

**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 10 MAY 2022 at 10.00 am**

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

**1. To elect a Chairman of the County Council**

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

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

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

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

*Councillor Pragnell in the Chair*

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

**2. To appoint a Vice Chairman of the County Council**

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

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

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

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

2.3 The Council agreed to vote by a show of hands. Following the vote, the Chairman declared Councillor Galley appointed as Vice Chairman of the County Council for the ensuing

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year. Councillor Galley made a declaration of acceptance of office and took his seat as Vice Chairman.

### **3. Minutes of the meeting held on 22 March 2022**

3.1 RESOLVED – to confirm as a correct record the minutes of the County Council meeting held on 22 March 2022.

### **4. Apologies for absence**

4.1 Apologies for absence were received on behalf of Councillors Johanna Howell, Paul Redstone and John Ungar.

### **5. Chairman's business**

KEITH HINKLEY

5.1 The Chairman stated that Keith Hinkley, the Council's Executive Director of Adult Social Care and Health, has been a key part of the senior officer team here since he was appointed as Director of Adult Social Care in January 2005. I am aware that newer Members may not know Keith as, since October 2020 he has worked primarily in West Sussex as part of our local improvement partnership. Keith will be retiring later this month and I know we will all want to mark the occasion and thank Keith for all he has done for East Sussex. Keith joined the County Council in March 1992 and held various roles before becoming a Chief Officer. His contribution, professionalism and leadership in the transformation of adult social care services, the wider county council and the integration with health has been outstanding. I know you will all join me in wishing Keith a long and happy retirement. The Leader of the Council and Group Leaders also paid tribute to Keith.

#### CHAIRMAN'S ACTIVITIES

5.2 The Chairman reported that he had attended four engagements since the last meeting of the Council - the Reception for the Queens Award for voluntary service nominees, a performance of The Mikado at the White Rock Theatre, Hastings, the Mayoring Ceremony in Winchelsea and the Mayor Making Ceremony at Rye.

#### PETTITIONS

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

Councillor Maples - calling for Brighton & Hove City Council to have representation on the Pension Committee

Councillor Rodohan - calling on the County Council to make Compton Place Road, Eastbourne safe for school children

#### PRAYERS

5.4 The Chairman thanked the Right Reverend Richard Moth for leading prayers before the meeting.

### **6. Record of delegation of Executive Functions**

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

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### 7. Declarations of Interest

7.1 There were no declarations of interest.

### 8. Reports

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

Governance Committee report – paragraph 2 (Amendment to the Constitution – debate on Cabinet priorities)

#### NON-RESERVED PARAGRAPHS

8.2 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:

Governance Committee report – paragraph 1 (allocation to Groups of places on committees) and paragraph 3 (Adoption Agency Delegation)

Standards Committee report – paragraph 1 (annual report)

### 9. Report of the Governance Committee

Paragraph 2 (Amendment to the Constitution – debate on Cabinet priorities)

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

9.2 The following amendment was moved by Councillor Daniel and seconded:

a) Standing order 10 (11)

At the July meeting, to debate the Cabinet's priorities for the year ahead, with the exception of a year of Full Council elections when the debate will be held at the annual meeting

b) Standing Order 23 (2)

No speech shall exceed five minutes except where the Leader of the Council and the Leaders of the Opposition Groups are speaking at the start of the debate on the Cabinet's priorities. In this instance, each Leader shall be permitted to speak for up to 104 minutes – see Standing Order 45.

c) Standing Order 32.8

The Leader of the Council shall have a right of reply to the debate on the Cabinet's priorities for the year ahead.

d) Standing Order 45

#### **DEBATE OF CABINET'S PRIORITIES FOR YEAR AHEAD**

At the July meeting of the Council up to 90 minutes shall be set aside for a debate of the Cabinet's priorities for the year ahead (and its past achievements) with the exception of a year of Full Council elections when the debate will be held at the annual meeting. The Leader of the Council and the Leaders of the Opposition

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Groups shall be entitled to speak first and shall each be permitted to speak for up to 104 minutes. Any extension must be agreed by the Council. Otherwise the normal restrictions on the length of speeches shall apply. No motions may be moved during this debate. At the end of the 90 minutes' period (or sooner if the debate is concluded in less time) the Leader of the Council shall be entitled to reply to the debate.

