

## 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 8 OCTOBER 2024 at 10.00 am**

**Present** Councillors Roy Galley (Chairman), Abul Azad (Vice Chairman), Sam Adeniji, Matthew Beaver, Colin Belsey, Nick Bennett, Bob Bowdler, Charles Clark, Chris Collier, Anne Cross, Godfrey Daniel, Johnny Denis, Penny di Cara, Chris Dowling, Kathryn Field, Gerard Fox, Nuala Geary, Keith Glazier, 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, Carl Maynard, Matthew Milligan, Steve Murphy, Peter Pragnell, Paul Redstone, Pat Rodohan, Phil Scott, Daniel Shing, Stephen Shing, Alan Shuttleworth, Bob Standley, Colin Swansborough, Georgia Taylor, David Tutt, John Ungar, Trevor Webb and Brett Wright

### **29. Minutes of the meeting held on 9 July 2024**

29.1 RESOLVED – to confirm as a correct record the minutes of the County Council meeting held on 9 July 2024.

### **30. Apologies for absence**

30.1 Apologies for absence were received on behalf of Councillors Claire Dowling, Sarah Osborne, and Christine Robinson.

### **31. Chairman's business**

#### PLEDGE TO CHILDREN IN CARE

31.1 The Chairman reported that a copy of the Council's pledge to Children in Care had been left on the desk of every councillor. Councillor Bowdler then provided further detail regarding the Pledge, and a short video from Children in Care in East Sussex was played.

#### CHAIRMAN'S ACTIVITIES

31.2 The Chairman reported that he had attended a number of engagements since the last County Council meeting including: the Eastbourne and District Samaritans AGM; Seaford Civic Reception; Polegate Town Council Community Summer Fun Day; Peacehaven Civic Service; Ashdown Forest Volunteer Summer Celebration; Military Garden Party; Dieppe Raids

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Commemorations; Lord Lieutenant Citizenship Ceremony; East Sussex Healthcare NHS Trust AGM; Chairman's Tea for Volunteers; the installation of Dean of Chichester; West Sussex County Council Late Summer Reception; Clifton Community Centre to celebrate improvements; a visit to Hailsham. The Chairman also reported that he had hosted the Chairman's Summer Reception to welcome new Mayors and Chairs.

31.3 The Chairman thanked the Vice Chairman for his ongoing support, including his attendance at the Shades of Sussex Film; the Summer Civic Reception; Chairman's Tea for Volunteers; and the return of PS Waverley.

### PETITIONS

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

Councillor Rodohan	Install a speed camera in Upperton Road, Eastbourne
Councillor Rodohan	Replace the damaged cracked and uneven pavement slabs on Ocklynge Road Eastbourne
Councillor Tutt	Stop the proposed bus lane along Seaside, Eastbourne
Councillor Wright	Traffic Calming Measures on Beachy Head Road
Councillor Wright	Support Seaside, Eastbourne Bus Lane
Councillor Pragnell	Request for closure of Maplehurst Road at the A21 and Westfield Road end, or alternatively to designate this section as "access only"

### PRAYERS

31.5 The Chairman thanked the Reverend James Knowles - Vicar, All Saints' Church, Eastbourne for leading prayers before the meeting.

### **32. Questions from members of the public**

32.1 Copies of questions from members of the public and the answers from Councillor Gerard Fox, Chair of the Pension Committee, Councillor Carl Maynard, Lead Member for Adult Social Care and Health, and Councillor Nick Bennett, Lead Member for Resources and Climate Change are attached to these minutes. Three supplementary questions were asked and responded to.

### **33. Declarations of Interest**

33.1 There were no declarations of interest.

### **34. Reports**

34.1 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, Quarter 1 2024/45), paragraph 2 (East Sussex Local Transport Plan 4 – 2024/25), paragraph 3 (Annual progress report to full Council on the Council's progress towards net zero.

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### NON-RESERVED PARAGRAPHS

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

Cabinet Report – paragraph 4 (Ashdown Forest Trust Fund).

Governance Committee report – paragraph 1 (Flexible retirement policy), paragraph 2 (DBS checks for Members), and paragraph 3 (Amendment to the Constitution).

### **35. Report of the Cabinet**

Paragraph 1 (Council Monitoring Q1 – 2024/25)

35.1 Councillor Bennett moved the reserved paragraph.

35.2 The paragraph was noted after the debate.

Paragraph 2 (East Sussex Local Transport Plan 4 – 2024/25)

35.3 Councillor Glazier introduced the reserved paragraph in the Cabinet's report.

35.4 Councillor Glazier moved the adoption of paragraph 3 of the Cabinet's report. The motion was CARRIED after the debate.

Paragraph 3 (Annual progress report to Full Council on the Council's progress towards net zero)

35.5 Councillor Bennett moved the reserved paragraph.

35.6 The paragraph was noted after the debate.

### **36. Notice of Motion - Motion for East Sussex County Council to be an active participant in the City of Sanctuary Local Authority Network**

36.1 The following motion was moved by Councillor Cross and seconded by Councillor Hilton:

*This motion calls on East Sussex County Council to declare that we understand the important role it plays in welcoming people who are fleeing violence and persecution by offering them safety and sanctuary and therefore resolves to adopt these Core Principles:*

- 1. All asylum seekers, refugees and migrants should be treated with dignity and respect.*
- 2. A fair and effective process to decide whether people need protection should be in place.*
- 3. No one should be locked up indefinitely.*
- 4. No one should be left sick or destitute in our society.*
- 5. We should welcome the stranger and help them to integrate*

*This motion calls on East Sussex County Council to commit to applying to become a member of the City of Sanctuary Local Authority Network, with the aim of becoming a recognized Council of Sanctuary.*

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*Becoming recognised as a County Council of Sanctuary involves the following:*

- developing a strategic place-based approach to supporting new arrivals to integrate and rebuild their lives*
- building on existing partnerships across public and voluntary sectors providers to enable development of a wholistic offer of support*
- engaging with people with lived experience to ensure that services meet the needs to people seeking sanctuary*

*This motion further calls on East Sussex County Council to join the Migrant Champions Network and appoints a councillor to act as a Migrant Champion. That this councillor is recognised within our Council as an advocate for migrant constituents, and for migrants' rights issues within the local council and beyond.*

36.2 The following amendment was moved by Councillor Maynard and seconded.

*This motion calls on East Sussex County Council to declare that we understand [insert words] **and embrace** the important role it plays in welcoming people who are fleeing violence and persecution by offering them safety, [insert words] **a role carried out effectively and enthusiastically by East Sussex County Council.***

*(Delete)*

~~*and sanctuary and therefore resolves to adopt these Core Principles:*~~

- ~~*1. All asylum seekers, refugees and migrants should be treated with dignity and respect.*~~
- ~~*2. A fair and effective process to decide whether people need protection should be in place.*~~
- ~~*3. No one should be locked up indefinitely.*~~
- ~~*4. No one should be left sick or destitute in our society.*~~
- ~~*5. We should welcome the stranger and help them to integrate*~~

~~*This motion calls on East Sussex County Council to commit to applying to become a member of the City of Sanctuary Local Authority Network, with the aim of becoming a recognized Council of Sanctuary.*~~

~~*Becoming recognised as a County Council of Sanctuary involves the following:*~~

- ~~*- developing a strategic place-based approach to supporting new arrivals to integrate and rebuild their lives*~~
- ~~*- building on existing partnerships across public and voluntary sectors providers to enable development of a wholistic offer of support*~~
- ~~*- engaging with people with lived experience to ensure that services meet the needs to people seeking sanctuary*~~

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*This motion further calls on East Sussex County Council to join the Migrant Champions Network and appoints a councillor to act as a Migrant Champion. That this councillor is recognised within our Council as an advocate for migrant constituents, and for migrants' rights issues within the local council and beyond.*

36.3 The amendment was CARRIED after debate.

36.4 The following motion was moved and CARRIED:

This motion calls on East Sussex County Council to declare that we understand and embrace the important role it plays in welcoming people who are fleeing violence and persecution by offering them safety, a role carried out effectively and enthusiastically by East Sussex County Council.

### 37. Questions from County Councillors

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

Questioner	Responded	Subject
Councillor Lambert	Councillor Glazier	Safer Roads partnership
Councillor Murphy	Councillor Standley	Amalgamation of two, or more academies, and clarification on which schools this relates to
Councillor Murphy	Councillor Bennett	Refurbishment of Burfield Academy building
Councillor Daniel	Councillor Bennett	Uckfield bus station
Councillor Maples	Councillor Bennett	Options for County Hall site
Councillor Beaver	Councillor Glazier	Winter fuel allowance

37.2 There were three oral questions from members to the Lead Member for Transport and Environment. In the absence of the Lead Member, it was agreed that oral questions should be submitted in writing to Councillor Claire Dowling for a response.

37.3 Ten written questions were received from Councillors Cross, Field, Lambert and Taylor to the Lead Member for Transport and Environment. Councillor Lambert also asked a question to the Leader.

37.4 In the absence of the Lead Member for Transport and Environment, it was agreed that supplementary questions should be submitted in writing to Councillor Claire Dowling for a response.

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THE CHAIRMAN DECLARED THE MEETING CLOSED AT 1.25PM

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The reports referred to are included in the minute book

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### COUNTY COUNCIL – 8 October 2024

#### Questions from Members of the Public

**Note: Question 1 – 15 relate to the same issue. The answers to these questions are set out after question 15 below.**

#### **Question 1 - The same question was also asked by:**

Maryam Alnuaimi, Eastbourne, East Sussex  
Lydia Burke, Etchingham, East Sussex  
Helen Carey, Hastings, East Sussex  
Jane Carey, Hastings, East Sussex  
Marie Casey, Hastings, East Sussex  
Danielle Castelino, St Leonards on Sea, East Sussex  
Olivia Cavanagh, Hastings, East Sussex  
Emma Chaplain, Hastings, East Sussex  
Katy Colley, Brede, East Sussex  
Philip Colley, Brede, East Sussex  
Hannah Collisson, St Leonards on Sea, East Sussex  
Alison Cooper, St Leonards on Sea, East Sussex  
Colin Gibson, Hastings, East Sussex  
Oana Giuverdea, Hastings, East Sussex  
Rosemary Hudson, St Leonards on Sea, East Sussex  
Lorraine Langham, Cooden, East Sussex  
Emily Lister, Hastings, East Sussex  
Beryl Lovett, Hastings, East Sussex  
Jessica Luby, St Leonards on Sea, East Sussex  
Gustav Milne, Hastings, East Sussex  
Aiden Neal, Eastbourne, East Sussex  
Holly Newman, St Leonards on Sea, East Sussex  
Daniela Othieno, Hastings, East Sussex  
Katharine Shapiro, Hastings, East Sussex  
Emma-Jane Portway, St Leonards on Sea, East Sussex  
Alice Seymour, Hastings, East Sussex  
Carmen Soto-Pollock, Bexhill on Sea, East Sussex  
Debbie Smith, Eastbourne, East Sussex  
Martin Smith, Eastbourne, East Sussex  
Nick Swabey, Eastbourne, East Sussex  
Sam Telford, St Leonards on Sea, East Sussex

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Dominic Templeman, St Leonards on Sea, East Sussex

Bob Walker, Northiam, East Sussex

Andrea Weddell, Bexhill on Sea, East Sussex

In the past four years there have been numerous letters sent to the full council objecting to the East Sussex Pension Fund's (ESPF) investments in companies complicit in Israel's abuses of human rights and violations of international law. Thankfully, during this time the amount invested in complicit companies by the ESPF has been reduced. It stood at £132 million, but it still stands at £68 million. This is according to the PSC database.

