funding package (*Pages 37 - 62*)
Report by the Director of Communities, Economy and Transport
10. Any other exempt items previously notified under agenda item 3

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6 March 2024

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LEADER AND LEAD MEMBER FOR STRATEGIC MANAGEMENT AND ECONOMIC DEVELOPMENT

DECISIONS made by the Leader and Lead Member for Strategic Management and Economic Development, Councillor Keith Glazier, on 16 February 2024 at Remote Meeting via Microsoft Teams

28. DECISIONS MADE BY THE LEAD CABINET MEMBER ON 15 JANUARY 2024

28.1 The Lead Member approved as a correct record the minutes of the meeting held on 15 January 2024.

29. DISCLOSURE OF INTERESTS

29.1 There were none.

30. URGENT ITEMS

30.1 There were none.

31. REPORTS

31.1 Reports referred to in the minutes below are contained in the minute book.

32. SUSSEX HEALTH AND CARE ASSEMBLY TERMS OF REFERENCE AND MEMBERSHIP

32.1 The Leader and Lead Member considered a report by the Director of Adult Social Care and Health.

DECISIONS

32.2 On behalf of the County Council as one of the four statutory members of the Assembly, the Leader and Lead Member RESOLVED to:

- 1) note the proposed changes to the Sussex Health and Care Assembly, as set out in paragraphs 2.1 – 2.4 of the report; and
- 2) approve the draft refreshed terms of reference contained in Appendix 2 of the report.

REASONS

32.3 In its first year of operating the Sussex Health and Care Assembly has strengthened partnership working required to provide the focus for shared priorities of improving health and integrating care for the population across Sussex. This is reflected in the bringing together and agreement of the integrated care strategy Improving Lives Together in December 2022, and the subsequent shared delivery arrangements.

32.4 To build on this strong start and better enable ongoing delivery of the strategy, the suggested changes to the Sussex Health and Care Assembly's role, membership and arrangements have been proposed following a collective review and feedback from the wider Sussex Health and Care Assembly membership, and the views of the four statutory partners.

32.5 Within the report there are no changes to East Sussex County Council's statutory role and responsibilities for services and budgets. East Sussex County Council remains responsible for setting its priorities and budgets through the Reconciling Policy Performance and Resources (RPPR) process. The work undertaken through the Sussex Health and Care Assembly will add value through helping partner organisations focus on the things that can only be achieved well by working together.

Report to:	Leader and Lead Member for Strategic Management and Economic Development
Date of meeting:	14 March 2024
By:	Director of Communities, Economy and Transport
Title:	SELEP transition – update scheme of delegations to officers
Purpose:	To approve updates to the Lead Member’s scheme of delegations to reflect any changes to responsibilities as a result of the closure of the South East Local Enterprise Partnership and the integration of relevant functions into East Sussex County Council.

RECOMMENDATIONS: The Leader and Lead Member is recommended to:

- (1) Agree the delegations to Officers set out in Appendices 1 and 2;**
 - (2) Agree to enter into a transition agreement with Essex County Council and the other South East Local Enterprise Partnership Upper Tier Local Authorities to give effect to the transfer of Local Enterprise Partnership Functions; and**
 - (3) Delegate authority to the Director of Communities, Economy and Transport to agree the terms of such agreement.**
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1 Background Information

1.1 In January 2024, the Leader considered a report relating to future of the South East Local Enterprise Partnership (SELEP) and the proposal for Local Enterprise Partnership (LEP) functions to be transferred from Essex County Council (as the accountable body) to East Sussex County Council with effect from 1 April 2024. Since then, the Council has been taking steps to implement the transition in accordance with the East Sussex Integration Plan.

1.2 A working group comprising senior officers from the Council’s Communities, Economy and Transport department as well as Business Services and Governance Services departments have formulated a provisional framework of approvals and processes for when LEP functions transfer to the Council. Additionally further discussions have been held with SELEP, Essex County Council as the accountable body for SELEP and all the upper tier local authorities (UTLA) around the legal framework of the transition.

1.3 In March 2015 the Council entered into a Framework Agreement with SELEP and the 5 other SELEP UTLAs to set out the roles and responsibilities of each party. To give effect to the transfer of responsibilities from Essex County Council as the accountable body for SELEP to the respective UTLAs, it is proposed that the parties enter into a ‘Transition Agreement’. The Council has had the opportunity to review and comment on the draft Transition Agreement. The parties are working together to agreeing the final terms of the Agreement and it is imperative that it is in place by the end of March 2024 to ensure an effective transition by 1 April 2024.

