

MINUTES

EAST SUSSEX COUNTY COUNCIL

MINUTES of a MEETING of EAST SUSSEX COUNTY COUNCIL held at Council Chamber, County Hall, Lewes on 9 MAY 2023 at 10.00 am

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

1. To elect a Chairman of the County Council

Councillor Galley (Vice Chairman of the County Council) in the Chair

1.1 The following motion was moved by Councillor Glazier and seconded –

‘To elect Councillor Pragnell to serve as Chairman of the County Council for the ensuing year’.

1.2 There being no other nominations, the Vice-Chairman put the motion to the vote and declared Councillor Pragnell elected as Chairman for the ensuing year. Councillor Pagnell made a declaration of acceptance of office and took the Chair.

Councillor Pragnell in the Chair

1.3 The Chairman thanked the Council for the honour it had bestowed on him in re-electing him as Chairman for a further year.

MINUTES

2. To appoint a Vice Chairman of the County Council

2.1 The following motion was moved by Councillor Glazier and seconded –

'To appoint Councillor Galley to serve as Vice Chairman of the County Council for the ensuing year'.

2.2 The following motion was moved by Councillor Robinson and seconded –

'To appoint Councillor Daniel to serve as Vice Chairman of the County Council for the ensuing year'.

2.3 The Council agreed to vote by a show of hands. Following the vote, the Chairman declared Councillor Galley appointed as Vice Chairman of the County Council for the ensuing year. Councillor Galley made a declaration of acceptance of office and took his seat as Vice Chairman.

3. Minutes of the meeting held on 21 March 2023

3.1 RESOLVED – to confirm as a correct record the minutes of the County Council meeting held on 21 March 2023.

4. Apologies for absence

4.1 Apologies for absence were received on behalf of Councillors Kathryn Field, Julia Hilton, and Georgia Taylor.

5. Chairman's business

COUNCILLOR RUPERT SIMMONS

5.1 The Chairman began with the sad news of the death of Councillor Rupert Simmons. Councillor Simmons served his community for a quarter of a century, having been elected to Heathfield and Waldron Parish Council in 1997, Wealden District Council in 1999, and East Sussex County Council in 2001. As an East Sussex County Councillor, Councillor Simmons was a long-standing member of the Cabinet, and served as Chairman of the County Council in the years 2009-2011. The Chairman noted that Councillor Simmons' knowledge and commitment would be greatly missed, and offered his condolences to Councillor Simmons' family and friends. The Leader of the Council and the other group leaders offered condolences and shared memories of Councillor Simmons. The Council stood for a moment's silence as a mark of respect to Councillor Simmons.

MINUTES

CHAIRMAN'S ACTIVITIES

5.2 The Chairman reported that he had attended a number of engagements since the last County Council meeting including: the meeting of a Tractor Club at the Five Bells in Chailey, the High Sheriff's Lunch at Westfield House, meeting the nominees for the King's Award for Voluntary Service at Victoria Baptist Church in Eastbourne, the installation of the Reverend Canon Simon Holland as the interim Dean of Chichester Cathedral, and coronation celebration services at St. Anne's Church in Lewes and Chichester Cathedral.

5.3 The Chairman thanked the Vice Chairman for his support in previous years and stated that he looked forward to working with him in the ensuing year.

PETITIONS

5.4 The Chairman announced that no petitions had been presented before the meeting.

PRAYERS

5.5 The Chairman thanked Father David Hill, Rector of St. John's the Evangelist Upper St. Leonards and the Rural Dean, for leading prayers before the meeting.

6. Record of delegation of Executive Functions

6.1 In accordance with the Constitution, the Leader of the Council presented his written record to the Council of the appointment of Deputy Leader and appointments to the Cabinet, their portfolios and his delegation of executive functions. A copy of the Leader's report is attached to these minutes.

7. Declarations of Interest

7.1 The following members declared personal interests in items on the agenda as follows:

| Member | Position giving rise to interest | Agenda item | Whether interest was prejudicial |
|--------------------------|----------------------------------|-------------|----------------------------------|
| Councillor David Tutt | Member of the Pension Committee | Item 13 | No |
| Councillor Paul Redstone | Member of the Pension Committee | Item 13 | No |

MINUTES

8. Reports

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

Governance Committee report – paragraph 1 (Appointment of Members to Committees, Sub-Committees, Panels and Other Bodies)

Cabinet report – paragraph 1 (Scrutiny Review of Procurement, Social Value and Buying Local)