Members of the public in the UK and throughout the world have been appalled at seeing nearly a year of Israeli bombing throughout Gaza. These crimes have resulted in more than 41,000 deaths, the majority are civilians, almost half of them children. Over 70% of buildings and infrastructure have been destroyed, while over 90% of Palestinians in Gaza have been displaced, many multiple times.

Four years after the Pension Fund Committee first raised the issue, the ESPF still has four companies that are in the UN list of companies involved in the illegal settlement industry. It also has more than 20 companies that supply Israel with weapons and military technology. These include L3 Technologies, Northrop Grumman, Lockheed Martin, Raytheon and Rolls Royce.

There has been a growing number of pension funds, public bodies and institutions that have been divesting from companies complicit in Israeli war crimes. Recently the Waltham Forest Pension Committee announced that it will start the process of divesting from such complicit companies. It is updating its ethical investment policy, has started discussions with its asset pooling company the London CIV and has taken legal advice to help it assess its options.

Isn't it time that the East Sussex Pension Fund Committee also took such a principled position?

This is not just a moral question but also a legal one. In January 2024 a landmark ruling by the International Court of Justice (ICJ) - the World Court - affirmed that there is plausible evidence that Israel is committing genocidal acts against the Palestinian people in the Gaza Strip. The ICJ ordered Israel to "take all measures within its power to prevent genocidal acts, including preventing and punishing incitement to genocide." The UK is party to the Genocide Convention and has a binding obligation to employ all means reasonably available to prevent and deter further genocidal acts.

In July the ICJ confirmed that Israel's occupation of Palestinian land and treatment of Palestinians is unlawful and that it is under an obligation to bring to an end its unlawful presence "as rapidly as possible." It also stated that Israel is "under an obligation to cease immediately all new settlement activities and to evacuate all settlers from the Occupied Palestinian Territory."

This month the UN General Assembly echoed the ICJ and overwhelmingly passed the resolution demanding that Israel brings to an end, without delay, its unlawful presence in the Occupied Palestinian Territories. This means that all illegal settlements must be disbanded.

So while the ICJ orders Israel to prevent genocide and to disband its illegal settlements, the ESPF continues in its own complicity and in fact benefits from these violations of international law. It can be argued that the East Sussex Council has a legal responsibility to act now in order to keep within international law.

I therefore request that the ESPF:



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Screen for all these complicit companies and pinpoint the ESPF funds in which they are held.

Start a process of divestment from these funds prioritising those that are overweight with arms companies that supply Israel with weapons and military technology, and companies that are involved with the illegal settlement industry.

### **Question 2 – Jack Douglas-Deane, St Leonards on Sea, East Sussex**

My question concerns the morality of the East Sussex Pension Fund's (ESPF) investments in companies complicit in Israel's abuses of human rights and violations of international law.

Four years after the Pension Fund Committee first raised the issue, the ESPF still has four companies that are in the UN list of companies involved in the illegal settlement industry. It also has more than 20 companies that supply Israel with weapons and military technology. These include L3 Technologies, Northrop Grumman, Lockheed Martin, Raytheon and Rolls Royce.

Isn't it time that we, as a society, decide to stop funding these arms sales that directly destroy children, families, hospitals and schools. What does it say about us, if we add a few percentage points on a balance at the expense of a generation of people traumatised by genocide?

I therefore request that the ESPF:

- Screen for all these complicit companies and pinpoint the ESPF funds in which they are held.
- Start a process of divestment from these funds prioritising those that are overweight with arms companies that supply Israel with weapons and military technology, and companies that are involved with the illegal settlement industry.

### **Question 3 – Clem McCulloch, Hastings, East Sussex**

The East Sussex Pension Fund (ESPF) is concerned with providing a return on its investments in order to secure pensions for thousands of council workers and university, college, and academy staff.

Your website states:

"Political views must be disregarded when the Committee discuss issues or make decisions. Pension Committee members must act to safeguard the interests of those who they act on behalf of."

However, the question of whether investment in companies and industry facilitating Israel's war on the Palestinian people on Gaza and the Occupied Territories is a 'political issue' is increasingly moot.

Numerous international bodies including the International Court of Justice and the United Nations have lambasted Israel's war and demanded prevention of genocide and disbanding of illegal settlements. The UK has limited arms sales to Israel along with many other nations due to credible concerns of abetting genocidal war crimes.

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The 2014 Law Commission Report spells out the fiduciary duties of pension fund trustees and managers, stating re. divestment:

*“In general, non-financial factors may only be taken into account if two tests are met:*

*(1) trustees should have good reason to think that scheme members would share the concern; and*

*(2) the decision should not involve a risk of significant financial detriment to the fund”.*

YouGov polling in May 2024 showed the majority of UK voters backed an end to arms sales to Israel (56% to 17%) and a majority believed Israel is violating human rights in Gaza (59% to 12%). These are the people whose money you manage - there is good reason to believe your scheme members share these concerns and would be horrified to think their future financial security rests on the torture and murder of tens of thousands of Palestinians.

These companies are also not the only ones making a return. The burden of proof that divestment would risk significant financial detriment should be on those calling to \*not\* divest, given the clear and inarguable moral path.

I therefore request that the ESPF:

Screen for all these complicit companies and pinpoint the ESPF funds in which they are held.

Start a process of divestment from these funds prioritising those that are overweight with arms companies that supply Israel with weapons and military technology, and companies that are involved with the illegal settlement industry.

### **Question 4 – Jennifer Bell, St Leonards on Sea, East Sussex**

Given the terrible slaughter of innocent civilians in Gaza and the West Bank by the Israeli IDF and the tens of thousands dead, maimed, injured and homeless, and given the massive amount of worldwide concern about Israel's tactics, humanitarian abuses and likely war crimes, I am asking this Council to cease its complicity in this devastation through its Pension Fund investments in Israel companies and all other companies worldwide who are responsible directly or indirectly for weapons used by Israel and to withdraw such investments with immediate effect. Will the Council advise me that it has done so before the end of October 2024?

### **Question 5 – Grace Lally, St Leonards on Sea, East Sussex**

I would like to know whether the council is fulfilling its legal and moral obligations not to be complicit in genocide and therefore whether the council plans to divest the Local Government Pension Scheme (LGPS) fund it administers from, and end procurement contracts with, companies enabling Israel's grave violations of Palestinian rights.

Israel's genocidal assault on Palestinians in the Gaza Strip has killed tens of thousands of Palestinians - almost half of them children. 90% of Gaza's population has been displaced, many of whom multiple times. Nowhere in Gaza is safe: entire residential neighbourhoods have been levelled, UN schools sheltering the displaced, and hospitals treating the wounded, have been repeatedly targeted. Palestinians in Gaza are facing famine due to Israel's blockade and its

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targeting of life-sustaining infrastructure. In June 2024, UN experts declared that “Israel’s intentional and targeted starvation campaign against the Palestinian people is a form of genocidal violence and has resulted in famine across all of Gaza.”

In January, the International Court of Justice (ICJ), the world court, handed down an interim ruling affirming there is plausible evidence Israel is committing genocidal acts against the Palestinian people in the Gaza Strip. As a State Party to the Genocide Convention, the UK has a binding obligation to employ all means reasonably available to prevent and deter further genocidal acts.

In June, UN experts issued a statement demanding that both states and companies stop all arms transfers to Israel. In issuing their call, they outlined that financial institutions, such as banks and pension funds, investing in arms companies supplying Israel must cease, writing that financial institutions “failure to prevent or mitigate their business relationships with these arms manufacturers transferring arms to Israel could move from being directly linked to human rights abuses to contributing to them, with repercussions for complicity in potential atrocity crimes.”

In July the ICJ confirmed that Israel's occupation of Palestinian land and treatment of Palestinians is unlawful and that it is under an obligation to bring to an end its unlawful presence “as rapidly as possible.” It also stated that Israel is “under an obligation to cease immediately all new settlement activities and to evacuate all settlers from the Occupied Palestinian Territory.”

In this situation can you confirm that the council will:

1. Divest the Local Government Pension Scheme fund administered by the council from companies complicit in Israel’s genocide and apartheid against Palestinians. This includes arms companies supplying Israel with weapons and military technology; companies providing infrastructure for Israel’s unlawful military occupation of Palestinian land; and companies conducting business activity in Israel’s illegal settlements on stolen Palestinian land.
2. End procurement contracts with companies complicit in Israel’s attacks. For example, terminate all banking arrangements with Barclays, which provides substantial financing to companies supplying Israel with weapons used in its attacks on Palestinians.

The recent defeat of the previous government’s draconian attempts to restrict the right of public bodies to take ethical investment and procurement decisions means that there is no barrier to the council exercising its profound moral obligation not to contribute to Israel’s grave violations of Palestinian rights.

### **Question 6 – Susan Roberts, St Leonards on Sea**

I understand that the East Sussex Pension Fund is invested in companies complicit in Israel's violations of international law and illegal settlements. I want to know why that is still the case, particularly in the light of the recent findings of both the International Court of Justice and the International Criminal Court? Other councils have recognised their obligations under the Genocide Convention and are now divesting their funds. I expect the East Sussex Pension Fund to do likewise. If that is not the case, the public deserve an explanation. Please provide one.

### **Question 7 - Tom Fryer, St Leonards on Sea, East Sussex**

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In July the ICJ confirmed that Israel's occupation of Palestinian land and treatment of Palestinians is unlawful and that it is under an obligation to bring to an end its unlawful presence "as rapidly as possible." It also stated that Israel is "under an obligation to cease immediately all new settlement activities and to evacuate all settlers from the Occupied Palestinian Territory."