2 Supporting Information

2.1 With effect from 1 April 2024, as a consequence of the closure of SELEP and the anticipated transfer of responsibilities to the Council, there are additional functions the Council will be required to take on. The Government has issued guidance setting out the primary LEP responsibilities that UTLAs such as the County Council will be responsible for; these are: business representation, strategic economic planning and delivery of government programmes. There are a range of ancillary back-office functions that will also be necessary as a result of the transfer of responsibility for these functions.

2.2 There is also an indication from Government that the Council could be expected to act as the accountable body for the funding streams that are emerging post-SELEP, as demonstrated with some of the projects funded from the local Levelling Up Partnerships (LUPs). This would likely mean that the County Council would be responsible for ensuring that any expenditure is spent legally and in accordance with any government reporting guidance issued as well as continued monitoring of project activities, outputs and outcomes.

2.3 The transition work undertaken has included a review of the governance arrangements required to ensure the timely undertaking of these functions from 1 April 2024. The Leader is recommended to delegate to officers the functions set out in Appendix 1, for Director of Communities, Economy and Transport, and Appendix 2, for Chief Finance Officer, with any amendments highlighted. Note that any changes in red are those recommended by Governance Committee on 5 March 2024 and those in green relate to changes outlined in this report. If the Leader agrees these delegations, Full Council will be asked to update the Scheme of Delegations to Officers in the Council's constitution accordingly.

3 Conclusion and Reasons for Recommendations

3.1 Central Government confirmed in August 2023 that they will no longer fund the national network of LEPs from 2024/25 and that LEP functions should be integrated into the constituent UTLAs. The production of the Transition Agreement is the mechanism to give effect to this transfer and the Leader and Lead Member is therefore recommended to agree that the County Council enters into this Agreement. To ensure that the Agreement is completed by the transition date of 1 April 2024 it is recommended that the Leader and Lead Member delegates authority to the Director of Communities, Economy and Transport to agree the terms of the Agreement.

3.2 To facilitate operational effectiveness once the LEP functions have transferred to the Council, The Leader and Lead Member is recommended to agree the delegations to officers set out in Appendix 1 and Appendix 2 of this report.

RUPERT CLUBB

Director of Communities, Economy and Transport

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Local Members

All

BACKGROUND DOCUMENTS

None

C. Director of Communities, Economy and Transport

1. To authorise, pursuant to the powers contained in the Highways Act 1980 (as amended):
 - (a) the erection and siting of buildings or structures (including but not limited to seats, signs, notice boards and bollards) or the carrying out of works (including but not limited to maintenance):
 - (i) within, over or under the highway and public rights of way;
 - (ii) in front of the prescribed building line;
 - (iii) of a private nature over or under the public highway, subject to securing appropriate bonding arrangements and commuted maintenance payments.
 - (b) interference with or obstruction to highways;
 - (c) the grant of permissions and licences;
 - (d) the grant of permissions and licences including but not limited to skips; trees/shrubs; scaffolding; builders materials and hoardings.
2. After consultation with the Assistant Chief Executive to serve any notices and to exercise the powers of the County Council to authorise direct action or institute legal proceedings relating to:
 - (a) interference with or obstruction to or nuisance on any highway or land adjoining a highway; and
 - (b) a failure to comply with any prohibition or requirement of the Highways Act 1980, New Roads and Works Act 1991 (Part 3), the Traffic Management Act 2004, National parks and access to the Countryside Act 1949, Wildlife and Countryside Act 1981, Dangerous Dogs Act 1989 or Builders' Skips (Markings) Regulations 1984.
3. (a) After consultation with the Assistant Chief Executive, appropriate District Council and local member (save in the case of temporary traffic restrictions), to make, give consent or object to the making of, apply or confirm any order under the provisions of the Highways Act 1980 (as amended), the Wildlife and Countryside Act 1981, the Road Traffic Regulation Act 1984 (as amended), the Town and Country Planning Act 1990, the Parking Act 1989 and the Rights of Way Act 1990, the Traffic Management Act, New Roads Works and Streets Act 1991, Countryside and Rights of Way Act 2000, Cycle Track Act 1984.