9.3 Councillor Glazier indicated that he would be willing to accept the amendment.

9.4 The motion, as amended, was CARRIED.

### **10. Appointments to Committees and Sub-Committees**

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

10.2 The motion was CARRIED.

### **11. Appointment of Members to other Committees and Panels**

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

11.2 The motion was CARRIED

### **12. Confirmation to the continuation of other bodies**

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

12.2 The motion was CARRIED (with no member voting against).

### **13. Appointment to the Discretionary Transport Appeal Panel**

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

13.2 The motion was CARRIED (with no member voting against).

### **14. Appointment of Chairs and Vice Chairs**

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

To appoint the following members to positions listed below:

<b>Committee</b>	<b>Chair</b>	<b>Vice-Chair</b>
Regulatory	<b>Chris Dowling</b>	
Audit Committee	<b>Swansborough</b>	<b>Fox</b>

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People Scrutiny Committee	<b>Howell</b>	<b>Ungar</b>
Place Scrutiny Committee	<b>Beaver</b>	<b>Hilton</b>
Health Overview and Scrutiny Committee	<b>Belsey</b>	<b>Robinson</b>
Governance Committee	<b>Glazier</b>	
Planning Committee	<b>Liddiard</b>	<b>Barry Taylor</b>
Pension Committee	<b>Fox</b>	
Standards Committee	<b>Belsey</b>	

### 15. Questions from members of the public

15.1 Copies of the questions from members of the public and the answers from Councillor Fox (Chair of the Pension Committee) are attached to these minutes. A Supplementary question was asked and responded to.

### 16. Questions from County Councillors

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

<b>Questioner</b>	<b>Respondent</b>	<b>Subject</b>
Councillor Shuttleworth	Councillor Simmons	Coordination of works on the highway by fibre optic companies to minimise disruption to residents
Councillor Murphy	Councillor Glazier	Number of Judicial Reviews in which the County Council was a party in 2021/22 quarter 3
Councillor Osborne	Councillor Claire Dowling	Involvement of local members when considering changes to bus services
Councillor Scott	Councillor Glazier	Update regarding progress of the Gateway Project in Hastings
Councillor Webb	Councillor Maynard	Ukrainian refugee payment scheme and safeguarding issues in relation to placements
Councillor Georgia Taylor	Councillor Glazier	Representations regarding the subsidy to oil and gas companies and a windfall tax on profits made by

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such companies

Councillor Stephen Shing      Councillor Maynard

Checks made on refugees  
prior to being housed with  
families in the UK

16.2 One written question was received from Councillor Lambert for the Lead Member for Resources and Climate Change. The question and answer are attached to these minutes. The Lead Member responded to a supplementary question.

THE CHAIRMAN DECLARED THE MEETING CLOSED AT 10.45 am

The reports referred to are included in the minute book

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### Delegations approved by the Leader of the Council – 10 May 2022

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

The Cabinet comprises the following members

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

(b) *the extent of any authority delegated to cabinet members individually as portfolio holders will remain as set out in the Constitution of the County Council [eastsussex.gov.uk/constitution](http://eastsussex.gov.uk/constitution) or alternatively hard copies are available at County Hall, Lewes (please contact Andy Cottell – 01273 481955) and below.*

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

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



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

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Education and Inclusion, Special Educational Needs and Disability	<ul style="list-style-type: none"><li>• Any executive function including strategy and policy for all Children's Services (education) matters</li><li>• Principal service area responsibilities:<ul style="list-style-type: none"><li>Quality and standards in educational establishments</li><li>Special educational needs</li><li>School admissions and transport</li><li>Early years and childcare</li><li>School organisation and place planning</li><li>Skills (shared with Economy)</li><li>all ancillary activities</li></ul></li></ul>
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*(c) appointment to the position of Deputy Leader*

Councillor Bennett to be appointed Deputy Leader of the County Council

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

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

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

There is no delegation of executive functions to local committees

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

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

[Constitution - Delegations to Officers](#)

or alternatively hard copies are available at County Hall, Lewes (please contact Andy Cottell – 01273 481955)

Urgent Executive Decisions

There were no executive decisions taken during 2021/22 where the making of the decision was agreed in accordance with Regulation 11 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

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Councillor Keith Glazier  
Leader of the Council

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### QUESTIONS FROM MEMBERS OF THE PUBLIC

#### 1. Question from Susan Conway, Hove

I live and practice as a solicitor in Hove and I am a member of the Association of UK Lawyers for Israel.

I refer to the letter sent by a Special Rapporteur to the UN Human Rights Council, to you and other Local Government Pension Scheme (LGPS) Committee Chairs on 22 November 2021 and published by the LGPS Advisory Board at <https://lgpsboard.org/images/Other/LetterLynk22112021.pdf>.

According to the LGPS Advisory Board, its Secretary together with the Chair and representatives of the Local Authorities Pension Fund Forum held a call with the Special Rapporteur on 11 January 2022.

The Association of UK Lawyers for Israel wrote to the Chair of the LGPS Advisory Board on 28 February 2022 and a reply on 11 April 2022 which states that

*“the purpose of the meeting with the Special Rapporteur in January was to clarify and correct some of the assertions and misrepresentations made in his letter to enable the Board, if it wishes, to make a considered and measured response. ... the meeting with the Special Rapporteur is not to be taken as agreement by the Board with any of the claims or arguments he put forward in his letter. ... he has not provided the further information he undertook to provide in January and ... in consequence no follow up meeting has taken place.”*

Can the Chair of the Pension Committee confirm that this Committee is focused on securing the best financial return for the East Sussex pension fund, that it does not take into account non-financial factors unless they satisfy the Law Commission’s test, and that it will disregard the claims in the Special Rapporteur’s letter?

