

## MINUTES

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# EAST SUSSEX COUNTY COUNCIL

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**MINUTES of a MEETING of the EAST SUSSEX COUNTY COUNCIL held at Council Chamber, County Hall, Lewes on 9 JULY 2024 at 10.00 am**

**Present** Councillors Roy Galley (Chairman), Abul Azad (Vice Chairman), Matthew Beaver, Colin Belsey, Nick Bennett, Bob Bowdler, Charles Clark, Chris Collier, Anne Cross, Johnny Denis, Penny di Cara, Chris Dowling, Claire Dowling, Gerard Fox, Nuala Geary, Keith Glazier, Alan Hay, Julia Hilton, Ian Hollidge, Stephen Holt, Johanna Howell, Tom Liddiard, Philip Lunn, Wendy Maples, Sorrell Marlow-Eastwood, Carl Maynard, Matthew Milligan, Sarah Osborne, Peter Pragnell, Paul Redstone, Christine Robinson, Pat Rodohan, Daniel Shing, Stephen Shing, Alan Shuttleworth, Bob Standley, Colin Swansborough, Georgia Taylor, David Tutt, John Ungar, Trevor Webb and Brett Wright

### **18. Minutes of the meeting held on 7 May 2024**

18.1 RESOLVED – to confirm as a correct record the minutes of the County Council meeting held on 7 May 2024.

### **19. Apologies for absence**

19.1 Apologies for absence were received on behalf of Councillors Sam Adeniji, Godfrey Daniel, Kathryn Field, Eleanor Kirby-Green, Carolyn Lambert, James MacCleary, Steve Murphy and Phil Scott.

### **20. Chairman's business**

#### CHAIRMAN'S ACTIVITIES

20.1 The Chairman congratulated the new and returning MPs on their success in the General Election.

20.2 The Chairman reported that he had attended a number of engagements since the last County Council meeting including: a Reception with the Lord-Lieutenant, a D-Day Anniversary Remembrance dinner, the Royal Voluntary Service Business and Community Networking lunch, the Ashdown Forest Conservators Board meeting, and officiated at two citizenship ceremonies in the absence of the Lord Lieutenant.

20.3 The Chairman thanked the Vice Chairman for his ongoing support, including his attendance at the Lord Lieutenant's King's Award for Voluntary Service, the Mayor of Eastbourne's Thank You party, the D-Day Remembrance Service held by the Mayor of

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Peacehaven, the Wealden DC D-Day 80th Anniversary Event held in partnership with ESCC, Rother DC, Eastbourne BC, and Lewes DC, and the Annual Chattri Service.

### PETITIONS

20.4 The following petitions were presented before the meeting by members:

Councillor Bennett - Full traffic safety survey through the villages of Arlington and Caneheath.

### PRAYERS

20.5 The Chairman thanked Reverend Danny Pegg, Associate Vicar for Mission & Discipleship, St Mary's Church, Church Street, Willingdon for leading the prayers before the meeting.

### 21. Questions from members of the public

21.1 A copy of the question from the member of the public and the answer from Councillor Nick Bennett (Lead Member for Resources and Climate Change) is attached to these minutes. There was no supplementary question.

### 22. Declarations of Interest

22.1 There were no declarations of interest.

### 23. Reports

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

Cabinet Report – paragraph 1 (Council Monitoring), paragraph 2 (Reconciling Policy, Performance and Resources – State of the County), and paragraph 3 (East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Review – Adoption).

Report of the East Sussex Fire Authority – paragraph 8 (Mayfield Options Appraisal) and paragraph 9 (Mayfield options appraisal – consultation and communications plan).

### NON-RESERVED PARAGRAPHS

23.2 On the motion of the Chairman of the County Council, the Council agreed to remit paragraph 1 of the Governance Committee report back to the committee for reconsideration before coming back to Full Council, and adopted those paragraphs in reports that had not been reserved for discussion as follows:

Governance Committee – paragraph 2 (Amendment to Constitution – Scheme of delegation to officer) and paragraph 3 (Amendment to Constitution – Employee Code of Conduct).

