

## MINUTES

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### EAST SUSSEX COUNTY COUNCIL

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**MINUTES of a MEETING of the EAST SUSEX COUNTY COUNCIL held at Council Chamber, County Hall, Lewes on 7 DECEMBER 2021 at 10.00 am**

**Present** Councillors Sam Adeniji, Abul Azad, Matthew Beaver, Colin Belsey, Nick Bennett, Bob Bowdler, Chris Collier, Godfrey Daniel, Johnny Denis, Penny di Cara, Chris Dowling, Claire Dowling, Kathryn Field, Nuala Geary, Alan Hay, Julia Hilton, Ian Hollidge, Stephen Holt, Johanna Howell, Eleanor Kirby-Green, Carolyn Lambert, Tom Liddiard, Philip Lunn, James MacCleary, Wendy Maples, Sorrell Marlow-Eastwood, Matthew Milligan, Steve Murphy, Sarah Osborne, Peter Pragnell (Chairman), Christine Robinson, Pat Rodohan, Phil Scott, Daniel Shing, Stephen Shing, Alan Shuttleworth, Rupert Simmons, Bob Standley, Colin Swansborough, Barry Taylor, David Tutt and John Ungar

#### **38. Minutes of the meeting held on 12 October 2021**

38.1 RESOLVED – to confirm as a correct record the minutes of the County Council held on 12 October 2021 as a correct record.

#### **39. Apologies for absence**

39.1 Apologies for absence were received on behalf of Charles Clark, Gerard Fox, Roy Galley, Keith Glazier, Carl Maynard, Paul Redstone, Georgia Taylor and Trevor Webb.

#### **40. Chairman's business**

##### CHAIRMAN'S ACTIVITIES

40.1 The Chairman reported that he had attended a number engagements since the last meeting including a service of reflection in Hastings and the Pontifical Sung Vespers at Arundel Cathedral. The Chairman thanked the Vice Chairman for covering a number of engagements over the past few weeks including the Remembrance Service in Lewes.

##### PUBLIC QUESTIONS

40.2 The Chairman reminded the public that the Council's Constitution states that a questioner shall be limited to one question per meeting. Over recent months, there had been a trend of local residents submitting questions that have multiple parts. In order to ensure the Constitution is complied with, the Chairman stated that he would allow multiple questions for the meeting today but from the next meeting a question with multiple parts would not be permitted.

##### PETITIONS

40.3 The following petitions were presented before the meeting by Councillors:

Councillor Maples - calling on the County Council to ban the use of glyphosate

Councillor Milligan - calling on the County Council to review speed limits on the A272 between North Chailey and Newick

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Councillor Ungar

-calling on the Council to fund upgrades to two pedestrian crossings in Old Town, Eastbourne

### PRAYERS

40.4 The Chairman thanked the Reverend Martin Miller for leading prayers before the meeting.

### 41. Questions from members of the public

41.1 Copies of a question from a member of the public and the answer from Councillor Glazier (the Leader and Lead Member for Strategic Management and Economic Development) are attached to these minutes. A supplementary question was asked and the questioner was advised that given the absence of the Leader a written response would be provided.

### 42. Declarations of Interest

42.1 There were no declarations of interest.

### 43. Reports

43.1 The Chairman of the County Council, having called over the reports set out in the agenda, reserved the following for discussion:

Lead Member for Transport and Environment – paragraph 1 (Notice of Motion – use of glyphosate on public highways and Council owned land.