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- (b) To make provision for the regulation of traffic, pursuant to the County Council's statutory powers, where formal orders are not required.
 - (c) To authorise the Assistant Chief Executive to make temporary traffic orders without recourse to the consultation procedure.
- 4. To approve, from time to time, a schedule of prospectively maintainable highways under the New Roads and Street Works Act 1991.
- 5. To authorise the entering into of agreements with developers under Sections 38 and 228 of the Highways Act 1980 and to exercise the powers of the County Council with respect to the formal adoption of private streets generally.
- 6. To authorise the entering into of any agreements under the Highways Act 1980 including (but not limited to) agreements under Sections 6 and 278 of that Act
- 7. To authorise entry onto any land, including for the purpose of survey and to place or leave on or in that land any apparatus for use in connection with that survey.
- 8. To exercise the discretionary powers of the County Council under the Land Compensation Act 1973 (as amended) and the Noise Insulation Regulations.
- 9. After consultation with the Assistant Chief Executive to serve notices of exemption from the Advance Payments Code (Private Street Works) in appropriate cases where this would not prejudice the County Council.
- 10. To object, when appropriate on highway grounds, to applications to local licensing authorities for licences for goods vehicle operating centres.
- 11. To undertake the powers and duties of the County Council as Enforcement Authority under the Reservoirs Act 1975, including the service of formal notices and the authorisation of legal proceedings.
- 12.
 - (a) In consultation with the Assistant Chief Executive, to grant permits under Section 115(E) of the Highways Act 1980 for the carrying out of trading and similar activities on footways and pedestrianised areas, in cases of unopposed applications.
 - (b) To deal with consultations by district councils exercising their own powers under Section 115(E) of the Highways Act 1980 and to give consent to the exercise of such powers.
 - (c) To authorise payment terms and associated conditions where permits are issued under Section 115(E) of the Highways Act 1980 for trading and similar activities on footways and pedestrianised

areas, in cases where the Highways Authority is the owner of the land.

13. After consultation with the Chief Operating Officer, to amend the fee for the service provided by the County Council in answering highway enquiries on the CON29 Enquiries of Local Authority Form, based upon current costs.
14. To determine the need for on-street parking bays for blue badge holders close to their residences, in terms of traffic problems.
15. To sign controlled waste transfer notes under the Environmental Protection Act 1990 and the Environmental Protection (Duty of Care) Regulations 1991 in respect of waste transferring between the County Council and another party.
16. After consultation with the Assistant Chief Executive, to determine claimed public rights of way pursuant to Section 53(5) of the Wildlife and Countryside Act 1981

Public Transport

17.
 - (i) To arrange such consultations as appear to him to be appropriate following the notification by an operator of an intention to change a local bus service.
 - (ii) To take steps to provide for the provision at short notice of temporary gap filling journeys where an operator withdraws from a route.
 - (iii) To award contracts, within established guidelines and policy, to the lowest tenderer.
 - (iv) On behalf of the County Council, to enter into a 'de minimis' arrangement with an operator, subject to being satisfied that the particular arrangement is both appropriate and the most cost effective means of securing the provision of a journey.
 - (v) To approve requests for fares increases on supported services which are broadly in line with the general level of inflation.

Development Control

18. To determine all applications for planning permission which fall to be determined by the County Council where the proposal is considered to be in accordance with the development plan and current planning policies except where two or more objections on planning grounds have been received within the consultation period.
19.
 - (a) To determine applications for planning permission amounting to minor variations to applications already granted.

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- (b) To determine applications for non-material amendments to planning permissions made under the Town and Country Planning Act 1990
 - (c) To determine particulars submitted pursuant to conditions attached to planning permissions.
- 20. To determine any matter arising under the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and associated legislation and any legislation which amends or replaces it.
- 21.
 - (a) To determine whether an application for prior approval is required under Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015.
 - (b) To determine, where there are less than two objections relating to matters that can be considered by the County Planning Authority under Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015, applications for prior approval under the aforementioned legislation.
- 22. To determine applications for a periodic Review of Old Mineral Permissions made under Paragraph 4 of Schedule 14 of the Environment Act 1995.
- 23. To determine applications for certificates of appropriate alternative development under Section 232(3) of the Localism Act 2011, in respect of decisions which fall to be made by the County Planning Authority.
- 24. To determine applications for Certificates of Lawfulness of Existing or Proposed Use or Development under Sections 191 and 192 respectively of the Town and Country Planning Act 1990 (as amended).
- 25. To determine applications for Listed Building consent for alterations, extension or demolition of a Listed Building under the Planning (Listed Buildings and Conservation Areas) Act 1990, where the proposal is considered to be in accordance with the development plan and current planning policies, except where two or more objections have been received within the consultation period.
- 26. To assess whether a proposal which is a departure from the Development Plan requires referral to the Secretary of State and, when deemed necessary, make the referral.
- 27. To respond to consultations by District/Borough Planning Authorities on applications for development in areas which have been notified to them as mineral consultation areas or waste consultation areas.
- 28. To respond to the appropriate government department on applications made under the Environmental Impact Assessment and Habitats (Extraction of Minerals by Marine Dredging) Regulations 2001 unless the proposal raises issues of strategic importance.