This month the UN General Assembly echoed the ICJ and overwhelmingly passed the resolution demanding that Israel brings to an end, without delay, its unlawful presence in the Occupied Palestinian Territories. This means that all illegal settlements must be disbanded.

So while the ICJ orders Israel to prevent genocide and to disband its illegal settlements, the ESPF continues in its own complicity and in fact benefits from these violations of international law. It can be argued that the East Sussex Council has a legal responsibility to act now in order to keep within international law.

I therefore request that the ESPF:

Screen for all these complicit companies and pinpoint the ESPF funds in which they are held.

Start a process of divestment from these funds prioritising those that are overweight with arms companies that supply Israel with weapons and military technology, and companies that are involved with the illegal settlement industry.

### **Question 8 – James Andrews, Eastbourne, East Sussex**

I have recently learnt that East Sussex Council has £68 million of its pension fund invested in companies including L3 Technologies, Northrop Grumman, Lockheed Martin, Raytheon and Rolls Royce, all of which are on the UN list of companies involved in the illegal settlement industry in Palestine.

Can I ask if your employees have been made aware of such investments? Additionally, what action is being taken to ensure that you are upholding your commitments to human rights?

### **Question 9 – Dr Hilda Kean, Hastings, East Sussex**

I am pleased that because of the opposition sent to the East Sussex Pensions Fund over many years at least some of the amount donated to companies supporting Israeli abuse has been slightly reduced, due to the number of campaigning local people. However, although a reduction of some millions occurred I understand that you are still giving £68 million to Israel to assist their ongoing, hostile, deaths of more than 41,000 women, men and children in Palestine.

I understand that the East Sussex gives these millions to L3 Technologies, Northrop Grumman, Lockheed Martin, Raytheon and Rolls Royce. I note that other councils have started to withdraw funding but do not think that you have taken any recent decision to remove such funds.

Ironically, the killing of 41,000 people in tiny Palestine in even less than ONE year is, by contrast, only 20,000 less than the figure of 60,595, that is people throughout Britain being killed by Nazi bombardment between September 1939 and May 1945 - during nearly SIX years!

I am sure that the East Sussex council, like many other councils and local and national communities, will commemorate in different ways British people, of those times, during the forthcoming November Remembrance Sunday.

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Yet, how can support for such numbers be commemorated when there is clearly still an increase in the bombing of Palestinian civilians ? How can you keep millions of pounds invested in arms companies that supply Israel with weapons and military technology, and companies that are involved with the illegal settlement industry?

While continuing to remember people who were bombed c 85 years ago, please take a decision to remove investment from Israel continuing to bomb thousands of people in less than one year.

### **Question 10 – Anne Wells, Robertsbridge, East Sussex**

I am a recipient of an ESCC pension, and I have the following question for the Full Council Meeting of 8th October.

Although ESCC Pension Fund (which I receive) has less investment in dubious Israeli connected companies than before, I am aware that ESPF still has four companies that are in the UN list of companies involved in the illegal settlement industry. It also has more than 20 companies that supply Israel with weapons and military technology. These include L3 Technologies, Northrop Grumman, Lockheed Martin, Raytheon and Rolls Royce.

This is a moral and legal issue bearing in mind the recent ICJ judgement that Israel's continues its genocidal intent upon the people of Gaza. Also ruling that it is under an obligation to cease immediately all new settlement activities and to evacuate all settlers from the Occupied Palestinian Territory.

There is surely a moral duty now to screen for all these complicit companies and pinpoint the ESPF funds in which they are held. And to then start a process of divestment from these funds prioritising those that are overweight with arms companies that supply Israel with weapons and military technology, and companies that are involved with the illegal settlement industry.

### **Question 11 – Nina Heaton, Bexhill on Sea, East Sussex**

Doubtless, you will have received copies of the letter below. I would like to add a few thoughts for your consideration.

During WW2, the atrocities that were being perpetrated by the Nazis only gradually became apparent and the true scale of the horrors revealed and fully documented. This (in my view) modern-day holocaust and the true scale of the horrors that the Israelis are perpetrating on Gaza, the whole of Palestine and Lebanon are on full display for all to see. This genocide, this modern-day holocaust, is being live streamed for all to see despite Israel's targeted assassinations of journalists (approximately 170 so far), closure of Al Jazeera and refusal to allow any press into Gaza.

It is clear from the huge numbers of people world-wide who have taken to the streets in vast numbers that the majority of humanity stands with Palestine. It is only the 'leaders' of Western 'democracies' and those who have vested financial interests in the arms trade who persist in attempting to maintain the endless stream of lies emanating from the Israeli state (40 beheaded babies etc) and dutifully parroted by the 'Establishment'.

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Quite apart from the sheer amorality of investing in this genocide as well as the legal issues detailed below - there is a financial question as to how safe monies invested (either directly or indirectly) in Israel are. Moody's Credit Ratings has downgraded Israel twice recently. Forward-looking countries such as Netherlands/Norway have - at government level - massively divested from Israel. Companies such as Intel have refused to sign investment deals with Israel that were on the table. It is no longer considered to be a safe or stable place in which to invest.

Question 1.

In the light of Israel's clear intent to illegally re-settle/steal more Palestinian land and foment war plus its lengthening list (now in the thousands) of war crimes - can you tell me what steps ESPF will take to disinvest in companies that are on UN's list of illegal settlement activity?

Question 2.

It is unconscionable that ESPF has links with 20 companies that supply Israel with weaponry and military technology that is used to commit war crimes. With the burgeoning increase in countries and companies divesting from Israel and the international arms trade for ethical reasons, isn't it time that the East Sussex Pension Fund Committee also took such a principled position?

The choice is very simple:- You are either pro mass murder and genocide or you are with humanity.

*In the past four years there have been numerous letters sent to the full council objecting to the East Sussex Pension Fund's (ESPF) investments in companies complicit in Israel's abuses of human rights and violations of international law. Thankfully, during this time the amount invested in complicit companies by the ESPF has been reduced. It stood at £132 million, but it still stands at £68 million. This is according to the PSC database.*

*Members of the public in the UK and throughout the world have been appalled at seeing nearly a year of Israeli bombing throughout Gaza. These crimes have resulted in more than 41,000 deaths, the majority are civilians, almost half of them children. Over 70% of buildings and infrastructure have been destroyed, while over 90% of Palestinians in Gaza have been displaced, many multiple times.*

*Four years after the Pension Fund Committee first raised the issue, the ESPF still has four companies that are in the UN list of companies involved in the illegal settlement industry. It also has more than 20 companies that supply Israel with weapons and military technology. These include L3 Technologies, Northrop Grumman, Lockheed Martin, Raytheon and Rolls Royce.*

*There has been a growing number of pension funds, public bodies and institutions that have been divesting from companies complicit in Israeli war crimes. Recently the Waltham Forest Pension Committee announced that it will start the process of divesting from such complicit companies. It is updating its ethical investment policy, has started discussions with its asset pooling company the London CIV and has taken legal advice to help it assess its options.*

*This is not just a moral question but also a legal one. In January 2024 a landmark ruling*

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*by the International Court of Justice (ICJ) - the World Court - affirmed that there is plausible evidence that Israel is committing genocidal acts against the Palestinian people in the Gaza Strip. The ICJ ordered Israel to "take all measures within its power to prevent genocidal acts, including preventing and punishing incitement to genocide." The UK is party to the Genocide Convention and has a binding obligation to employ all means reasonably available to prevent and deter further genocidal acts.*

*In July the ICJ confirmed that Israel's occupation of Palestinian land and treatment of Palestinians is unlawful and that it is under an obligation to bring to an end its unlawful presence "as rapidly as possible." It also stated that Israel is "under an obligation to cease immediately all new settlement activities and to evacuate all settlers from the Occupied Palestinian Territory."*

*This month the UN General Assembly echoed the ICJ and overwhelmingly passed the resolution demanding that Israel brings to an end, without delay, its unlawful presence in the Occupied Palestinian Territories. This means that all illegal settlements must be disbanded.*

*So, while the ICJ orders Israel to prevent genocide and to disband its illegal settlements, the ESPF continues in its own complicity and in fact benefits from these violations of international law. It can be argued that the East Sussex Council has a legal responsibility to act now in order to keep within international law.*

*I therefore request that the ESPF:*

*Screen for all these complicit companies and pinpoint the ESPF funds in which they are held.*

*Start a process of divestment from these funds prioritising those that are overweight with arms companies that supply Israel with weapons and military technology, and companies that are involved with the illegal settlement industry.*

### **Question 12 – Allie Stewart, St Leonards on Sea, East Sussex**

Why is the ESP investing in companies that are on the UN list of companies involved in the illegal settlement industry in Israel. Along with others that supply the Israeli government with weapons and military technology Including: L3 Technologies, Northrop Grumman, Lockheed Martin, Raytheon and Rolls Royce?

In light of the Israel government's abuses of human rights and violations of international law, it is imperative that East Sussex Country Council divest from companies that work towards supporting these companies through its pension fund. If no other reason than to ensure it is complying with international law. It is imperative to ensure that the Council is not, in some way, seen to be aiding or complicit in the appalling actions being taken by the Israeli government, which people across the world are witnessing. Especially, in light of legal steps being taken by the UN and International Court of Justice (ICJ).

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In January 2024 a landmark ruling by the International Court of Justice (ICJ) stated there was plausible evidence that Israel is committing genocidal acts against the Palestinian people in the Gaza Strip. The ICJ ordered Israel to "take all measures within its power to prevent genocidal acts, including preventing and punishing incitement to genocide." The UK is party to the Genocide Convention and has a binding obligation to employ all means reasonably available to prevent and deter further genocidal acts.

Ethical investment surely must be a priority with public money. A growing number of pension funds, public bodies and institutions are divesting from companies complicit in Israeli war crimes. Recently the Waltham Forest Pension Committee announced that it will start the process of divesting from complicit companies.

The East Sussex Pension Fund Committee surely must also address taking a principled position.

This month the UN General Assembly echoed the ICJ and overwhelmingly passed the resolution demanding that Israel brings to an end, without delay, its unlawful presence in the Occupied Palestinian Territories. This means that all illegal settlements must be disbanded.

While the ESPF continues to fund companies complicit in these unlawful acts. In turn making its actions questionable on that basis, it can be argued that the East Sussex Council has a legal responsibility to act now in order to keep within international law.

I therefore request that the ESPF screen and divest from companies complicit in these actions and pinpoint the ESPF funds in which they are held. To also divest from arms companies that supply the Israeli government with weapons and military technology, and companies that are involved with the illegal settlement industry.