### 24. Report of the Cabinet

Paragraph 1 (Council Monitoring Q4 2023/24 Year End)

24.1 Councillor Bennett moved the reserved paragraph.

24.2 The paragraph was noted after the debate.

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Paragraph 2 (Reconciling Policy, Performance and Resources (RPPR) – State of the County)

24.3 The Chairman indicated that there would be a single debate on the Cabinet Priorities for 2024/25 (Item 6) and the State of the County report.

24.4 Councillor Glazier outlined the priorities for the forthcoming year and introduced paragraph 2 of the Cabinet report. The other Group Leaders commented on these, following which there was a debate.

24.5 The paragraph was noted after the debate.

Paragraph 3 (East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Review – Adoption)

24.6 Councillor Claire Dowling introduced the reserved paragraph in the Cabinet's report.

24.7 Councillor Claire Dowling moved the adoption of paragraph 3 of the Cabinet's report. The motion was CARRIED after debate.

### **25. Cabinet priorities for the forthcoming year**

25.1 This item was taken with paragraph 2 of the Cabinet report.

### **26. Questions from County Councillors**

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

<b>Questioner</b>	<b>Respondent</b>	<b>Subject</b>
Councillor Shuttleworth	Councillor Claire Dowling	Council parking strategy – continuing legality of Ringo additional payments.
Councillor Tutt	Councillor Glazier	Representation to Central Government in relation Metrics for Office of Local Government
Councillor Holt	Councillor Claire Dowling	Levelling up fund – Exceat bridge and Terminus Road
Councillor Robinson	Councillor Bowdler	Education otherwise than at/in a school (EOTAS) – support to families who would qualify for free school meals.
Councillor Maples	Councillor Claire Dowling	Parking restrictions outside schools
Councillor Stephen Shing	Councillor Claire Dowling	Complaints received against Parking Enforcement Officers.

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27.2 Seven written questions were received from Councillors Hilton, Taylor, Tutt and Wright for the Lead Member for Transport and Environment. The Lead Members responded to supplementary questions.

### **28. Report of the East Sussex Fire Authority**

28.1 Members commented on paragraphs 8 and 9 of the East Sussex Fire Authority's report.

THE CHAIRMAN DECLARED THE MEETING CLOSED AT 12.19pm

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The reports referred to are included in the minute book.

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### COUNTY COUNCIL – 9 JULY 2024

#### QUESTIONS FROM MEMBERS OF THE PUBLIC

##### 1. Question from Roger Nutkins, Barcombe, East Sussex

I have been a council tax payer in Lewes for 4 years. The payment I have to make to LDC is the third highest council tax in the country and the bulk of this payment (ca 70%) goes to ESCC. Thus ESCC are responsible for the fact that all Lewes council tax payers are having to pay a lot more in council tax than around 98% of all other authorities. What is the justification for this and what actions are ESCC taking to reduce this payment?

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

Local authorities are funded from a combination of council tax, business rates and government grants. On average, council tax funds about half of what local authorities spend, although that proportion can vary significantly between different authorities. For East Sussex, this is much higher, at approximately 70%, as the level of business rates we are able to generate is low and government grants have been reduced over many years.

Significant cuts to funding from government grants has meant that East Sussex has had to make nearly £140m of savings to enable balanced budgets to be set each year since 2012. The basis for allocating the remaining grant funding has not been updated for many years, barely reflecting the current differing needs of councils, such as levels of deprivation or other local demographic characteristics. A “fair funding” review was originally planned for 2019 but has been delayed for a number of years leaving many councils, like East Sussex, with no choice but to increase council tax by the maximum allowable amount each year.

In addition, East Sussex has a number of pressures that increase the cost of providing services to which we are legally obliged.

- Parts of East Sussex suffer high levels of deprivation. More than 30,000 people here live in areas among the 10% most deprived in England.
- We have a much higher than average population of older people and this is rising. Older people add hugely to the life of the county yet are also more likely to need our support.
- The cost of providing home-to-school transport for children with Special Educational Need and Disability (SEND) in rural counties like ours has doubled in the last five years.
- Our constrained economy means the average annual earnings of someone who lives and works here are just over £29,000, compared to the England average of £33,280.