29. To submit observations on behalf of the County Planning Authority and the Highway Authority in respect of proposals for development by District Councils.
30. To respond to the relevant District Planning Authority on behalf of the Highway Authority in respect of any statutory or other consultations in relation to proposals for development.
31. To submit observations on proposals for development by local authorities and government departments not involving formal consultation.
32. To give observations, if appropriate, on behalf of the County Council on applications to the Secretary of State for deemed planning permission under Section 90(1) of the Town and Country Planning Act 1990 for the erection of poles, pole mounted equipment and overhead electricity lines below 33kv.
33. To give observations, if appropriate, on behalf of the County Council on proposals for minor diversions or temporary routes on power lines up to 400kv where no objection is being raised.
34. After consultation with the Assistant Chief Executive, to decide whether to take and/or to discontinue formal enforcement action or initiate any other legal proceedings in any case where they consider it appropriate to do so; any action taken to be reported to a subsequent meeting of the Planning Committee.
35. In consultation with appropriate Directors to authorise the County Council to participate in planning obligations under Section 106 Town and Country Planning Act 1990.
36. To consider requests for variations to agreements made under S106 of the Town and Country Planning Act 1990, in consultation with relevant Directors, the local Members and the Chair of Planning Committee where this materially affects the obligations of, or to the County Council, and to enter into such variation agreements as appropriate.
37. To exercise the powers delegated to the Council by another Planning Authority to provide the planning service for matters detailed in Paragraphs 18 – 24 and 33 – 35 above for sites and proposals that are in accordance with arrangements agreed with the other Planning Authority.

Development Plans and Consultation

38. To respond to consultations by other Planning Authorities on Draft Local Plans and any other Development Plan.
39. To consider, agree and sign Statements of Common Ground that are prepared in support of Development Plans by both the County Council and

other planning authorities.

40. To respond to consultations by Town and Parish Councils and other Qualifying Bodies on Neighbourhood Development Plans, Neighbourhood Development Orders and Community Right to Build Orders.
41. 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.
42. 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.
43. To agree briefs for joint County and District Local Plan studies.
44. To agree to publish the Waste and Minerals Monitoring Reports and Local Aggregate Assessments.
45. To publish amendments to the Council's Local Development Scheme.

Other Matters

46. To make new Tree Preservation Orders and modify existing Orders.
47. To determine applications for consent to fell, top or lop trees included in a Tree Preservation Order (where this is the responsibility of the County Planning Authority).
48. To submit observations when consulted on applications for felling licences.
49. To authorise the planting of trees, subject to funds being available within the agreed budget.
50. To authorise the service of Notices under Section 207 of the Town and Country Planning Act 1990, requiring the replacement of trees.
51. To exercise the County Council's powers and duties under orders and regulations made under the Plant Health Act 1967 (includes Dutch Elm Disease).
52. After undertaking appropriate consultations, to decline the offer of an access agreement between the County Council and the landowner in respect of woods which clearly have insignificant recreational value.
53. To make arrangements for the transport of pupils and students to school or college where there is a statutory duty or it is the policy of the County Council to provide such transport.

54. To discharge any function relating to the control of pollution or the management of air quality.
55. (a) To discharge the powers, duties and responsibilities of the County Council under the legislation in respect of trading standards and animal welfare, which shall include but not be limited to the legislation listed in 55 below ('the trading standards and animal welfare legislation').
- (b) To appoint and designate officers in Trading Standards as authorised officers in respect of the trading standards and animal welfare legislation. The Team Manager –Trading Standards is designated the Chief Inspector of Weights and Measures.
- (c) To grant, amend, refuse, suspend and transfer licenses or certificates, and to register persons or premises, pursuant to the trading standards and animal welfare legislation.
- (d) To authorise the institution of proceedings brought under the trading standards and animal welfare legislation.
56. The legislation set out below includes also any enabling enactment, statutory instrument, order in council, byelaw or other order, and any enactment repealing, amending or extending the provisions thereof.
- Accommodation Agencies Act 1953
 - Administration of Justice Act 1970 – Section 40
 - Administration of Justice Act 1985
 - Agricultural Produce (Grading & Marking) Acts 1928
 - Agriculture Act 1970
 - Animal Health Act 1981
 - Animal Welfare Act 2006
 - Anti-Social Behaviour Act 2003
 - Cancer Act 1939
 - Celluloid & Cinematograph Film Act 1922
 - Children & Young Persons (Protection from Tobacco) Act 1991
 - Children & Young Persons Act 1933
 - Clean Air Act 1993
 - Companies Acts 1985/2006
 - Consumer Credit Act 1974
 - Consumer Protection Act 1987
 - Copyright, Designs & Patents Act 1988
 - Courts and Legal Services Act 1990
 - Criminal Damage Act 1971
 - Criminal Justice Act 1988
 - Customs & Excise Management Act 1979
 - Education Reform Act 1988
 - Energy Act 1976
 - Enterprise Act 2002
 - Environmental Protection Act 1990
 - Estate Agents Act 1979
 - Explosives Act 1875