### **Question 13 – Lesley Levane, St Leonards on Sea, East Sussex**

I am aware that this letter is a standard one, but I urge you to consider the contents carefully. I am a Jewish woman who, like many other Jewish and non-Jewish residents of East Sussex are horrified by what Israel is doing in Gaza and, indeed the West Bank and Lebanon. Opposing Israel's pulverisation of Gaza and Lebanon does not mean support for organisations such as Hamas and Hezbollah, which are designated terrorist organisations. For me there is a need to condemn all terrorism, including that carried out by State actors, in this case Israel. We are expected to recognise the impact of October 7th on Israel and Israelis (and I do) but not the impact for people in Gaza, the West Bank and Southern Lebanon of Israeli occupation, periodic bombardments (especially in Gaza), settlement expansion, settler attacks and much more that have been going on for many decades.

What follows is the standard letter prepared by those much more knowledgeable than me.

*In the past four years there have been numerous letters sent to the full council objecting to the East Sussex Pension Fund's (ESPF) investments in companies complicit in Israel's abuses of human rights and violations of international law. Thankfully, during this time the amount invested in complicit companies by the ESPF has been reduced. It stood at £132 million, but it still stands at £68 million. This is according to the PSC database.*

*Members of the public in the UK and throughout the world have been appalled at seeing nearly a year of Israeli bombing throughout Gaza. These crimes have resulted in more than 41,000 deaths, the majority are civilians, almost half of them children. Over 70% of buildings and infrastructure have been destroyed, while over 90% of Palestinians in Gaza have been displaced, many multiple times.*



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*Four years after the Pension Fund Committee first raised the issue, the ESPF still has four companies that are in the UN list of companies involved in the illegal settlement industry. It also has more than 20 companies that supply Israel with weapons and military technology. These include L3 Technologies, Northrop Grumman, Lockheed Martin, Raytheon and Rolls Royce.*

*There has been a growing number of pension funds, public bodies and institutions that have been divesting from companies complicit in Israeli war crimes. Recently the Waltham Forest Pension Committee announced that it will start the process of divesting from such complicit companies. It is updating its ethical investment policy, has started discussions with its asset pooling company the London CIV and has taken legal advice to help it assess its options.*

*Isn't it time that the East Sussex Pension Fund Committee also took such a principled position?*

*This is not just a moral question but also a legal one. In January 2024 a landmark ruling by the International Court of Justice (ICJ) - the World Court - affirmed that there is plausible evidence that Israel is committing genocidal acts against the Palestinian people in the Gaza Strip. The ICJ ordered Israel to "take all measures within its power to prevent genocidal acts, including preventing and punishing incitement to genocide." The UK is party to the Genocide Convention and has a binding obligation to employ all means reasonably available to prevent and deter further genocidal acts.*

*In July the ICJ confirmed that Israel's occupation of Palestinian land and treatment of Palestinians is unlawful and that it is under an obligation to bring to an end its unlawful presence "as rapidly as possible." It also stated that Israel is "under an obligation to cease immediately all new settlement activities and to evacuate all settlers from the Occupied Palestinian Territory."*

*This month the UN General Assembly echoed the ICJ and overwhelmingly passed the resolution demanding that Israel brings to an end, without delay, its unlawful presence in the Occupied Palestinian Territories. This means that all illegal settlements must be disbanded.*

*So, while the ICJ orders Israel to prevent genocide and to disband its illegal settlements, the ESPF continues in its own complicity and in fact benefits from these violations of international law. It can be argued that the East Sussex Council has a legal responsibility to act now in order to keep within international law.*

*I therefore request that the ESPF:*

*Screen for all these complicit companies and pinpoint the ESPF funds in which they are held.*

*Start a process of divestment from these funds prioritising those that are overweight with arms companies that supply Israel with weapons and military technology, and companies that are involved with the illegal settlement industry.*

### **Question 14 – Jon Griffith, Rye, East Sussex**

Four years after the Pension Fund Committee first raised the issue, the ESPF still has four companies that are in the UN list of companies involved in the illegal settlement industry. It also

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has more than 20 companies that supply Israel with weapons and military technology. These include L3 Technologies, Northrop Grumman, Lockheed Martin, Raytheon and Rolls Royce.

Recently the Waltham Forest Pension Committee announced that it will start the process of divesting from such complicit companies. It is updating its ethical investment policy, has started discussions with its asset pooling company the London CIV and has taken legal advice to help it assess its options.

East Sussex should do the same - look for alternatives to its current investments, and commit itself to changing them, avoiding investment in any companies that contribute to the production of weapons, or which support settlements internationally regarded as illegal.

It is hard to believe that East Sussex doesn't have the capacity to make this change.

### **Question 15 – Laurance Holden, Burwash, East Sussex**

Unfortunately, the Pension Committee has been unwilling to change course when numerous objections have been made over its investments – through funds – in companies that either supply the Israeli military or are involved in the illegal settlement industry.

The moral and ethical issues here don't seem have any traction with the pension committee. Most people are appalled at the almost daily massacres carried out by Israel in Gaza – and now in Lebanon. We've seen the incinerated babies, the shredded remains of toddlers carried out of destroyed buildings, the thousands of orphans, the thousands of Gazans who have limbs amputated (without anaesthetics as Israel refuses to allow them into Gaza). I suspect that many of the 85,000 scheme members would be outraged to know that the fund has investments in companies that have made all this possible.

(NB. It's appreciated that that the issue of investments in companies involved in the illegal settlement industry (on the UN list of complicit companies) has been discussed in the pension committee. But even here the issue was passed onto the LAPFF. A case of 'kicking it into the long grass.' Unfortunately, the ESPF still has four companies that are on the UN list. This includes Motorola.)

So, if moral/ethical issues aren't important, then surely the fund has legal obligations under international law so as not to be complicit in acts of genocide. Over the last few months this has become very clear. In January 2024 a landmark ruling by the International Court of Justice (ICJ) – the World Court – affirmed that there is plausible evidence that Israel is committing genocidal acts against the Palestinian people in the Gaza Strip. The ICJ ordered Israel to “take all measures within its power to prevent genocidal acts, including preventing and punishing incitement to genocide.” The UK is party to the Genocide Convention and has a binding obligation to employ all means reasonably available to prevent and deter further genocidal acts.

In July the ICJ confirmed that Israel's occupation of Palestinian land and treatment of Palestinians is unlawful and that it is under an obligation to bring to an end its unlawful presence “as rapidly as possible.” It also stated that Israel is “under an obligation to cease immediately all new settlement activities and to evacuate all settlers from the Occupied Palestinian Territory.” This means that all illegal settlements must be disbanded.

So, while the ICJ orders Israel to prevent genocide and to disband its illegal settlements, the ESPF continues in its own complicity.

Then on June 24, UN experts issued a statement demanding that both states and companies stop all arms transfers to Israel. In issuing their call, they outlined that financial institutions, such as banks and pension funds, investing in armaments companies supplying Israel must cease,

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stating that financial institutions “failure to prevent or mitigate their business relationships with these arms manufacturers transferring arms to Israel could move from being directly linked to human rights abuses to contributing to them, with repercussions for complicity in potential atrocity crimes.”

Therefore the pension fund has a legal responsibility to act now in order to keep within international law.

The pension committee might shrug off its legal responsibility. There always seems to be a reason for not doing anything. A recent answer to a member of the public: “investment decisions cannot be for ethical or political purposes.” That doesn't need to be the answer. Recently the Waltham Forest Pension Committee announced that it will start the process of divesting from armaments companies that supply the Israeli military. It is updating its ethical investment policy, has started discussions with its asset pooling company the London CIV and has taken legal advice to help it assess its options. When will the ESPF do likewise?

Another reply: “Investment decisions must be directed towards achieving a wide variety of investments, and to provide a return, often several years into the future, balancing risk with return.” At the moment the fund's return is below the benchmark, 1.6% below during the most recent quarter. That's a potential shortfall of more than £70 million on the fund's £4.893 billion. A year ago the return was 1.8% below the benchmark, a potential shortfall of more than £80 million. So there are issues with the fund's present performance. Making changes to the fund, in particular divesting from the armaments companies that supply the Israeli military, won't necessarily reduce the fund's performance.

The pension fund committee often refers to the Principles of Responsible Investment (PRI). A major part of this is the implementation of environmental, social, and corporate governance (ESG) principles. The ESPF claims to adhere to ESG principles, though including companies like L3 Technologies, Northrop Grumman, Lockheed Martin, Raytheon in its fund suggests that it cannot possibly be doing this. Your second biggest fund, Storebrand, implements basic ESG principles. It has no armaments companies in its portfolio. There are more than 1,000 funds that implement ESG principles. None of them include armaments companies. Surely the committee can look at the wide range of funds available that don't hold complicit companies.

An objection that has been given is that selling existing funds is expensive. Spread over a period of time this will be mitigated. The fund does this anyway: more than a third of the portfolio has been sold and bought over the last five years.

Another objection to making changes to the fund is due to the restrictions of buying only into the ACCESS LGPS Pool. But most of the existing funds are not in the Pool.

There are very many courses of action that the pension committee can explore. I hope you will take on board the views of people in the East Sussex area and seriously go ahead to make changes to the fund.

I therefore request that the ESPF:

Screen for all these complicit companies and pinpoint in which of the ESPF funds they are held.

Start a process of divestment from these funds prioritising those that are overweight with arms companies that supply Israel with weapons and military technology, and companies that are involved with the illegal settlement industry.

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### **Answer by Chair of the Pension Committee**

Under our legal obligation of Fiduciary Duty, the primary aim of the Fund is to provide pension benefits for members and their beneficiaries when due. To do this the Fund invests to secure the best financial return for its members balancing risk and return. The power of investment must be exercised for investment purposes, and not for any wider purposes. The Fund takes a risk-based approach in setting and implementing its investment strategy.

The Fund publishes its Investment Strategy Statement which includes the Responsible Investment Strategy and Funding Strategy Statement on its website, which clearly lays out the approach of the Fund when investing. The Fund also engages with its fund managers and with companies through collaborative engagement.

The Pension Committee issued a statement in July 2022 relating to Fund exposure of the companies flagged by United Nations Human Rights Office of the High Commissioner's ("OHCHR") A/HRC/37/39 Report as part of the Funds stewardship responsibilities to consider the operational impact on labour and other human rights issues, which can affect long term financial return of a company.