Place Scrutiny report – paragraph 1 (Scrutiny Review of Procurement, Social Value and Buying Local)

Standards Committee report – paragraph 1 (Annual Report of the Standards Committee)

NON-RESERVED PARAGRAPHS

8.2 There were none.

9. Report of the Governance Committee

Paragraph 1 (Appointment of Members to Committees, Sub-Committees, Panels and Other Bodies)

9.1 Councillor Glazier moved the reserved paragraph in the Governance Committee's report.

9.2 The motion was CARRIED after debate.

10. Appointments to Committees and Sub-Committees

10.1 Councillor Bennett moved, and it was seconded, that the appointments be made to the Committees and Sub-Committees listed in item 8 of the agenda, in accordance with the list of nominations from the political and independent groups, which had been circulated.

10.2 The motion was CARRIED.

11. Appointment of Members to other Committees and Panels

11.1 Councillor Bennett moved, and it was seconded, that the appointments be made to the Committees and Panels listed in item 9 of the agenda, in accordance with the list of nominations from the political and independent groups, which had been circulated.

MINUTES

11.2 The motion was CARRIED.

12. Confirmation to the continuation of other bodies

12.1 Councillor Bennett moved, and it was seconded, that the bodies listed in agenda item 10 be continued, that the political balance provisions shall not apply to these Panels and that members be appointed by the Chief Executive as the need arises.

12.2 The motion was CARRIED with no member voting against.

13. Appointment to the Discretionary Transport Appeal Panel

13.1 Councillor Bennett moved, and it was seconded, that the political balance provisions would not apply to the membership of the Discretionary Transport Appeal Panel and that members be appointed in accordance with the list of nominations from political groups that had been circulated.

13.2 The motion was CARRIED with no member voting against.

14. Appointment of Chairs and Vice Chairs

14.1 The following motion, moved by Councillor Bennett and seconded, was CARRIED:

To appoint the following members to positions listed below:

| Committee | Chair | Vice-Chair |
|--|----------------------|---------------------|
| Regulatory | Chris Dowling | |
| Audit Committee | Swansborough | Fox |
| People Scrutiny Committee | Howell | Ungar |
| Place Scrutiny Committee | Beaver | Hilton |
| Health Overview and Scrutiny Committee | Belsey | Robinson |
| Governance Committee | Glazier | |
| Planning Committee | Liddiard | Barry Taylor |
| Pension Committee | Fox | |
| Standards Committee | Belsey | |

MINUTES

15. Petition

15.1 Sarah Hazlehurst (a representative of the petitioners) addressed the County Council prior to the debate. The Council agreed to vary procedure to enable all councillors who wished to speak to do so.

15.2 The following motion was moved by Councillor Fox and seconded:

This Council:

- 1. Notes the Petition.*
- 2. Notes that the Pension Fund is not the property of the Admin Authority, any employer in the Fund, or East Sussex residents, but is the deferred compensation of scheme members.*
- 3. Believes that tax policy is the preserve of national not local government.*
- 4. Notes that the Fund was awarded LGPS Fund of the year 2021 for its overall performance and highly commended for its approach to climate.*
- 5. Notes that the Pension Committee has already commissioned Fund officers and advisers to produce a report exploring the consequences of fossil fuel divestment.*
- 6. Reaffirms that this Full Council owes a fiduciary duty to the scheme members and has appointed the Pension Committee to act as a non-political body on its behalf under the advice of experts, including that related to the broad range of ESG issues, and that it should not seek to pre-determine the informed consideration of these issues by the Committee.*

15.3 The following amendment was moved by Councillor Denis and seconded:

To delete the motion and replace with –

- 1. This Council believes that the fact that the world's twenty largest oil and gas companies are expected to invest \$932 billion developing new oil & gas fields by 2030 – none of which is compatible with limiting warming to 1.5°C – is clear evidence that the East Sussex Pension Fund's current policy of 'engaging' with fossil fuel companies has failed.*
- 2. This Council believes that a public commitment by the East Sussex Pension Fund to fully divest from these companies would send a powerful signal to policymakers about the need to get serious about tackling the climate emergency, which requires the rapid phasing out of fossil fuels.*
- 3. To further acknowledge the increasing urgency of the climate crisis, the Leader of the Council will write to the Prime Minister, urging him to: (i) close the massive loopholes in the existing windfall tax on companies that extract and sell oil and gas; and (ii)*

MINUTES

permanently require these companies to pass on excessive profits from the sale of dirty energy in the UK to the UK tax payer.