### NON-RESERVED PARAGRAPHS

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

Cabinet report – paragraph 1 (appointment of External Auditors)

Governance Committee report – paragraph 1 (non-attendance at meetings) and 2 (vacation of officer – failure to attend meetings)

### 44. Report of the Lead Member for Transport and Environment

Paragraph 1 (Notice of Motion – use of glyphosate on public highway and Council owned land)

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

44.2 The motion was LOST after debate

### 45. Questions from County Councillors

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

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<b>Questioner</b>	<b>Respondent</b>	<b>Subject</b>
Councillor Osborne	Councillor Maynard	Number of East Sussex residents waiting for an assessment of their needs and a comparison with the number in previous years
Councillor Ungar	Councillor Bowdler	Impact of cuts to the early years budget and children's centre provision on protecting vulnerable children in East Sussex
Councillor Lambert	Councillor Claire Dowling	Provision of kerb free level parking bays
Councillor Robinson	Councillor Maynard	Update on the County Council's White Ribbon accreditation
Councillor Daniel	Councillor Glazier	Update regarding the £3.5m North Queensway Project awarded to Hastings Fast Track Business Solutions
Councillor Tutt	Councillor Glazier	Review of issues in relation to the North Queensway project application
Councillor Collier	Councillor Claire Dowling	Consultation regarding the library service provision in Peacehaven
Councillor Denis	Councillor Standley	Guidance issued to schools in relation to the Covid pandemic and ventilation in school buildings
Councillor Hilton	Councillor Bennett	Contingency plans in relation to severe weather events in East Sussex
Councillor Stephen Shing	Councillor Claire Dowling	Gulley clearing schedule for the County
Councillor Maples	Councillor Bennett	Preparedness for emergencies
Councillor Scott	Councillor Claire Dowling	Funding for dropped kerbs and white lines

45.2 Three written questions were received from Councillors Lambert and Georgia Taylor for the Lead Member for Education and Inclusion, Special Educational Needs and Disability, the Lead Member for Resources and Climate Change and the Leader and Lead Member for Strategic Management and Economic Development. The questions and answers are attached to these minutes. The Lead Members responded to supplementary questions.

THE CHAIRMAN DECLARED THE MEETING CLOSED AT 11.20 am

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The reports referred to are included in the minute book

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### QUESTIONS FROM MEMBERS OF THE PUBLIC

#### 1. Question from Bernard Brown, Battle, East Sussex

At the SELEP Accountability Board meeting on 10 September a senior officer reported it was hoped the Temporary Connection of the Queensway Gateway Road to the A21 would open in late November 2021.

At the SELEP Accountability Board meeting on 19 November a senior officer reported it is now hoped the Temporary Signalled Connection will be open in early Summer 2022.

In July this year a Senior East Sussex County Council Officer in a press statement on the Queensway Gateway Road said, "This is not our project."

At the last Full Council meeting in October the Leader of the Council, in reply to a question, also said, "This is not our project".

However, on 19 November at the South East Local Enterprise Partnership Accountability Board meeting, the CEO of SELEP gave this answer to a question on the Queensway Gateway Project:

*"SELEP and Essex County Council, as the Accountable Body, contract with East Sussex County Council through a Service Level Agreement, which sets out the Grant Responsibilities of both the Accountable Body and East Sussex County Council. East Sussex County Council is responsible for delivery of the Project and is required under the terms of the Service Level Agreement to enter into an agreement with any third party delivery partners, i.e. Sea Change Sussex, which sets out the relevant rights and obligations imposed on East Sussex County Council under the terms of the Service Level Agreement".*

With this response firmly in mind my Question is in 5 parts.

Will the Council now confirm that as the supporter of the promoter of the original project submission; the body signing a Service Level Agreement with SELEP to undertake the project; the body receiving the funds the project from Essex County Council as the Accountable Body for SELEP; the body Contracting the third Party Delivery partner for the project; the body responsible for making payment of the cash to the delivery partner and the body responsible for delivering the project to SELEP, that this is the County's project and now correct what I am sure was an unintentionally misleading statement?

Will the Council care to apologise to residents and taxpayers for the reports issued by the County on this project over the last 15 months which have been consistently, wildly, inaccurate in projecting the opening date of both the Temporary and Permanent connection of the Queensway Gateway Road to the A21.

Will the Council clarify the situation and either confirm or deny that it is their intention to support a Project Case Change to SELEP to make the so-called, as yet incomplete, Temporary Connection the final and permanent connection?