We continue to benchmark our service costs against national metrics and review the cost effectiveness of services to ensure we are achieving value for money for our residents.

Government has requested that all councils provide a new Productivity Plan that sets out how they deliver services in the most effective ways. The Council’s Productivity Plan has been published in the State of the County Report, at Appendix 5: [Appendix 5.pdf \(eastsussex.gov.uk\)](#)

Separately, through our membership of the County Council Network and the Local Government Association, we lobby central government to undertake an urgent review of council funding.

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### WRITTEN QUESTIONS PURSUANT TO STANDING ORDER 44

#### **1. Question from Councillor Julia Hilton to the Lead Member for Transport and Environment**

Can the Lead Member please provide a list of all active travel infrastructure installed by ESCC and in use by across East Sussex within the last three years?

#### **Answer by the Lead Member for Transport and Environment**

It should be recognised that the delivery of transport infrastructure, including active travel infrastructure, is the responsibility of a number of partners within the county, including ESCC. Other key partners include Sustrans, with the delivery of and maintenance of the National Cycle Network, National Highways, local planning authorities (district and borough councils and SDNPA) and local communities. In addition, active travel infrastructure has and will also be delivered through development.

One of the major active travel schemes that has been delivered by National Highways is the shared use path alongside the A27 between Polegate and Firle, linking to the existing facility and now providing continuous route to Lewes which has been extremely well received. Whilst we have not constructed new active travel infrastructure over the last three years during this time, we have been focussed on developing designs for Bexhill Route A within the Hastings & Bexhill Movement & Access Programme (HBMAP), two cycle routes within the Eastbourne & South Wealden Walking & Cycling Package and on part of Regional Route 90 (RR90) in Lewes. We have been developing school street scheme proposals at three primary schools across the county and we will also be commencing work on an Eastbourne Seafront Cycle Route feasibility study during 2024/25.

In addition, we have also been completing design work on two phases of the Eastbourne town centre pedestrian improvement scheme focussed on Terminus Road between the rail station and seafront which will augment the £8m Phase 1 improvements completed in early 2020.

This development work will enable us to deliver these various active travel infrastructure schemes over the next couple of years.

#### **2. Question from Councillor Julia Hilton to the Lead Member for Transport and Environment**

- A.** A number of sites in Hastings are blighted by anti-social parking, on double yellow lines, double parking and illegal parking outside schools. Is there any sort of breakdown by area of the number of parking fines issued for parking on double yellow lines, double parking and illegal parking in general over the past year, ideally down to street level and is there any tracking/monitoring of hot spots/repeat offenders?

#### **Answer by the Lead Member for Transport and Environment**

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The parking team can provide the detail of number of Penalty Charge Notices, locations and contraventions that you have asked for. The enforcement team prioritise locations using a number of factors, including local knowledge and complaints. Vehicles parked in contravention can be reported to NSL by telephone on 01273 335500 (option 1). If no one is available to take your call, please leave a message as they are checked regularly throughout the day. Or by email to [parking.information@eastsussex.gov.uk](mailto:parking.information@eastsussex.gov.uk). Contacting NSL directly will allow them to respond to requests for enforcement faster.

- B.** Could a business case be made for increasing the number of parking wardens in Hastings, funded by the parking fines they impose?

### **Answer by the Lead Member for Transport and Environment**

All parking schemes are required to be self-financing, income from PCNs cannot be expected to finance an increase of CEOs as it is not a guaranteed source of income.

### **3. Question from Councillor Georgia Taylor to the Lead Member for Transport and Environment**

First of all I would like to thank you and the Highways team for delivering a really good foundation stabilisation and re-surfacing of the A22 on the north side of Forest Row. Residents are extremely pleased with the quality of the work and grateful for the new safer surface.