15.4 A recorded vote on Councillor Denis' amendment was requested and taken. The amendment was LOST, the votes being cast as follows:

FOR THE AMENDMENT

Councillors Collier, Daniel, Denis, Holt, Lambert, MacCleary, Maples, Murphy, Osborne, Robinson, Rodohan, Scott, Daniel Shing, Stephen Shing, Shuttleworth, Swansborough, Ungar, and Webb.

AGAINST THE AMENDMENT

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

ABSTENTIONS

Councillor Tutt.

15.5 A recorded vote was requested and taken on the motion moved by Councillor Fox as follows:

This Council:

- 1. Notes the Petition.*
- 2. Notes that the Pension Fund is not the property of the Admin Authority, any employer in the Fund, or East Sussex residents, but is the deferred compensation of scheme members.*
- 3. Believes that tax policy is the preserve of national not local government.*
- 4. Notes that the Fund was awarded LGPS Fund of the year 2021 for its overall performance and highly commended for its approach to climate.*
- 5. Notes that the Pension Committee has already commissioned Fund officers and advisers to produce a report exploring the consequences of fossil fuel divestment.*
- 6. Reaffirms that this Full Council owes a fiduciary duty to the scheme members and has appointed the Pension Committee to act as a non-political body on its behalf under the advice of experts, including that related to the broad range of ESG issues, and that it should not seek to pre-determine the informed consideration of these issues by the Committee.*

MINUTES

FOR THE MOTION

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

AGAINST THE MOTION

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

ABSTENTIONS

Councillors Daniel, Scott, and Tutt.

16. Questions from members of the public

16.1 There were no questions from members of the public.

17. Report of the Cabinet

Paragraph 1 (Scrutiny Review of Procurement: Social Value and Buying Local)

17.1 The Chairman reminded Council that this paragraph would be taken with the report of the Place Scrutiny Committee.

18. Report of the Place Scrutiny Committee

Paragraph 1 (Scrutiny Review of Procurement: Social Value and Buying Local)

18.1 The Chairman reminded the Council that he was taking paragraph 1 of this report with paragraph 1 of the Cabinet's report.

18.2 Councillor Beaver moved the adoption of paragraph 1 of the Scrutiny Committee report.

18.3 Councillor Glazier moved the adoption of paragraph 1 of the Cabinet's report. The motion, including the recommendations, was CARRIED after debate.

18.4 The motion to adopt paragraph 1 of the Scrutiny Committee's report, including the recommendations, was CARRIED after debate on the basis that implementation would be in accordance with the recommendations of the Cabinet.

MINUTES

19. Report of the Standards Committee

Paragraph 1 (Annual Report of the Standards Committee)

19.1 Councillor Belsey moved the reserved paragraph in the Standards Committee's report.

19.2 The motion was CARRIED after debate.

20. Questions from County Councillors

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

| Questioner | Respondent | Subject |
|--------------------------|---------------------------|--|
| Councillor Murphy | Councillor Claire Dowling | Quality of materials and workmanship on highways and supervision of works |
| Councillor Swansborough | Councillor Claire Dowling | Works on highways and infrastructure |
| Councillor Lambert | Councillor Claire Dowling | Budget details of the Council's Emergency Travel Fund |
| Councillor Robinson | Councillor Claire Dowling | Contacts regarding outstanding March queries |
| Councillor Daniel | Councillor Glazier | Central Government funding to local authorities since 2010 and effect on East Sussex residents |
| Councillor Stephen Shing | Councillor Claire Dowling | Standards of roads in the county |
| Councillor Tutt | Councillor Claire Dowling | Pothole repairs and time taken to complete repairs |
| Councillor Scott | Councillor Claire Dowling | Review of the criteria used for highway repairs and success of repairs |
| Councillor Maples | Councillor Claire Dowling | Briefing notes from previous Highways contractor |
| Councillor Denis | Councillor Glazier | Europe Day 2023 |
| Councillor Stephen Shing | Councillor Bennett | Site formerly known as Hindsland playing fields in Polegate, and surrounding land. |

MINUTES

WRITTEN QUESTIONS PURSUANT TO STANDING ORDER 44

20.2 There were no written questions from Councillors.

THE CHAIRMAN DECLARED THE MEETING CLOSED AT 11.47 am

The reports referred to are included in the minute book

MINUTES

Delegations approved by the Leader of the Council – 9 May 2023

(a) names of the County Councillors appointed to the Cabinet

The Cabinet comprises the following members

| Portfolio | Appointment |
|--|---------------------------|
| Strategic Management and Economic Development | Councillor Keith Glazier |
| Resources and Climate Change | Councillor Nick Bennett |
| Economy | Vacancy |
| Transport and Environment | Councillor Claire Dowling |
| Adult Social Care and Health | Councillor Carl Maynard |
| Children and Families (designated statutory Lead Member for Children's Services) | Councillor Bob Bowdler |
| Education and Inclusion, Special Educational Needs and Disability | Councillor Bob Standley |