Will the Council confirm that all the cash allocated to the Queensway Gateway Road and the North Bexhill Access Road projects has been paid to the delivery partner and

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that all the cash allocated to the Queensway Gateway Road and the North Bexhill Access Road projects has been spent and has been spent only in accordance with the purposes specifically approved by SELEP and contained in the individual project conditions of the SLA between the County and SELEP?

Will the Council confirm that, following SELEP withdrawing the £3.5million award to the Hastings Fast Track Business Solutions Getting Building Fund project, the County is having to repay the advance of £804,365 received for this project. Will the Council confirm no advance payment had been made to the third party delivery partner for this project using these funds or any other County funds.

### **Response by the Leader and Lead Member for Strategic Management and Economic Development**

1. This is not an ESCC project to be undertaken by the County Council. The project is wholly led by the project promoter SCS, who will own the land and be responsible for securing the permissions and entering into the construction contract for delivery of the project. By way of clarification, ESCC's role is as a funding conduits for releasing the grant provided by SELEP and overseeing the delivery by the project promoter.
2. The County Council has used the information that has been provided to us by the project promoter, SCS who are responsible for delivery of the project.
3. ESCC have not been asked to submit a change request to SELEP by the scheme promoter at this stage, so I'm afraid we cannot clarify the situation as requested.
4. I can confirm that the cash/funding has been paid to the delivery partner on both projects and has been spent in accordance with the purposes approved by SELEP and in the conditions of the SLA between the County and SELEP.
5. I can confirm that the County Council will repay the advance received for this project and that no advance payment have been made to the third party delivery partner for this project using these funds or any other County Council funds.

## WRITTEN QUESTIONS PURSUANT TO STANDING ORDER 44

### **1. Question by Councillor Lambert to the Lead Member for Education and Inclusion, Special Educational Needs and Disability**

The recent surge in Covid cases amongst school-aged children is now worryingly spreading into households and the wider community. Education staff are more likely to test positive for Covid than staff in other sectors, and 53,000 children were already suffering Long Covid symptoms according to the Office of National Statistics as of September. As a result, many local public health officials and NHS leaders are calling for additional measures in light of the huge pressures on the NHS and in a bid to avoid another winter lockdown.

A growing number of councils are now using the freedoms they have under the Department for Education guidance to bring in additional mitigations in schools including:

- Stopping whole-school assemblies
- Bringing back classroom bubbles and face coverings
- All close contacts of confirmed cases to get a PCR test
- Reintroduction of staggered start and finish and lunch times

Will East Sussex County Council join other councils across the country in encouraging all schools in the country to reintroduce measures to protect children, staff and the wider community as a matter of urgency?

### **Answer by the Lead Member for Lead Member for Education and Inclusion, Special Educational Needs and Disability**

The Director of Public Health for the county has written to all schools, together with the Director of Children's Services, asking that face coverings should be worn in communal areas by children in Year 7 and above. He has also emphasised the importance of everyone who tests positive using a Lateral Flow Test also getting a PCR test and being part of the official test and trace system. A letter to parents has been provided for schools to send out, underlining this message. Copies of both letters are attached.

At this stage we think it right to leave decisions about assemblies, the use of bubbles and staggered start and finish times to the judgement of individual head teachers but will of course keep this under review. Many schools have retained measures adopted during previous stages of the pandemic, for a range of reasons. We have regular dialogue with head teachers and Multi Academy Trust leaders about these issues. Co-producing our guidance and communications throughout the pandemic has ensured trusted decision making and localised solutions that fit both infection prevention good practice and the need of each school to continue to provide education to all its pupils.

### **2. Question by Councillor Georgia Taylor to the Lead Member for Resources and Climate Change**

All councillors received a letter from the CEE Bill campaign, detailing the errors and incorrect information in Members statements and the replacement motion put forward by Councillor Bennett in the Full Council meeting on the 12 October 2021. The letter details how councillors made statements that appeared to suggest they were against

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their own government's policy and practice – both from the NetZero strategy and from the government's commitment to the Paris Agreement and the government's work with citizen's assemblies. They also quoted from the wrong CE Bill version, and demonstrated a lack of concern for residents of East Sussex and the risks that we face if global heating goes above 1.5 degrees.