My question relates to quality assurance of road repairs. I am aware that the last highways contract ended with a negotiation between Costain and ESCC around a number of poorly delivered repairs. Not all of the low quality pieces of work were charged to Costain, and I believe that ESCC remains out of pocket because of this. I would like to know how we can avoid such a situation in the future with this new contract. It is essential that officers pick up on poor quality work immediately, and that the highways contractor is held to account immediately. As the area is so huge it is difficult for officers to check on even a fraction of the repairs, so resident reports need to be relied on also. It is my experience, that even when residents, the highways steward and the officers all agreed that a highways repair was poor quality, Costain was still not made to pay for the poor work they had done, and I believe, this is partly because it took so long to make any claim against them.

Please can you tell us how quality assurance and accountability has been improved in this new contract and provide some examples of how it is working well (specific repairs that were not good enough and then were improved at the contractor's cost – including timing). Also please provide information about whether this quality assurance system is working to improve the overall contract delivery – and particularly improving the quality of “first time” repairs.

### **Answer by the Lead Member for Transport and Environment**

Thank you for your question, and I am pleased to hear residents are happy with the recent reconstruction of the A22 through Forest Row.

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The point you make about the quality of workmanship was a key consideration during the procurement of the new contract with Balfour Beatty and quality assurance is provided through a rigorous suite of service performance indicators (SPI). A summary of the first year's SPIs will be presented to Places Scrutiny Committee on 12th July. These SPIs include targets for quality of workmanship and defect correction. As well as monitoring these SPIs, the ESCC officer team has been reinforced with additional supervisory staff who carry out random quality checks and planned audits of maintenance and road schemes, and in doing so hold Balfour Beatty to account and ensure they adhere to their "right first time" commitment.

#### **4. Question from Councillor David Tutt to the Lead Member for Transport and Environment**

Did the Lead Member for Highways watch the Dispatches programme about road repairs broadcast on Channel 4 on 23 May 2024? Does she agree with their assertion that East Sussex is one of the 3 worst counties in the UK for potholes and, if so, how is she planning to address this?

#### **Answer by the Lead Member for Transport and Environment**

I did see the Dispatches programme and I agree it did not paint a good picture of the roads in East Sussex. However, I note that an RAC policy officer interviewed by the programme was clear that a similar situation can be seen on roads across the country: this is a national issue. It is perhaps also worth noting that while ESCC was identified as the third-highest for compensation paid to motorists for pothole damage, not all councils responded to requests for this information.

Even so, we do not take this situation lightly. There is no doubt that recent winters have taken their toll on the county's roads, but the Council continues to invest in highway maintenance, and far more than the Government maintenance grant. Funding from the Department for Transport (DfT) accounting for only £60m out of a total investment in highway capital maintenance over the last four years of £120m. Whilst additional funding is always welcome, one-year local government financial settlements from Government make it more difficult to carry out more cost-effective, planned maintenance.

You will be aware that in 2023/24 we increased investment in highway maintenance by £15.7m over and above the planned programme, making a total investment in 2024/25 of almost £34m. You will also be aware that the estimated cost of improving all roads in the county to a 'good' condition would exceed £300m. There are other significant and vital demands on the Council's budgets for adult social care and for children's services in particular, and therefore prioritisation across all of our statutory obligations is always required.

The Council's highway maintenance contractor, Balfour Beatty, repaired over 25,000 potholes in the 2023/24 financial year, with over 50 miles of repairs and resurfacing carried out across the County. At their meeting on 16 July, Cabinet will be asked to consider investing more money into patching on roads, and to double the size of this year's patching programme to prepare our roads ahead of the 2024/25 winter.

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### **5. Question from Councillor Brett Wright to the Lead Member for Transport and Environment**

East Sussex has historically experienced a higher rate of serious road traffic collisions compared to the national average. For instance, from 2017 to 2019, the rate of people killed or seriously injured (KSI) in East Sussex was 68.1 per 100,000 people, whereas the national average for England was 43.2 per 100,000 (Source - East Sussex County Council).

- (a) Has there been a 'lessons learnt' review of the county against similar 'Shire counties' especially those who have seen larger reductions?
- (b) Has the findings of any such review been implemented?