Fair Trading Act 1973
Farm & Garden Chemicals Act 1967
Fireworks Act 1951
Fireworks Act 2003
Food and Environment Protection Act 1985
Food Safety Act 1990
Forgery & Counterfeiting Act 1981
Fraud Act 2006
Hallmarking Act 1973
Health & Safety at Work etc Act 1974
Housing Act 2004
Intoxicating Substances (Supply) Act 1985
Knives Act 1997
Legal Services Act 2007 (S198)
Licensing Act 2003
Local Government (Miscellaneous Provisions) Act 1976
(S16)
Malicious Communications Act 1988
Medicines Act 1968
Merchant Shipping Act 1995
Motor Cycle Noise Act 1987
Motor Vehicles (Safety Equipment for Children) Act
1991
Olympic Symbol etc (Protection) Act 1995
Performing Animals (Regulation) Act 1925
Poisons Act 1972
Prices Act 1974
Property Misdemeanors Act 1991
Protection of Animals Act 1911
Public Health Act 1961
Road Traffic (Foreign Vehicles) Act 1972
Road Traffic Act 1988 and 1991
Road Traffic Regulation Act 1984
Solicitors Act 1974
Telecommunications Act 1984
Theft Acts 1968 and 1978
Tobacco Advertising and Promotions Act 2002
Trade Descriptions Act 1968
Trade Marks Act 1994
Unsolicited Goods & Services Acts 1971 & 1975
Video Recordings Act 1984
Weights & Measures Act 1985

57. To authorise officers of the East Sussex Fire and Rescue Service or another Local Authority to act as licensing officer and petroleum inspectors, under sections 18 and 19 of the Health and Safety At Work (etc) Act 1974 and the Petroleum Consolidation Act 1928, on behalf of the County Council.

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58. In liaison with Action in Rural Sussex and the Chief Operating Officer to agree arrangements for the consideration of applications for assistance to Village Halls and to determine applications, subject to keeping the Lead Cabinet Member, opposition Group Spokespersons and the local member informed.
59. To determine applications for ordinary watercourse consent, under the Land Drainage Act (1991) as amended
60. After consultation with the Assistant Chief Executive, to decide whether to take formal enforcement action or initiate legal action under the Land Drainage Act 1991 or the Flood and Water Management Act 2010 in any cases it is deemed appropriate to do so.
61. To respond to the relevant planning authorities on behalf of the County Council as Lead Local Flood Authority in respect of any statutory or other consultation in relation to the drainage and local flood risk aspects of proposals in applications for planning permission (including Notifications for Prior Approvals) and Development Plans.
62. To designate features which affect flood risk and to determine applications to alter or remove designated features under the Flood and Water Management Act 2010
63. To update the Preliminary Flood Risk Assessment for East Sussex in accordance with the requirements of the Flood Risk Regulations 2009.
64. Under the Safety of Sports Grounds Act 1975 (as amended):
 - (a) after consultation with the East Sussex Fire Authority, to carry out inspections and issue Safety Certificates subject to any matters of particular relevance being reported to the Regulatory Committee.
 - (b) to issue, serve and enforce prohibition notices.
65. Under the Fire Safety and Safety of Places of Sport Act 1987:
 - (a) after consultation with the East Sussex Fire Authority, to undertake the County Council's powers and duties: (i) in respect of inspections, determinations and the issue, amendment and cancellation of certificates under Part III of the Fire Safety and Safety of Places of Sport Act 1987; and (ii) to enforce and institute proceedings under this legislation.
 - (b) to charge applicants for certificates up to the statutory maximum
66. In relation to libraries:
 - (a) to fix the opening and closing hours; and
 - (b) to set the fees and charges made by the Business Information Services.

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67. To take the lead role in Arts related work, including determining applications for grant aid for support for the Arts where the sum applied for is £2,000 or less.
68. To amend the Commons Register following an application under Section 15(8) of the Commons Act 2006.
69. To undertake and be responsible for the day to day management and operation of the Lewes Public Library and Museum Charitable Trust.
70. To set charges for transport conditional permits within guidelines set by the Cabinet.
71. 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.

Registration Matters

72. (a) To exercise the powers of the County Council under the Marriage Act 1994 and the Marriage (Approved Premises) Regulations 1994, save where a review has been sought which falls to be determined by the Approved Marriage Premises Review Panel.

(b) To convene a Panel of three Members, drawn from the membership of the Regulatory Committee, to review decisions made by the Proper Officer for Registration under the Marriage (Approved Premises) Regulations 1995.