The Fund does not invest directly into any company or asset and invests in pooled vehicles, meaning there are multiple investors in the same investment vehicle. This means the Fund cannot dictate the underlying holdings of an Investment Manager. The Fund does not have sight of any investment transaction made by an investment manager and has no sight of what is owned on any given day. Responsibility for day-to-day interaction with companies is delegated to the Fund's investment managers, including the escalation of engagement when necessary.

Investment managers have a mandate to deliver investment returns within a specific asset class and will regularly change the underlying assets or holdings within the portfolio. As the Fund is directed by Government to pool its investments, it does not set the parameters of the investment mandate and cannot intervene in any sale or purchase within a portfolio. As a result, to remove any specific investment exposure to a company it would need to sell the entire investment manager position and procure and invest in segregated mandates.

The largest holding that the Fund has to companies flagged by United Nations Human Rights Office of the High Commissioner's ("OHCHR") A/HRC/37/39 Report is to Bookings.com. The Fund only has exposure to one of the five named companies which is a holding in Rolls Royce. The Fund has no exposure to L3 Technologies, Northrop Grumman, Lockheed Martin or Raytheon.

The Fund recognises that Environmental, Social and Corporate Governance ('ESG') issues can have a material impact on the long-term performance of its investments. Investors have a role in shaping and influencing company actions relating to human rights bringing the S of ESG into focus. Social performance of companies considers the operational impact on labour and other human rights issues of people and communities in which it engages.

The Fund is an active member of the Local Authority Pension Fund Forum (LAPFF), who carry out engagement on behalf of the member funds. We are supportive of the LAPFF position on the occupied territories, which seeks to encourage companies operating in that jurisdiction to review and have regard for the human rights of all individuals with whom they interact in the conduct of their operations.

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### **Question 16 - Peter Diplock, Eastbourne, East Sussex**

I note that East Sussex County Council have agreed to consult on proposals to, amongst other things, reduce or stop altogether;

- Housing support services for vulnerable residents by 88%;
- Services at Milton Grange that help older people with mental and / or physical health needs;
- The Linden Court day service for adults with learning disabilities;
- Learning disability community support services.

These are preventative services, that, whilst not statutory, mean less cost in the longer term to the Council, and less hardship to the vulnerable people who rely on them. Those directly affected will be amongst the most vulnerable in our community. My question to Full Council is, if the proposals go through, what will happen to these residents and their families?

### **Answer by the Lead Member for Adult Social Care and Health**

The decision to consult on the proposals to reduce or remove a number of vital adult social care services has not been taken lightly, but the council is facing an unprecedented financial challenge that will require difficult choices to address the deficit, and will inevitably mean a reduction in the range and level of support that we are able to provide for some of our most vulnerable residents.

It is important to note that, at this stage, we are consulting on these proposals and no final decision has been made. At the same time as acknowledging the high level of anxiety and uncertainty these proposals cause for many people, the purpose of the consultations is to gather all of the relevant facts and information, as well as the views and suggestions of clients, their carers, residents and staff so that Members can make a fully informed decision in the new year. We would encourage everyone who has any involvement or an interest in any of the services under consultation to participate in the process and make their views known to that they can be considered when a final decision is made.

The consultations will also include an assessment to identify whether an individual or group will be disproportionately impacted by the proposal (including full Equality Impact Assessments) as well as consideration of adjustments to the proposals, any mitigations that could be put in place and whether alternative provision would be possible, practical or affordable.

It is fully accepted that every service or contract under consultation currently provides highly valuable support to East Sussex residents and the removal or reduction of some has the potential to increase demand for statutory services in the medium to long term. But, there is a compelling need (and legal requirement) to deliver a balanced Council revenue budget next year and these proposals, in our view, represent the least worst options.

Regardless of the outcome of the consultations, any individual with Care Act eligible needs will continue to have those needs met but, if the decision is made to close a service that they access, they may be met in a different way or through a different service. There are currently, no plans or proposals to specifically re-provision those purely preventative services but individuals currently using them would be able to access the remaining generic preventive services (if appropriate) provided by the Council and statutory and voluntary partners.

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### **Question 17 – Roger Nutkins, Barcombe, East Sussex.**

The roads in East Sussex according to newspaper reports and my own experience are in an appalling state. Due to the huge number of potholes, they are dangerous and causing a lot of damage to cars. How has ESCC allowed this to happen, especially since they are receiving a high rate of council tax income and what immediate action are they going to take to sort this problem out.

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

As a Highway Authority, East Sussex County Council (ESCC) is responsible for maintaining a safe highways network across the 2,000 miles of road in the county. As you note in your email, in recent years, maintaining the road network has been made increasingly difficult by significant real terms reductions in grant funding, which has been compounded by inflationary pressures in the highways maintenance sector. The severe cold and wet conditions over the last two winters in particular, has also taken a toll on the network.

In 2023/24 we increased our investment in highway maintenance by £15.7m over and above the planned programme, making a total investment in 2024/25 of almost £34m. However, it is estimated that the cost of improving all roads in the county to good condition would exceed £300m. As I am sure you will be aware, there are also other significant and vital demands on the Council's budgets for adult social care and for children's services in particular.

The Council is not required by the Highways Act to repair every defect on our roads and due to the budgetary pressures described we have robust policies in place to ensure we are clear what we will and will not repair across the highways network. All Highway Authorities operate in this way.

Specifically in relation to potholes, we prioritise repairs based on the depth, size and location of the defect. All potholes that meet the Councils' repair criteria are repaired within a set timescale depending on published criteria which can be viewed on our website at [Potholes | Our Guide to Highways | live.eastsussexhighways.com](#).

Smaller potholes and other defects that don't meet our intervention criteria are added to our wider and ongoing patching programmes. I would also add that, whilst my expectation is that repairs are properly cut out and repaired with hot bitumen, there will be times when hot material is not available, or where it is not safe to carry out a permanent repair at a particular time. There will also be occasions where unfortunately other factors, such as the weather, will mean repairs may fail. Our team closely monitor the quality of repairs, and a number of audits are carried out weekly where samples of pothole repairs are reviewed. If repairs have not been done to an acceptable standard this will be addressed with our contractors and they are required to repair these at their own cost.

Looking forward, the pressures on our budgets are set to continue. Our net revenue budget for 2024/25 was agreed on 6 February at £538.1m. In order to set this balanced budget, the council agreed to use £14 million of its limited reserves. Our planning assumptions show that in future years, the deficit will grow to £45 million in 2025/26 and we will not be able to adopt the same use of reserves to address this.

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Noting these budget pressures, you ask in your email what we have done to seek more funding and I can assure you that we take every opportunity to raise these issues with local East Sussex MPs, Government Ministers and Officials. It is also worth noting that we fund highways maintenance at a significantly higher level than the funding the Government provides.

The Leader of the Council meets regularly with our MPs, and writes with updates on our financial position, most recently following the Council's formal agreement to the 2024/25 budget. He has also written to different Government Ministers across a range of funding issues. Notably, in May 2023, the Leader co-signed a letter with other county council Leaders in the region to the Prime Minister, Chancellor and the Secretaries of State for Transport and Levelling Up, Housing and Communities. The letter raised the significant under-funding for highway maintenance and also called for greater oversight of the work of utilities companies on the roads.

We also continue to draw on broader partnerships and networks to lobby on current priorities, including via the County Council's Network and through the Local Government Association. I am involved in national policy development conversations with the Department of Levelling Up, Housing and Communities as representative for the South East region on a national grouping of local authority chief executives and I can reassure you that I and the other local authority chief executives are strongly making the case for a fair and sustainable financial settlement for the sector.

### **Question 18 – Stewart Rayment, Hastings, East Sussex**

Re: [Lead Member for Resources and Climate Change - Tuesday, 3rd September, 2024 10.00 am](#)

At this meeting Cllr. Nick Bennett decided on the proposed disposal of Land at Sandrock Hall Bends, The Ridge, Hastings. Despite the representations of Cllrs Sorrell Marlow-Eastwood and Peter Pragnell, and of resident Mr Peter Bailey, who might have been regarded as having some local knowledge of the site, Cllr Nick Bennett decided to proceed with the sale of the land.

Section 26.6 of the decision reads: Delegation of authority to the Chief Operating Officer to agree the terms of the Promotion Agreement and then to comply with and give effect to the provisions set out therein including but not limited to agreeing the terms of any future sale of the East Sussex County Council-owned site to achieve best value in accordance with s123 of the Local Government Act 1972 and to take all actions necessary to give effect to the recommendations in the report will facilitate an effective and efficient process.

In order to 'achieve best value' in the sale is the proposed purchase open to any party who might be interested in purchasing the site?

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

There will be an opportunity for potential purchasers to submit a bid to purchase land at a future date. The promotion agreement has been signed by the County Council, Hastings Borough Council and two other landowners following Lead Member approval on 3 September.

The promoter will be working up a planning application to be submitted to Hastings Borough Council. The promoter is acting on behalf of all four landowners. Hastings Borough Council will then determine the planning application and there will be formal consultation as part of the normal planning process.

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If planning permission is secured, all four landowners will agree to market the site. The site will be marketed reflecting the planning permission and also any planning conditions that relate to open space. At this point, any bidders can submit a bid for the combined land subject to the promoter agreement.

The Lead Member report sets out details about potential opportunities of ownership and management of open/green space for community groups, if planning permission was granted for the wider development. The decision would need to be considered by all four landowners.



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### WRITTEN QUESTIONS PURSUANT TO STANDING ORDER 44

#### **1. Question from Councillor Anne Cross to the Lead Member for Transport and Environment**

During 2023, the Office of the Sussex Police and Crime Commissioner (OSPCC) conducted a public survey. The survey asked what types of issues/ crimes the respondent had experienced in the last two years; which one issue made them feel least safe in the community; what measures would make them feel safer.

There were 1,299 respondents in East Sussex: The most common issue experienced was road safety/speeding, with 71% of respondents stating they had experienced this issue in the last two years.

The issue of traffic speed is more prevalent in my inbox than potholes. Several small, narrow lanes around my division are National Speed Limit making them dangerous to use except with the protection of a metal vehicle, thereby excluding pedestrians, cyclists or horse riders. This is particularly distressing for residents who may have lived in their house for many years and have seen gradual erosion of their freedom to enjoy their rural environment.

LTP4 states at 1.5 - from a transport planning perspective, there has been an increased emphasis on the need to move away from 'planning for vehicles' towards planning for 'people and places'.

In a time of budget cuts, it should be noted that speed is expensive. Expensive to our health services, expensive to our rescue services and expensive to our road maintenance. Half of all pollutant from motor vehicles is particulate matter discharged by friction from the brakes, the gear box and from tyres against the road surface. Whether petrol, diesel or electric, vehicles contribute to pollution. And the higher the speed they travel the higher the pollutants they discharge.