(b) *the extent of any authority delegated to cabinet members individually as portfolio holders will remain as set out in the Constitution of the County Council eastsussex.gov.uk/constitution or alternatively hard copies are available at County Hall, Lewes (please contact Georgina Seligmann – 01273 482355) and below.*

In overall terms the areas of responsibility for each portfolio holder includes the following (subject to any subsequent amendment by the Leader at his discretion) principal services to be interpreted broadly. In accordance with the wishes of the Leader, principal services are not to be construed restrictively. In the event of any doubt in connection to a decision made by a Lead Member, the Leader confirms that he has delegated full executive authority to that decision maker:

MINUTES

| Portfolio | Scope |
|---|--|
| Strategic Management and Economic Development | <ul style="list-style-type: none"> • Chairing and managing the executive and its work • Any executive function including overall strategy and policy for the Council • Principal service area responsibilities: Communications Local Enterprise Partnership Policy and Performance Health and Social Care Integration/Health and Wellbeing Board Equalities South East Seven Partnership Transport for South East (SNTB) Democratic Services <p style="margin-left: 20px;">all ancillary activities</p> |
| Resources and Climate Change | <ul style="list-style-type: none"> • Any executive function including strategy and policy for all corporate resources matters • Principal service area responsibilities: Financial Management Property asset management Risk management Procurement Internal audit ICT Personnel and Training Legal Orbis Coroner services Council lead on Climate Change <p style="margin-left: 20px;">all ancillary activities</p> |
| Economy | <ul style="list-style-type: none"> • Any executive function including strategy and policy for all economic development and regeneration and all ancillary activities • Principal service area responsibilities Economic Development Culture Skills (shared with Education) all ancillary activities Trading Standards |

MINUTES

| | |
|------------------------------|---|
| Transport and Environment | <ul style="list-style-type: none">• Any executive function including strategy and policy for all Transport and Environmental matters• Principal service area responsibilities: Operational services Planning and developmental control Transport strategy Archives and records Customer Services Emergency Planning Gypsies and travellers Libraries Registration Services Road Safety Environmental and waste strategy all ancillary activities |
| Adult Social Care and Health | <ul style="list-style-type: none">• Any executive function including strategy and policy for all Adult Social Care and Public Health matters• Principal service area responsibilities: Services for vulnerable adults including older people, learning disability, physical disability, mental health, public health and all ancillary activities Community Safety Voluntary Sector |
| Children and Families | <ul style="list-style-type: none">• Any executive function including overall strategy and policy for all Children's Services (social care) matters• Principal service area responsibilities: Child protection and family support Fostering and adoption for children Residential care for children Other aspects of social care for children Youth justice Youth service all ancillary activities |

MINUTES

| | |
|---|---|
| Education and Inclusion, Special Educational Needs and Disability | <ul style="list-style-type: none">• Any executive function including strategy and policy for all Children's Services (education) matters• Principal service area responsibilities:<ul style="list-style-type: none">Quality and standards in educational establishmentsSpecial educational needsSchool admissions and transportEarly years and childcareSchool organisation and place planningSkills (shared with Economy)all ancillary activities |
|---|---|

(c) *appointment to the position of Deputy Leader*

Councillor Bennett to be appointed Deputy Leader of the County Council

(d) *the terms of reference and constitution of the Cabinet and any executive committees together with the names of cabinet members appointed to them*

The terms of reference and constitution of the Cabinet and any executive committees will remain as currently set out in the Constitution of the Council

(e) *the nature and extent of any delegation of executive functions to local committees*

There is no delegation of executive functions to local committees

(f) *the nature and extent of any delegation to officers*

The delegations of executive functions to Officers will be as set out in the Constitution. The delegations to Officers can be viewed via the following link:

[Constitution - Delegations to Officers](#)

or alternatively hard copies are available at County Hall, Lewes (please contact Georgina Seligmann – 01273 482355)

Urgent Executive Decisions

There were no executive decisions taken during 2022/23 where the making of the decision was agreed in accordance with Regulation 11 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

Councillor Keith Glazier
Leader of the Council