### **Answer by the Lead Member for Transport and Environment**

Whilst the figures relating to the number of collisions have fluctuated on an annual basis, the KSI rate for the majority of County Councils has remained higher than the average for England. For the three-year period 2020–2022, the average rate of KSIs for England was 42.3 per 100,000 of the population, compared to a rate of 76.6 for Lincolnshire, 63.0 for East Sussex, 62.9 for Dorset, 57.9 for Hampshire, and 57.4 for West Sussex. It should however be noted that whilst East Sussex has historically had a higher level of KSIs than other areas, it is difficult to make direct comparisons due to both methods of data collection and recording across police forces, and the differences in road networks and infrastructure.

With national figures showing 9 out of 10 collisions are caused by driver behaviour, it was decided in 2016 to use one-off funding from East Sussex Public Health to look at how we could inspire road users to change behaviour. As a result, since then we have implemented a number of behaviour change initiatives with the Behavioural Insights Team, which have been developed in partnership with Sussex Police and Sussex Safer Roads Partnership to improve road safety through targeted behaviour change interventions and infrastructure schemes at high risk sites.

One of these initiatives was the Notice of Intended Prosecution pilot. In partnership with Sussex Police, we trialled an amended version of the letter (Notice of Intended Prosecution) and leaflet received by drivers caught speeding. The amendments were based on behavioural insight techniques aimed to persuade people to change their driving behaviour by using an emotive headline and photograph, addressing the misconception that collisions are out of drivers' control and explaining the rationale behind speed limits. The results of this trial were that those drivers receiving the amended letter and leaflet were 23% less likely to re-offend compared to those who received the old letter and leaflet. If the project was upscaled to cover England and Wales, speeding re-offences could be reduced by 25,000 each year. The learning from this trial has been shared nationally.

The high-risk sites trial made physical changes to the way roads appear to drivers at certain sites, to test how this changes their behaviour. The sites were selected based on their relative priority and their suitability for low-cost traffic management type of interventions. The aim of the interventions was to produce a consistent message along each section of road so that a driver is aware of the road environment and character, and able to moderate their driving so that it is

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appropriate to the potential hazards present. This type of intervention is sometimes termed as producing a 'self-explaining' road environment. 25 sections of road were targeted, based on their casualty rate. Analysis undertaken on those treated routes demonstrated a 49 per cent reduction in collisions over a 36-month period.

The learning from the High Risk Sites trial has been incorporated into our annual road safety programme which identifies sites that have the most personal injury crashes (PIC's) and puts in place a programme of works to help reduce the number of casualties on these roads. As part of this year's Road Safety Programme, 21 locations have been identified where four or more PIC's have occurred in the three-year assessment period of 01/01/2021 to 31/12/2023. Analysis of the before and after crash data from previous years has evidenced that this targeted approach has reduced the number of collisions at those sites identified and treated as part of this programme.

In February this year, we launched the DVSA trial which targets newly qualified drivers who have recently passed their test (addressing both the high risks associated with younger and more inexperienced drivers). The results of this trial will be known during 2025, and we will share these again nationally with stakeholders.

### **6. Question from Councillor Brett Wright to the Lead Member for Transport and Environment**

What evidence is there that ESCC ensure that the 'Hierarchy of Users' ( Highway Code) is being supported by road design, speed limits and signage ( Pedestrians being at the top of the hierarchy)?

#### **Answer by the Lead Member for Transport and Environment**

Whilst a significant number of the rules in the Highway Code are legislative requirements, the various changes in the Highway Code are advisory rules with the emphasis that they 'should' rather than 'must' be adhered to.

Amongst the 2022 updates to the Highway Code is guidance requiring improvement in care and attention from motorists and cyclists towards pedestrians giving a hierarchy of road users. We of course recognise the revisions to the hierarchy and are supportive of these.

From a strategic perspective, the draft East Sussex LTP4 is helping to guide the development of new transport schemes with the inclusion of a user hierarchy that outlines how consideration will be given to the needs of different transport modes. This plan prioritises vulnerable users and 'active modes' over other users and forms of transport as this aligns with the LTP4 objectives. This therefore reflects the hierarchy of users in the Highway Code.