Economy

73. To act as the Accountable Body representative on all matters in respect of which the Council has agreed to act or has been appointed as Accountable Body in respect of Local Enterprise Partnership functions.
74. Where the Council is acting as the Local Enterprise Partnership Accountable Body:
 - (a) To agree the issuing of any new funding calls;
 - (b) In consultation with the s.151 officer, to assess bids in response to a funding call and to agree the prioritisation / allocation of loans or grants to bidding organisations;
 - (c) To collect monitoring and evaluation information from the recipients of loans or grants, in accordance with the terms of the relevant funding agreement;

- (d) Subject to government approval where required, to agree the following variations to the terms and conditions of funding agreements:
 - (i) the completion date of the project;
 - (ii) in consultation with the s.151 officer, amendments to the length and/or conditions of a funding agreement.
- (e) To approve the submission to Government of Project Change Requests relating to grants and/or loans.

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Table 6

Scheme of Delegations to Officers

G. Chief Finance Officer

1. To make arrangements for the borrowing of such money as the County Council has decided shall be borrowed in accordance with such policy as may be laid down from time to time by the Council and subject to the receipt of the necessary Government approvals.
2. In accordance with the provisions of the Local Government and Housing Act 1989:
 - (a) to issue bonds and to deal with allied detailed matters as reported to the Cabinet;
 - (b) to issue bills in accordance with conditions reported to the Cabinet.

Note: Delegation 2 above is granted subject to the Chief Operating Officer's reporting at regular intervals to the Cabinet on action taken.

- ~~3. To carry out the statutory duties referred to in Section 151 of the Local Government Act 1972 in relation to the Pension Fund and to provide advice to the County Council, Pension Committee and Pension Board in carrying out their responsibilities.~~
- ~~4. To implement strategies and policies approved by the Administering Authority (including those delegated to the Pension Committee).~~
- ~~5. To manage, in accordance with the policies and strategies approved by the Administering Authority (including the Pension Committee), and in accordance with legislative requirements, the East Sussex Pension Fund including ensuring arrangement for investment of assets and administration of contributions and benefits.~~
- ~~6. To implement policies decided by the Administering Authority (including the Pension Committee).~~
- ~~7. To take action or decide any other Pension Fund related matter on behalf of the Administering Authority in special or emergency situations, in consultation with the Chair of the Pension Committee, including but not limited to where delay in the purchase or sale of investments might be detrimental to the interests of the East Sussex Pension Fund.~~
- ~~8. To approve the terms of an admission or cessation agreement and, where appropriate, any related bond or indemnity, with a body wishing to participate in or leave the East Sussex Pension Scheme/Fund.~~

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~~9. To undertake any necessary actions relating to employers joining and leaving the fund, or monitoring of such employers, based on decisions made by the Pension Committee.~~

~~10. To agree Administering Authority responses to consultations on LGPS matters and other matters where they have minimal impact on the Fund or its stakeholders including relating to minor technical operational matters impacting the Administering Authority only.~~

~~11. To implement the Fund's agreed strategic allocation including use of both rebalancing and conditional ranges in accordance with the Investment Strategy.~~

123. After consultation with the relevant Cabinet members (subject to the provisions of Financial Regulations) to:

- (a) authorise transfers between budget headings;
- (b) vary the capital programme;
- (c) deal with urgent budgetary matters;
- (d) deal with urgent matters relating to borrowing, investments and excusal of debts; and
- (e) vary the interest rate chargeable for staff housing advances.

134. After consultation with the Director of Adult Social Care and Health, to set future inter authority and standard charges for residential and day care accommodation, in accordance with the formula recommended by the Local Government Association.

145. To approve fees and charges for 2019/20 onwards and to report to Cabinet and the County Council on those set at a level above inflation as part of the quarterly monitoring.

156. To determine whether additional income, e.g. one-off grants, should be held corporately or passed to the relevant department within the Medium Term Financial Plan (See A.5.1.3).

167. To determine the resources available for the Capital Programme, taking into consideration the availability of reserves and balances, funding from other bodies and the affordability of borrowing. (see A.5.3.6)

178. To agree variations within 10% of a capital scheme's current budget where funding has been identified as outlined in A.5.3.8 (see A.5.3.9)

189. To determine annually the capital risk provision and to approve use of the provision for individual project, in consultation with the Capital Strategic Asset Board. (see A.5.3.10)

10. To approve and submit returns to government relating to the Council's role as accountable body for local enterprise partnership functions.

Note: The Chief Finance Officer has been designated as the Officer with responsibility for the proper administration of the Council's financial affairs under Section 151 of the Local Government Act 1972.

Responsibilities in relation to the East Sussex Pension Fund

101. To carry out the statutory duties referred to in Section 151 of the Local Government Act 1972 in relation to the Pension Fund and to provide advice to the County Council, Pension Committee and Pension Board in carrying out their responsibilities.