#### **A. What is ESCC doing to move away from planning for vehicles towards planning for people and places, practically and culturally?**

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

As Councillor Cross will have heard at Cabinet on 26 September, the draft Local Transport Plan 4 (LTP4) 2024 – 2050 which was considered at that meeting has been developed using a vision led approach.

This has meant that we worked collaboratively with our stakeholder representative groups (councillors through a reference group of Place Scrutiny Committee members, officers, and local stakeholder representatives) to explore how different political, economic, social, technological, and environmental trends might evolve to create different versions of the future in 2050.

The consideration of different future scenarios in developing the draft LTP4, and the potential uncertainties that may arise under each, enables us to move away from the previously applied 'predict and provide' approach to transport planning, which often favoured the maintenance of the status quo resulting in an emphasis on road based schemes – planning for vehicles - towards considering how we would like the world to look for people and places.

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The draft LTP4 preferred future, referred to as 'Completely Connected Communities', sets out our future direction for planning for people and places. This preferred future considers the transport infrastructure, services and policy framework that is needed to achieve net zero targets, create healthy places and support for a more equitable, inclusive, and sustainable economy within our coastal towns, local centres and villages in more rural areas.

Practically and culturally, the LTP4 and its accompanying Investment Plan, provides the framework for improving people's transport choices, with a greater emphasis on sustainable transport (walking, wheeling, cycling and use of public transport) for use as part of short or longer journeys, alongside changing people's travel behaviours. The achievement of this, by the County Council and other partners who will help to deliver the LTP4 strategy, will be funding dependent.

Planning for people and places will also cascade in the modal strategies – local cycling and walking infrastructure plan, bus service improvement plan for example – as they are reviewed and updated. The draft LTP4 planning for people and places approach is also being used by officers in advising the district and boroughs on the direction of the transport policies associated with the development of their local plans.

Therefore, there are already several actions – both practically and culturally - taking place to move towards planning for people and places, with the adoption of our draft LTP4 being the catalyst for us and other partners to achieve this.

**B. Does Lead Member for Transport agree that allowing vehicles to drive to the national speed limit on small country roads leaves ESCC open to the charge of irresponsibility?**

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

The vast majority of the rural road network in England, including in East Sussex, are subject to the national speed limit of 60mph for single carriageway roads.

Speed limits should be seen by drivers as the maximum rather than target speed. It is up to the driver to determine the safe and appropriate speed for the conditions of the road. Whilst rural roads are subject to the national speed limit, very often the road conditions will mean that most drivers are travelling at speed significantly less than the speed limit.

ESCC's speed limit policy PS05/02 aligns to Department of Transport guidance on setting local speed limits. The Department for Transport (DfT) Circular 01/2013 Guidance Setting local speed limits was revised in March 2024, and states, the 'guidance retains and builds upon many of the underlying principles of DfT Circular 01/2006, but provides additional evidence of the safety and wider benefits of setting appropriate speed limits.' Following this revision by the DfT, a review was undertaken of the relevant national guidance issued by the DfT (including the March 2024 revision of Circular 01/2013 and the January 2022 revisions to the Highway Code) and this concluded that adopted Policy PS05/02 continues to reflect national guidance and best practice.

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### **C. Will the Lead Member for Transport commit to consulting with residents on the desire for 20 mph zones in built up areas across the county?**

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

East Sussex County Council (ESCC) supports 20mph speed limits where appropriate. Adopted Policy PS05/02 allows for 20mph zones or speed limits to be considered where they are likely to be self-enforcing. An effective and self-enforcing 20mph speed limit can be achieved with signs alone on roads where the mean (average) speed of traffic is below 24mph. On roads where mean speeds are higher, appropriate traffic management/calming measures would need to be introduced.

All road safety concerns that are raised by Members and residents are assessed by a member of the Road Safety Team and where appropriate improvements introduced. When considering how ESCC assesses and prioritises road safety concerns including requests for lower speed limits, it is important to consider not only the Local Speed Limit Policy PS05/02 but also the wider policy and operational context. This includes ESCC's Local Transport Plan, and the processes and criteria followed when setting the annual Capital Programme for Local Transport Improvements, and the Annual Road Safety, Community Focused Road Safety and Speed Management Programmes.

The Council has a finite amount of funding to develop local transport improvements, and we will continue to ensure that we target our resources to those schemes which will be of greatest benefit to our local communities.

### **2. Question from Councillor Kathryn Field to the Lead Member for Transport and Environment**

There is a requirement that footpath maps should be completed by 2030. Is the County Council going to be able to meet this requirement?

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

The County Council has a duty to maintain and update the Definitive Map and Statement (DMS). The DMS is the legal record of all officially recognised Public Rights of Way (PROWs) in the County. (PROWs are Public Footpaths, Public Bridleways, Restricted Byways and Byways Open to All Traffic.)

Any individual can apply to the County Council to have an alleged PROW added to the DMS. That application process is known as a Definitive Map Modification Order (DMMO). DMMO applications are an evidence-based legal process. Applications are either based on user-based evidence, or historical 'documentary' evidence. (Applications can sometimes also fall into both categories.)

- A user-based 'contemporary' DMMO application relies on an applicant demonstrating a period of at least 20-years of public use. Due to the nature of this evidence, these applications rely on living witnesses and are within recent history.
- A documentary-based 'historical' DMMO application relies on documentary archive evidence to prove that a public right of way existed prior to 1949. (The legislation creating the DMS dates from 1949.) Therefore, these applications generally always rely on historical evidence to prove that a public highway existed.

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Almost all PROWs run over private land. To give increased certainty to landowners, as of the 1<sup>st</sup> January 2031, the Government is proposing to 'close' the DMS to 'historical' DMMO applications that rely on pre-1949 evidence. User-based 'contemporary' applications will not be affected by this cut-off date.

As a result, PROW user groups are currently submitting a large number of historical DMMO applications nationally, and ESCC now has a caseload of around 100 to process. Each case is complex and often needs a public inquiry to resolve. Therefore, it can take several years for an individual case to be completed. However, as long as user groups properly submit their historic applications prior to 1<sup>st</sup> January 2031, then ESCC is obliged to investigate and determine those cases.

Finally, the DMS is a constantly evolving record of PROW, so will never, technically speaking, be complete. Even after 2031, it will still be possible for new PROWs to be recorded and for path diversions to be carried out, for example, to enable planning developments.

### **3. Question from Councillor Kathryn Field to the Lead Member for Transport and Environment**

In order to help minimise disruption to communities and businesses, is there a system in place to consult local members and those with local knowledge before road schemes are authorised?

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

You will be aware that the law allows utility companies and developers to carry out works on the public highway in order to install new apparatus or to maintain existing apparatus. In emergencies, such as a water or gas main leak or a fault on an electricity or broadband supply, utility companies are allowed by law to start work immediately and to simply notify the Council. For planned maintenance the Council's Network Management Team have a difficult job coordinating over 20,000 Permit applications each year for works on the highway; juggling competing works, diversion routes that impact on other works, avoiding works in close proximity to schools during term times, and trying to accommodate access for residents, businesses and public bus services. They also have to be mindful of the safety of the travelling public and the workforce when agreeing road closures versus traffic light controls, and what the law requires for each. In Councillor Field's own Division, the picture is further complicated by the A21 and the need to consult with National Highways about diversion routes that use the trunk road, and also to accommodate road closures on the A21 where traffic is diverted on to local roads. Taking all of this into consideration, along with the tight timescales to agree and issue Permits, it simply isn't possible to consult with local Members. Local Members are of course kept informed of all major road works in their Division and can sign up to alerts for all work in their Division on the One. Network website: [Roadworks – live.eastsussexhighways.com](https://live.eastsussexhighways.com)

### **4. Question from Councillor Carolyn Lambert to the Lead Member for Transport and Environment**

Many residents are frustrated when they see maintenance teams mending potholes but leaving others alongside untouched. They cannot understand why roads are left to continue to deteriorate in this way when early intervention would save money.

Will the Lead Member authorise pothole maintenance teams to mend adjacent potholes when these meet the current criteria for repair, rather than waiting for them to deteriorate further and then having to return, sometimes within days?

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

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Thank you for your question, Cllr Lambert. Whilst I don't get involved in operational matters, I do know that the Highway Stewards are authorised to both use their expertise and judgement on a risk-based approach when determining whether a pothole meet the Council's intervention criteria. This enables the Stewards to call for repairs in particular situations, such as in parts of the road where cycles might ride or on pedestrian crossings where pedestrian cross the road. In all other situations the Highway Stewards are able to call for a pothole (that meets our intervention criteria) to be dealt with alongside any surrounding potholes (that might not be at intervention level) as a larger patch repair. You will recall the Council recently added a further £1.0m to this year's patching programme for precisely that purpose.

### **5. Question from Councillor Carolyn Lambert to the Lead Member for Transport and Environment**

A number of roads in the county consist of a tarmac skim over a concrete road. The concrete road maintenance programme is intended to address the fragility of these roads where the tarmac skim quickly wears off leaving damage that does not necessarily meet the pothole repair criteria. This causes frustration for residents who see damaged road surfaces that are simply left unrepaired.

One such area is Hawth Hill in Seaford. Residents regularly complain about potholes in this area although the Highway Steward is aware that this is an area of concern and regularly monitors the estate. It is not only a bus route but home to a large number of older people who rely on public transport.

It appears that the concrete road maintenance programme will not even be available to councillors until later in 2025 so residents and local councillors have no re-assurance that these repairs will be carried out in timely manner.

Will the Lead Member ensure that the concrete road maintenance programme is published alongside the budget papers so that members can be assured that the council is taking the concerns of residents seriously?

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

The Council has a limited budget for the repair of concrete roads, and the annual programme is published on the East Sussex Highways website: [Planned Maintenance Programme 2024-25 | live.eastsussexhighways.com](https://live.eastsussexhighways.com)

### **Supplementary question (submitted after the Full Council meeting) from Councillor Carolyn Lambert to the Lead Member for Transport and Environment**

Despite repeated requests, Hawth Hill in Seaford does not appear on the concrete road maintenance programme. Why not?

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

I can confirm that Hawth Hill is in our concrete roads programme for the 2025/26 financial year. Further details will be published in the usual way nearer the time.

### **6. Question from Councillor Carolyn Lambert to the Lead Member for Transport and Environment**

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A number of Seaford residents have raised the question of what they describe as a footpath along the A259 from Seaford to the Cuckmere Inn. The path runs along a bank which is now very overgrown although apparently it has been cleared in the past.