Given that Members have misunderstood or are not aware of government policy and action, do you think we should receive additional training for Members, which could include carbon literacy, full understanding of the netzero strategy (and the gaps in ambition), implications of the Glasgow Climate Pact (and its limitations) for local government and the CE Bill?

Are you concerned that a council decision has been taken that is based on so much erroneous information, and what the impact of this might be on democracy and good governance?

### **Answer by the Lead Member for Resources and Climate Change**

I note your view of Members' understanding and knowledge, this is not a view I share. I do however believe we all need to be as informed as we can be on this very important issue, which is why the Cabinet agreed additional funding for corporate climate change work on 9 November which includes £26,500 for delivering carbon literacy training for Members, senior managers and staff. This will begin to be delivered in the new year.

The current corporate climate emergency plan covers 2020-22. As discussed at the Place Scrutiny Committee meeting on 26 November, the Committee may decide to be involved in the update to the corporate climate emergency plan that will need to be completed in 2022. This would provide a cross-party opportunity to discuss the County Council's corporate approach to getting to net zero, ideally following carbon literacy training.

The debate on the Motion at the last Council meeting followed the Lead Member meeting where information, including the CEE Bill, relating to the motion was available. The debate that followed at County Council allows all members to express views or opinions prior to a vote on the Motion before them. Members can decide for themselves whether or not they are persuaded by the contributions put forward by their fellow Councillors during the debate as they decide how to vote. This process is part of the democratic process.

### **3. Question by Councillor Georgia Taylor to the Leader and Lead Member for Strategic Management and Economic Development**

36.

Please can you tell us whether Members will be shown the response that has been submitted to the Gatwick Expansion consultation last week, and why this was not made available earlier for Members to review, or at least submitted to Cabinet as has been done in other councils.

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### **Answer by the Leader and Lead Member for Strategic Management and Economic Development**

The proposed Northern Runway Proposal plans are considered a Nationally Significant Infrastructure Project (NSIP) and the Airport needs to apply for a Development Consent Order (DCO) to build and operate the scheme. The DCO process is very different to a normal planning application and Gatwick's recent consultation on their proposals are still at the 'pre-application' stage of the process where local authorities are beginning to evaluate the local impacts of the proposed scheme.

The application for the DCO has not yet been submitted to or accepted by the Planning Inspectorate - expected summer 2022. It is not until later in the DCO process, usually near the start of the examination - expected late 2022/early 2023 - that a written representation setting out the local authority's view on the application i.e., whether or not it supports the application and its reasons, is required.

The key role of the local authorities at this early stage in the process is to provide technical feedback and a critical analysis of the proposals, the impacts, the assessments and mitigation, so that the applicant can refine their application as much as possible before it is to be submitted to the Planning Inspectorate. Since the technical information included in the consultation is provided by Gatwick Airport it is important to ensure that we, as an authority, are content with how this evidence and modelling work has been collated and assessed.

Officers have been working with the other local planning and transport authorities around the airport to gain a better understanding of the proposal with officer topic working groups, hosted by Gatwick Airport, being held to increase awareness and understanding of key issues related to the Northern Runway proposals. For East Sussex, the topics of most interest are carbon and climate change, transport and surface access, noise, health and wellbeing, economics, employment and housing. In addition, we have sought to combine resources with other local authorities to appoint consultants to provide expert advice to us collectively and separately on the appropriateness of Gatwick's assessments around these topics.

All of this collaborative work with our local authority partners over the last couple of months has helped officers to pull together a robust response providing that technical feedback and critical analysis of the evidence presented by Gatwick Airport, so that the applicant can refine this as much as possible ahead of submission to the Planning Inspectorate. A copy of our response has been made available to Members.

When we get to the stage of drafting the County Council's written response to the Development Control Order, which as I said earlier, we expect will be towards the end of 2022, Members will have a key role in determining the Council's position of the northern runway proposals.