142. To implement strategies and policies approved by the Administering Authority (including those delegated to the Pension Committee).

123. To manage, in accordance with the policies and strategies approved by the Administering Authority (including the Pension Committee), and in accordance with legislative requirements, the East Sussex Pension Fund including ensuring arrangement for investment of assets and administration of contributions and benefits.

134. To implement policies decided by the Administering Authority (including the Pension Committee).

145. To take action or decide any other Pension Fund related matter on behalf of the Administering Authority in special or emergency situations, in consultation with the Chair of the Pension Committee, including but not limited to where delay in the purchase or sale of investments might be detrimental to the interests of the East Sussex Pension Fund.

156. To approve the terms of an admission or cessation agreement and, where appropriate, any related bond or indemnity, with a body wishing to participate in or leave the East Sussex Pension Scheme/Fund.

167. To undertake any necessary actions relating to employers joining and leaving the fund, or monitoring of such employers, based on decisions made by the Pension Committee.

178. To agree Administering Authority responses to consultations on LGPS matters and other matters where they have minimal impact on the Fund or its stakeholders including relating to minor technical operational matters impacting the Administering Authority only.

189. To implement the Fund's agreed strategic allocation including use of both rebalancing and conditional ranges in accordance with the Investment Strategy.

1920. To make decisions to invest up to 5% of the Fund assets outside of the defined Investment Strategy Statement, Implementation plan or rebalancing range to react to market risks or opportunities.

201. To approve payments under the Market Supplement Policy, subject to the other options for addressing staff retention problems having been considered and the following criteria having been satisfied:

- (a) the market in which the County Council is competing being examined;
- (b) salary levels in that market for the required skills, qualifications and experience being clearly above the County Council pay levels; and
- (c) non-pay items which might provide a recruitment/retention incentive being thoroughly examined.

242. Within the approved budget to set the staffing complement and to appoint employees to all posts other than those reserved for elected member appointment and to approve starting salaries.

223. Provided that the cost can be met from within the approved training budgets

- (a) to arrange and approve the training of employees in accordance with the Pension Funds training policy; and
- (b) to approve the attendance of officers at professional conferences.

234. In accordance with the policy of the County Council to authorise:

- (a) honoraria payments for special merit up to £1000;
- (b) honoraria payments to staff who temporarily undertake additional duties or responsibilities in accordance with the scheme for the time being in force;
- (c) planned overtime for staff on or above Spinal Column Point 23 on the Single Status Scheme;
- (d) in special cases, variations in the normal repayment provisions relating to:
 - (i) training expenses where the employee leaves within two years of completing a course of study;
 - (ii) relocation expenses where the employee leaves within the period stated in the scheme in consultation with the Chief Operating Officer;

245. To provide information to the media, members of the public and the community.

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Agenda Item 5

Report to: Leader and Lead Member for Strategic Management and Economic Development

Date of meeting: 14 March 2024

By: Director of Communities, Economy and Transport

Title: Levelling Up Partnership – Rother and Hastings

Purpose: To set out the proposals relating to the Rother and Hastings Levelling Up Partnership (LUP) and to seek agreement for East Sussex County Council entering into legal agreements with the Department for Levelling Up, Housing and Communities in relation to the LUP programmes

RECOMMENDATIONS: The Leader and Lead Member for Strategic Management and Economic Development is recommended to:

- (1) Note the Levelling Up Partnership funding being awarded to both Hastings and Rother which includes funds allocated to East Sussex County Council led projects, subject to approval and confirmation from the Department for Levelling Up, Housing and Communities (DLUHC);**
 - (2) Agree the proposal for East Sussex County Council to be the Accountable Body for County Council led projects and for any external led projects; and**
 - (3) Subject to approval and confirmation from DLUHC, to agree that East Sussex County Council enters into any required legal agreements with Government in respect of the Hastings and Rother LUPs; and**
 - (4) Delegate authority to the Director of Communities, Economy and Transport, in consultation with the Director of Children’s Services where appropriate, to agree the terms of such legal agreements and to take any other actions necessary to give effect to the recommendations in this report.**
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1 Background

1.1 Levelling Up Partnerships (LUP) were introduced by the Levelling Up Secretary of State in March 2023. They emerged from the recommendations set out in the Governments ‘Levelling Up the United Kingdom’ White Paper, to provide bespoke place-based regeneration. Initially this has focussed on 20 of England’s areas identified as most in need of levelling up over 2023-24 and 2024-25.

1.2 LUPs aim to readdress geographical disparities by allocating capital and revenue funds for tailored regeneration plans. The scheme has 9 focus areas: 1) Digital connectivity; 2) Education; 3) Skills; 4) Health; 5) Well-being; 6) Pride in Place; 7) Housing; 8) Crime and 9) Local leadership.