Will the Lead Member arrange for this area to be cleared so that pedestrians can walk safely in this area as has clearly been the custom and practice?

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

There is no footpath alongside the A259 Eastbourne Road between Seaford and the Cuckmere Inn. The formal route is via a licensed public footpath / cycleway across the fields from (mid-way along) Chyngton Lane down to the footpath that runs between the Cuckmere Inn and the Coastguard Cottages.

### **7. Question from Councillor Carolyn Lambert to the Lead Member for Transport and Environment**

The Lead Member will be well aware of the various concerns about the A259. East Sussex County Council has submitted a business plan to the Department for Transport some months ago.

Will the Lead Member provide a progress update?

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

As Councillor Lambert will be aware, the County Council commissioned a multi-model corridor study in autumn 2021 focussed on the section of the A259 Major Road Network (MRN) between Eastbourne and Brighton.

A series of stakeholder workshops were held in October 2021 and January 2022, which firstly considered the evidence base of issues, challenges and opportunities along the corridor and secondly the potential long list of schemes that could be considered for inclusion through the study. Following assessment of the long list of potential schemes including modelling and initial concept designs, the proposed shortlist of walking, cycling, traffic management schemes was presented to stakeholders in July 2023.

In the intervening period between the second and third workshops, the County Council had been successful in securing Bus Service Improvement Plan capital funding to deliver the bus priority measures in the county, with a focus on the A259 corridor. A number of those schemes were identified through the work undertaken during the emerging study. As a consequence, officers also needed to ensure that these bus priority measures and the other walking, cycling and safety interventions identified within the A259 MRN South Coast Corridor study complemented each other.

A Strategic Outline Business Case (SOBC) related to the proposed shortlist of schemes for the A259 South Coast Corridor was submitted to the Department for Transport in October 2023.

Since the SOBC submission, the Department of Transport, National Highways and Active Travel England have submitted a series of clarification questions through to officers on, for example, the strategic case for the package, the proposed measures themselves, as well as the modelling and economic appraisal underpinning the business case. This reiterative process of clarification questions being asked and officers responding is similar to our experience on other business cases we have submitted to the Department for MRN or large local major scheme funding, with Government decisions from submission taking sometimes up to 12 to 18 months to come through.

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If the SOBC is approved, it will then progress to the Outline Business Case stage where the A259 MRN South Coast Corridor package will be subject to further development and assessment as well as stakeholder engagement and public consultation on the detail of the proposed schemes.

It is anticipated that should funding be secured following approval of a Final Business Case, scheme delivery will take place in 2026/27 at the earliest.

### **Supplementary question (submitted after the Full Council meeting) from Councillor Carolyn Lambert to the Lead Member for Transport and Environment**

This is a critical piece of work of great importance to local communities, including Seaford, the biggest town in Lewes District which has been gridlocked a number of times due to traffic accidents.

Will the Lead Member ensure that councillors are kept regularly informed about the progress of the business plan so that they in turn can inform their residents?

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

In short, yes. I have asked the officer team engaging with the Department for Transport on the A259 South Coast Corridor Strategic Outline Business Case to keep local Councillors informed periodically about progress.

### **8. Question from Councillor Carolyn Lambert to the Leader**

Local government has endured central government funding cuts of more than 50% since 2010. Between 2010 and 2020, councils lost 60p out of every £1 they have received from central government. Research by UNISON has shown that councils across England, Wales and Scotland are facing a collective funding shortfall of more than £4bn by the financial year 2024/25 and a cumulative funding gap of £8bn by 2025/26. The last Government's 'levelling up' pots of money did little to help.

Council and school workers kept our communities safe through the pandemic, often putting themselves at considerable risk as they work to protect public health, provide quality housing, ensure our children continue to be educated, and look after older and vulnerable people.

Since 2010, the local government workforce has endured years of pay restraint with the majority of pay points losing at least 25 per cent of their value since 2009/10. Staff have endured the worst cost of living crisis in a generation.

At the same time, workers have experienced ever-increasing workloads and persistent job insecurity. Across the UK, 900,000 jobs have been lost in local government since June 2010 – a reduction of more than 30 per cent. Local government has arguably been hit by more severe job losses than any other part of the public sector. There has been a disproportionate impact on women, with women making up more than three-quarters of the local government workforce.

Recent research shows that if the Government were to fully fund the unions' 2024 pay claim, around half of the money would be recouped thanks to increased tax revenue, reduced expenditure on benefits and tax credits, and increased consumer spending in the local economy.

Will the Leader of the Council:

- support the pay claim submitted by UNISON, GMB and Unite on behalf

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of council and school workers for an increase of £3,000 or 10%, whichever is the greater.

- call on the Local Government Association to make urgent representations to central government to fully fund the NJC pay claim.
- write to the Chancellor and Secretary of State to call for a pay increase for local government workers to be funded with new money from central government.

### **Answer by the Leader**

The hard work and dedication of our staff in delivering essential services to our residents is valued by this Council.

The current pay bill for the staff covered by the local government pay award ('Green Book') is approximately £147M for Council employees and approximately £50M for School staff.

The cost of implementing the national Employer's pay offer is £7.1M to Council staff and £2.6M to School staff.

The cost of implementing the pay claim submitted by UNISON, GMB and Unite would be an additional £13.1M for Council staff and £3.5M for School staff.

Unlike other public sector pay awards, historically, the pay award for local government staff has not be funded nationally. Any increase to the pay award needs to be considered within the context of the significant financial challenges in relation to the services delivered by local government. Ongoing growth and increasing complexity of demand, along with demographic change and national market conditions have led to significantly increased costs for all Councils, a position which is not sustainable for local government finances. At ESCC in particular, we would simply not be able to bear the cost of the UNISON, GMB and Unite claim in our challenging financial situation.

Nationally, we await details of the new Government's approach to local government funding. The national Budget statement has been set for 30 October and the provisional Local Government Finance Settlement in December. We will continue our lobbying work to ensure that Government is fully aware of the financial challenges, as well as making the case for a sustainable funding regime for local government which is appropriately reflective of local need.

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

I am aware that the deadline for organisations to respond to the Local Nature Recover Strategy (LNRS) is in October, so there is still time for local organisations to respond. Please could you tell us how other local strategies that might impact negatively on nature and local eco-systems will be considered, and how the organisations that are developing these are being engaged through this process (e.g. TFSE, Local Transport plan, Local Plans, waste and minerals etc)? How does the Sussex LNRS interact with these other development facing actions (particularly road and buildings development, mining and waste) and ensure that nature and eco-systems, as well as emissions reductions, are prioritised?

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



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East Sussex County Council has been appointed as the Responsible Authority to develop the Local Nature Recovery Strategy (LNRS) for East Sussex and Brighton & Hove.

The deadline you referred to relates to a survey aimed at organisations and community groups (notably those active in nature's recovery) to tell us what their current activities and actions are. This is so that their work and priorities can feed into the development of the LNRS. In particular, the responses to the survey are helping us to establish the priorities for nature recovery in the Strategy area and to inform the types of measures (actions for the delivery of nature recovery) that could be captured in the LNRS, and where these measures could best be targeted to achieve the maximum benefits. The survey opened in February 2024 and is due to close in mid-October. To date we have had responses from 94 organisations and groups to this particular survey. A snapshot of the responses was created in July 2024, at which time we had 85 responses.

The Strategy itself is still in development and will go out to full public consultation prior to final publication, as per the statutory Regulations and Guidance, giving organisations a chance to see how the information they provided has been reflected in the LNRS, and to respond (as well as others who didn't reply to the survey). It is currently anticipated that public consultation will start in Summer 2025. This is due to the need for Supporting Authorities (i.e. all Local Planning Authorities in East Sussex and Brighton & Hove + Natural England) to sign off the draft strategy for consultation (currently programmed for late January, with a minimum statutory 28 days for response). The pre-election period for the County Council elections will then prevent us from going out to consultation until around July.

As part of the development of the Strategy, and again in accordance with the statutory Regulations and Guidance for developing LNRSs, we have undertaken a comprehensive review of published plans, policies and strategies across the LNRS area. This review is also being used to inform the development of the Strategy through, for example, the identification of existing priorities and potential measures.

ESCC is supported by the Supporting Authorities, as above, and a Working Group which comprises representatives from the key sectors and organisations involved in nature's recovery in the County.

The Statutory Guidance recognises that some priorities may be beyond the scope of the LNRS, for example because they are managed by other regulatory frameworks. However, these pressures can still be flagged within the LNRS and we have had a strong steer from our delivery partners that we should do this. In terms of how the LNRS will interact with factors such as Transport Planning etc, under the Environment Act 2021 all public authorities must "*have regard to*" the LNRS as part of complying with their duty to conserve and enhance biodiversity under the Natural Environment and Rural Communities (NERC) Act 2006. Government is required to provide guidance for local planning authorities on what this means by 01/01/25. Separately, the Levelling-up and Regeneration Act (LURA) 2023 requires Neighbourhood Plans, joint spatial development strategies, Local Plans, Minerals & Waste Plans and supplementary plans to "*take account of any LNRS*". The relevant sections of the LURA have not yet been commenced (Note: the commencement of a piece of legislation may be determined by a provision of the legislation itself, or it may be determined by a Commencement Order, as is the case here) and form part of wider reforms to the planning system, so this requirement is not yet in force.

We understand that the current Government has stated that they do intend to proceed with these reforms, but timelines are currently uncertain.

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

This question relates to the recently published Grenfell Tower Inquiry Report, which highlighted serious failings in the response of the local authority to the tragic and heartbreaking disaster. While this is about a different council, I believe that there might be important lessons for emergency planning to be learned by all local authorities. For East Sussex there have already been flooding as well as water supply and electricity cuts that have impacted vulnerable people, and we expect these kinds of instances to increase. And we are in the process of cutting the fire service and other services for vulnerable people.

Grenfell Inquiry Panel statement extract - *“Once again, we have found that those who lost their homes as a result of the fire were badly let down by the organisations that should have provided the support they desperately needed. The primary responsibility for that lay with the Council, which, as a Category 1 responder under the Civil Contingencies Act, should have had plans in place to enable it to respond effectively to the emergency. In the event, however, it had failed to put in place suitable plans or provide the training to its staff that was required to enable it to respond effectively to the situation it faced. In addition, its chief executive was ill-suited to taking control of what was undoubtedly a very serious challenge. The Council did not have the capacity to identify those who needed accommodation and other important forms of assistance; nor did it have arrangements in place for communicating with those affected by the disaster or the wider public. As a result, it was not capable of meeting the immediate needs of those who had been displaced from their homes for food and shelter. In the end it was local voluntary and community organisations that filled the gap by providing rest centres and temporary shelter.”* See below for extract from the executive summary and link to the full report.