From a practical perspective, we do and will continue to consider existing guidance such as the Government's Local Transport Note 1/20 on cycle infrastructure design, Inclusive Mobility, Healthy Streets and Manual for Streets which all focus on active travel modes, as well as Design Manual for Roads & Bridges, in the development and design of the walking, wheeling

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and cycling schemes that come through our annual capital programme for local transport improvements.

As an example, we have developed proposals for permanent school street schemes outside three primary schools in the county which will give priority in these spaces towards vulnerable road users in accordance with the highway code changes. In addition, we are finalising the designs for two further sections of pedestrianising Terminus Road in Eastbourne which seeks to provide a pedestrian focussed corridor between the rail station the seafront. These schemes very much put the pedestrian first and at the top of the hierarchy.

The learning from these proposals and other schemes in our capital programme for local transport improvements will continually help to inform our approach towards supporting the changes to the road hierarchy set out in the updated Highway Code with pedestrians at the top of the hierarchy.

### **7. Question from Councillor Brett Wright to the Lead Member for Transport and Environment**

**A** In terms of cycling, East Sussex, after Medway, has the lowest cycling numbers in the South East ( Source DfT annual review). Does the Council believe that this is due to a lack of cycling infrastructure?

#### **Answer by the Lead Member for Transport and Environment**

People decision's on whether they choose to walk, wheel or cycle for all or part of regular journeys are influenced by several factors, with linkages between many of these factors.

These factors include safety and the perception of safety, which can often differ across genders, age groups etc. Other factors are more personal to the individual can include the ability to fit the use of active travel into their personal routines alongside their perceptions of this and whether it is something that they can see themselves doing or wanting to do.

However, the availability of active travel infrastructure and its quality is also a fundamental factor which influences people's decisions on whether to walk, wheel or cycle. Investment has been made over several years in a network of routes in our major towns to improve the availability of especially cycle routes as well as pedestrian focussed schemes such as pedestrianisation schemes, but clearly it is recognised that there is further work required to continually improve these networks.

Therefore, the County Council is working to bring forward schemes to increase the number of people who walk, wheel and cycle through its Local Cycling & Walking Infrastructure Plan, with a review of this document due to commence later in 2024. The review of the Local Cycling & Walking Infrastructure Plan will reflect the policies for active travel which have been strengthened and set out robustly in the draft East Sussex Local Transport 4, wand will be presented to Cabinet and Full Council in the autumn for adoption. Reflecting its importance, the draft LTP4 includes a themed chapter on active travel and health alongside policies to support the delivery of active travel infrastructure.

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The combination of the updated East Sussex LCWIP and adoption of LTP4 will place ESCC and their partners in a stronger position to secure future funding to deliver and improve the overall network of active travel infrastructure available in the county.

**B** How much money is being spent annually on physically building tangible cycling infrastructure in East Sussex and how much money is being spent on the planning, review, assessment and consultations of schemes?

### **Answer by the Lead Member for Transport and Environment**

The funding for local transport schemes delivered by the county council through the capital programme for local transport improvements presented to the Lead Member for Transport & Environment normally around March each year comes from a range of funding sources.

We receive an annual grant from Government of circa £3m per annum for integrated transport schemes. This grant funding can be used but is not exclusively available for active travel schemes and is also used for public transport infrastructure, traffic management and road safety schemes. In addition, we have been successful over several years in bidding and securing funding through the now dissolved Local Enterprise Partnerships and from the Department for Transport towards active travel infrastructure, and more recently through Active Travel England. Furthermore, we receive development contributions through section 106 contributions and Community Infrastructure Levy which can augment the other funding sources we receive and secure. S106 contributions will be geographic and sometimes scheme scope specific, which can include active travel infrastructure, whilst we have to bid for CIL funding through the respective charging authorities.

The amount of funding being spent on active travel schemes will be dependent on where each scheme is in its development and delivery cycle and the extent of funding we have available in a given year. Consequently, the spend will vary from year to year- where schemes are in development the spend will be lower, whilst when schemes are being delivered, the spend will be higher.

For the current financial year, 2024-25, and as set out in the capital programme of local transport improvements approved by the Lead Member in March this year, we are anticipating spend of £987,000 on scheme design for schemes that will deliver walking and cycling infrastructure in subsequent financial years.