1.3. Areas to receive LUP funding were identified by assessment against metrics covering skills, pay, productivity and health at a local authority level. As a result of this assessment, the district of Rother and borough of Hastings were selected as 2 of the 20 LUP areas in England due to the significant economic and social challenges both areas face. They each received £20m allocation of funding to focus on delivering mostly capital projects by the end of 2024/25.

1.4 Government have indicated that current LUP funding may be linked with the other announcement in November 2023, which was to provide an additional 10-year £20 million package of funding referred to as ‘*endowments*’ as part of the Government’s long-term plan for Towns. This funding is to be spent on local people’s priorities, and both Hastings and Bexhill areas are included.

2 Supporting information

2.1 From September to December 2023, the Department for Levelling Up, Housing and Communities (DLUHC) LUP team officials undertook extensive engagement with public sector (including County Council) and local stakeholder partners, businesses, residents and the two local Members of Parliament in both Rother and Hastings to shape projects. The LUP team used a data

and evidence-based approach to inform decisions regarding the priorities for each area which resulted in a long list of projects being put forward for consideration in November 2023. DLUHC officials were then responsible for narrowing this into shortlists that have been considered and endorsed by the two local MP's and both were submitted for Ministerial approval.

2.2 At the time of writing, a Ministerial announcement is expected shortly on both the Hastings and Rother LUP programmes, outlining the projects approved and the provisional funding allocations. Until this formal announcement has been made, the Council cannot publish details of the projects provisionally allocated funds; however, further information is outlined in an exempt report later on the agenda to help inform the decisions to be made by the Leader and Lead Member.

Financial Implications

2.3 The delivery timescales associated with the LUP are challenging, as the current Government expectation is that projects will be delivered by March 2025.

2.4 There is still uncertainty around any specific conditions that Government might impose on the funding. There is also still uncertainty around when Rother and Hastings LUPs are finalised and announced, which could have an impact on delivery timescales.

2.5 There is an expectation from Government that the Council will be the accountable body for the projects for which it is directly responsible. This means the County Council will be responsible for ensuring that any expenditure is spent legally and in accordance with any government reporting guidance issued as well as for continued monitoring of project activities, outputs and outcomes. However, to date no contract or guidance has been issued by government and the specifics around what this entails are therefore unknown.

2.6 Acting as the accountable body also has staff resource implications for overall programme and project management, with input from finance, legal and procurement teams likely to be required. The majority of the LUP funding received will be capital and LUP officers recognise the additional resource burdens this places on all authorities, and have confirmed it will be for the Council to determine whether associated costs incurred are deemed eligible and can be claimed from the capital funds awarded.

Legal implications

2.7 In the proposed role as Accountable Body the Council will need to enter into legal contract agreements with DLUHC and any external delivery partners since government is not allocating funds directly to organisations.

Equalities Impact Assessment

2.8 It is not anticipated that there will be any negative equalities and diversity impacts resulting from LUPs. The LUP team has engaged with a wide range of stakeholders to reflect local needs and priorities. All programmes, activities and policies adopted at a local level will adhere to Public Sector Equality Duty requirements.

3 Conclusion and reasons for recommendations

3.1 The Government's Levelling Up Partnerships will bring benefits to Rother and Hastings through 2024/25.

3.2 Although working to a tight programme, with further details still emerging, the opportunity for the County Council to access LUP funding has provided an avenue for delivering priority projects for the county that otherwise either might not have been able to proceed or would have required direct County Council spending at a time when resources are stretched.

3.3 It is therefore recommended that the Leader and Lead Member notes the LUP funding being awarded to both Hastings and Rother, which includes some funding for Council led projects, as detailed in an exempt report later on the agenda. The Leader and Lead Member is recommended to agree the proposal for East Sussex County Council to be the Accountable Body for County Council led projects and any external led projects.

3.4 Subject to approval and confirmation from DLUHC of the final funding allocations, the Leader and Lead Member is recommended to:

- agree that the Council enters into any required legal agreements with Government in connection with Hastings and Rother LUP programmes; and

- delegate authority to the Director of Communities Economy and Transport, in consultation with the Director of Children's Services where appropriate, to agree the terms of such legal agreements and to take any other actions necessary to give effect to the recommendations in this report.

RUPERT CLUBB

Director of Communities Economy and Transport

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LOCAL MEMBERS

Councillors Azad, Beaver, Clark, Daniel, Field, Geary, Glazier, Hay, Hilton Hollidge, Kirby-Green, Marlow-Eastwood, Maynard, Pragnell, Redstone, Scott and Webb

BACKGROUND DOCUMENTS

None

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