Question: How will ESCC learn from the deficiencies of RBKC Council emergency planning and structures as well as the wider context and failures of emergency planning that have been detailed in the Grenfell Tower Inquiry report to strengthen ESCC emergency planning?

GRENFELL TOWER INQUIRY: PHASE 2 REPORT OVERVIEW REPORT of the PUBLIC INQUIRY into the FIRE at GRENFELL TOWER on 14 JUNE 2017

Executive Summary extract.

Full document available here: [Phase 2 report | Grenfell Tower Inquiry](#)

Part 10 Response and recovery (Chapters 98 – 107)

2.103 In the first week after the fire at Grenfell Tower the response of the government and RBKC was muddled, slow, indecisive and piecemeal. RBKC’s systems and leadership were wholly inadequate to the task of handling an incident of such magnitude and gravity, involving, as it did, mass homelessness and mass fatalities. The resilience machinery in London and within central government was not flexible enough and took too long to move into action.

2.104 Certain aspects of the response demonstrated a marked lack of respect for human decency and dignity and left many of those immediately affected feeling abandoned by authority and utterly helpless. RBKC should have done more to cater for those from diverse backgrounds, in particular those many residents of the Muslim faith who were observing Ramadan at the time. They were left feeling that the council had no regard for their cultural and religious needs. For many, their only source of support was local voluntary organisations, which moved in to help and provide for basic needs where those in authority had failed. Many who had particular religious, cultural or social needs

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suffered a significant degree of discrimination in ways that could and would have been prevented if the guidance had been properly followed.

2.105 The response to the disaster was inadequate principally because RBKC did not have an effective plan to deal with the displacement of a large number of people from their homes and such plan as it did have did not make effective use of the TMO. It had made no contingency arrangements for obtaining a large amount of emergency accommodation at short notice and had no arrangements for identifying those who had been forced to leave their homes or for communicating with them. Arrangements for obtaining and disseminating reliable information were also lacking.

2.106 One reason for the lack of effective plans was that RBKC had failed to train its staff adequately. They did not have a sufficient understanding of the importance of resilience or sufficient commitment to it. Exercises had not been held regularly and staff had not been required to attend the training sessions run by the London Resilience Group. Deficiencies that were well known to senior management had not been corrected.

2.107 Over a number of years, RBKC had allowed the capacity of its staff to respond to major emergencies to decline. There had been clear warnings to senior management that it did not have enough trained staff to enable it to carry out its responsibilities as a Category 1 responder and that contingency plans had not been practised enough. As a consequence, RBKC lacked the people it needed to respond to the fire effectively, both for the purposes of staffing the borough emergency communication centre and to deal with those who needed help. It was therefore ill-equipped to deal with a serious emergency. None of that was due to any lack of financial resources.

2.108 RBKC's chief executive, Nicholas Holgate, was not capable of taking effective control of the situation and mobilising support of the right kind without delay. He had no clear plan and did not receive all the information he needed. He was not well suited to dealing with the crisis that was unfolding in front of him and lacked a strong group of officers to whom he could delegate responsibility for some aspects of the response. He was reluctant to take advice from those with greater experience and was unduly concerned for RBKC's reputation.

2.109 RBKC had failed to integrate the TMO into its emergency planning. It should have realised that the TMO's knowledge of its buildings and their occupants could play an important part in the response to any disaster affecting any part of its housing stock.

2.110 The arrangements designed to promote the resilience of London as a whole did not provide for an experienced leader to take over the direction of the response to a disaster that had occurred within the confines of a single borough except by agreement with the chief executive of that borough. In the event, Nicholas Holgate was persuaded under pressure from a senior government official to hand over control to John Barradell, but not until two days after the fire.

2.111 The training of resilience personnel in London was piecemeal and not co-ordinated; it was also voluntary and not subject to any external assessment or validation. That contributed to a situation in which the capacity of individual local authorities to respond to emergencies varied between boroughs.

2.112 The government began monitoring the response to the fire at an early stage, but its ability to take effective steps to provide practical assistance was undermined by a shortage of reliable information and by the restricted nature of its powers to intervene. The Civil Contingencies Act 2004 did not give it the power to take control of the

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response without invoking the powers under sections 5 or 7. Those powers are far-reaching but cumbersome in operation and not well suited to taking control of the response when a local authority is failing.

2.113 The TMO attracted criticism from many quarters, but in relation to its response to the fire much of it was unfair. Although its staff should have received more training in how to respond to an emergency, they threw themselves into the response and helped to provide support, insofar as they were equipped to do so. Some of those within government who criticised the TMO did not properly understand its position or the scope of its powers, and it was unfairly tainted by association with RBKC. Many of the difficulties encountered in returning residents to flats in the Walkways were not of its making. The TMO teams that went to some of the rest centres on 14 June 2017 to give what help they could are to be commended for their willingness to become directly involved and for the efforts they made at what was a very difficult time.

2.114 Those who emerge from the events with the greatest credit, and whose contribution only emphasised the inadequacies of the official response, are the members of the local community. With the support of local voluntary organisations, they provided support in the hours immediately following the fire when the authorities were conspicuous by their absence. Indeed, one of RBKC's failings was to make too little use of the local voluntary organisations and to fail to have adequate standing arrangements to enable them to be called on in the event of a major emergency.

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

Local Authorities have clearly defined responsibilities with regards to civil emergencies which are set out in the Civil Contingencies Act, these include a responsibility to assess the risk of emergencies occurring, put in place emergency plans and arrangements to advise the public in the case of an emergency. In East Sussex, we have the East Sussex Resilience and Emergency Partnership, a partnership arrangement between East Sussex County Council, the five District and Borough Councils and East Sussex Fire & Rescue Service. Member organisations fund a central emergency planning team to support each organisation to meet their statutory requirements under the Civil Contingencies Act. In three tier authority areas, such as in East Sussex, the responsibility for opening and managing temporary shelters, such as rest centres, sits with the District and Borough Councils. Each District and Borough Council have Rest Centre Plans in place and through the ESREP partnership, we work closely together with our partners to regularly review, train and test these plans. This includes ensuring that the data we hold on vulnerable people is shared in the most effective and efficient way.

The County Council is also a member of the Sussex Resilience Forum and contributes to the Forum as a Category 1 Responder under the Civil Contingencies Act (2004). The Sussex Resilience Forum maintains various plans, including an Evacuation Plan, Incident Communications Plan and Identifying Vulnerable People Plan, in order to co-ordinate multi-agency support to a major incident. These plans are reviewed and exercised regularly. For example, East and West Sussex Councils are leading a multi-agency, Sussex wide evacuation and shelter exercise, which is scheduled for this coming Winter.

We will of course keep all learning from the Grenfell Inquiry under review and will work with our Partners to update plans where needed in light of this learning.

### **Point of clarification from Councillor Carolyn Lambert, Vice-Chair of the East Sussex Fire Authority**

There is a factual error in the final sentence of the first paragraph of Councillor Taylor's question regarding the Grenfell Report.

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Councillor Taylor states that “we are in the process of cutting the fire service and other services for vulnerable people.”

I do not know who Councillor Taylor means by “we” in this instance, but the Fire Authority, who are responsible for the East Sussex Fire and Rescue Service is not in the process of cutting the fire service or other services for vulnerable people. The Authority is currently consulting on proposals regarding Mayfield Fire Station but no decision has yet been made, nor will it be made until the consultation has concluded and all the relevant information is in place. I neither understand or recognise Councillor Taylor’s comments about services for vulnerable people. If these comments are aimed at the Fire and Rescue Service, then she should be aware that we take a pride in the wide range of preventative work we undertake to keep everyone safe but particularly those who are vulnerable.

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### **Oral questions from Full Council (submitted after the meeting) to the Lead Member for Transport and Environment.**

#### **Question 1 - Councillor Stephen Shing**

I received many unhappy parish councils and residents compliant about our highway maintenance works.

Many of those were no constructive reply, no reply, poor commutation, temporary road closures causing obstructions, gully debris no clearance and many more.

As county council is shortage of funding with a large deficit, it doesn't set a good image to our council.

My personal experience is highways missed sending public notice to me, sent me wrong information which not in my division.

Resident ask whether county highway should improve their performance to meet value for tax payer money.

#### **Response by the Lead Member for Transport and Environment.**

I am sorry to hear of the difficulties experienced by the Parish Council and local residents. Councillor Glazier and I met with the Managing Director of Balfour Beatty Living Places to express the Council's dissatisfaction with Balfour Beatty's performance in a number of areas. The ESCC Officer Team are dealing with this formally through the contract that the Council has with Balfour Beatty, and I am keeping an eye of this as Lead Member. I do know that on the customer service front, Balfour Beatty has recently appointed a new Customer Service Manager who will start later this month so I hope we will all see some demonstrable improvements. I know also that Balfour Beatty are about to launch a Member's Portal for elected Members which will provide live data about highways activities on a Divisional basis. Members will receive logging in details and assistance from their Stakeholder Liaison Officer. I am confident that elected Members will then have access to a whole host of up to date information about work taking place in their Divisions, including potholes, gully emptying, grass cutting, street lighting faults, as well as winter gritting and planned maintenance.

#### **Question 2 - Councillor Stephen Shing - New Exceat bridge**

What are those objections to the New Exceat bridge Compulsory Purchase Order?

When is the New Exceat bridge public inquiry will take place?

#### **Response by the Lead Member for Transport and Environment.**

The Project Team are working through those outstanding objections (to the CPOs) and hope to have these resolved, and therefore avoid the need for an inquiry. Any remaining objections will need to be determined at Public Inquiry, and if that is necessary it will likely be at some time in the Spring 2025.

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### **Question 3 - Councillor Julia Hilton**

A number of residents have emailed me asking for signage warning of slippery steps in wet weather on a number of flights of steps that ESCC Highways maintain. I have asked for these but been told Highways are unable to supply these.

As we have an increasingly aging population and heavier seasonal rainfall, I wonder if you might consider adding this request to the options available on the ESCC Highways website. It would cost very little and provide some useful warnings to residents to avoid injury. As we are due to see a report from People Scrutiny on Aging Well in East Sussex, this would be a small action that could demonstrate the county council's commitment to this principle.

### **Response by the Lead Member for Transport and Environment.**

Thank you for your question. I don't usually get involved with operational matters and leave those to the Officer team and to our contractor Balfour Beatty. I can see that Officers have explained that they don't provide the sort of signs you are requesting, but if there are dangerous or slippery steps in your Division, I am sure these can be addressed through your local Highway Steward.