#### Response by the Chair of the Pension Committee

The Pension Committee takes its fiduciary duties seriously and makes it clear its primary aim is to provide pension benefits for members and their beneficiaries when due. To do this the Pension Fund invests to secure the best financial return for its members balancing risk and return. The Fund is fully conscious that as administering authority, its 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. As a result, the fund only takes into account financial risk factors, and not non-financial factors motivated by other concerns such as improving members quality of life or showing disapproval of an industry or locality, unless the Fund can prove that the legal test is satisfied - in that there is no risk of significant financial detriment to the Fund and that the Committee have good reason to think that the scheme members share the concern.

The Pension Committee and Fund have not taken any action in response to the letter sent by a Special Rapporteur to the UN Human Rights Council on this matter and at this time does not intend to do so. The Fund publishes its Investment Strategy Statement

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and Funding Strategy Statement on its website which clearly lays out the approach of the Fund when investing. The Fund does engage with its Fund managers and with companies through collaborate engagement, where there is deemed to be a risk to a company and ultimately the return to the Fund. A statement was issued in July 2021 and is available on the website 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.

### **2. The same or similar questions were asked by:**

Fiona MacGregor, St Leonards-on-Sea, East Sussex  
Serena Penman, Lewes, East Sussex  
Clare Finn, Hove  
Philippa Hislop, Lewes, East Sussex  
Anne Megan Griffiths, Lewes, East Sussex  
Jane Wilde, Rye, East Sussex  
Hannah Barker, Brighton  
Emily Salisbury, Lewes, East Sussex  
Anne Massey, Hove  
Ann Holmes, Lewes, East Sussex  
John Crosby, Hastings, East Sussex  
Sarah Hazlehurst, Brighton  
Susan Murray, Lewes, East Sussex  
Elizabeth Ottosson, Eastbourne, East Sussex  
Hugh Dunkerley, Brighton  
Ayesha Mayhew, Brighton  
Shella Parkin, Brighton  
Robert Ralph, Hastings, East Sussex  
David Silk, Battle, East Sussex  
Sue Fasquelle, Lewes, East Sussex  
John Hopkinson, Eastbourne, East Sussex  
Andrea Needham, Hastings, East Sussex  
Rona Drennan, St-Leonards-on-Sea, East Sussex  
Will Dando, Pevensey Bay, East Sussex  
Brian Leite, Hastings, East Sussex  
Emily Price, St. Leonards-on-Sea, East Sussex  
Sonya Baski, Lewes, East Sussex  
Michael Carr, St Leonards-on-Sea, East Sussex  
Ian Bunch, Hastings, East Sussex  
Meg Lansom, Westham, East Sussex  
Amanda Griffin, Hastings. East Sussex  
Caroline Gorton, Brighton  
Terence Neale, Brighton  
Sarah Casey, Lewes, East Sussex  
Lorraine Langham, Bexhill, East Sussex  
John Lynes, St Leonards-on-Sea, East Sussex  
Frances Saunders, Brighton  
Jacqueline Emery, Seaford, East Sussex  
Mick Venables, North Chailey, East Sussex

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Helen Rehin, Brighton  
Jane Munro, Winchelsea, East Sussex  
Jennifer Allan, Seaford, East Sussex  
Gary French, Hastings, East Sussex  
Deborah Crook, Eastbourne, East Sussex  
Helen Bramley-Burgess, Eastbourne, East Sussex  
Mary-Jane Wilkins, Lewes, East Sussex  
Jonathan Penson, Hastings, East Sussex  
Anne Fletcher, Seaford, East Sussex  
Gabriel Carlyle, St Leonards-on-Sea, East Sussex  
Aaran Allison, St Leonards-on-Sea, East Sussex  
Arnold Simanowitz, Lewes, East Sussex  
Charmain Kenner, St Leonards-on-Sea, East Sussex  
Carol Smyth, Seaford, East Sussex

Does the East Sussex Pension Committee accept the conclusion of the International Energy Agency, that in order to limit global warming to 1.5°C there must be an immediate halt to all investments in new oil, coal and gas?

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

The Fund's principal role as laid down in statute is to invest to secure the best financial return for its members balancing risk and return so we can provide pensions on time and in full which are affordable. As an administering authority, the power of investment must be exercised for investment purposes, and not for any wider purposes. The Fund's Statement of Responsible Investment Principles states explicitly the importance which it attaches to engaging with the challenges and opportunities presented by the energy transition. In this statement the Pension Committee have stated that climate risk can present material financial risks to asset values and investment returns and this belief has driven fundamental changes in the investment strategy. The Fund's investments focused on climate solutions, greener revenues, impact equity, water, waste and resource efficiency amount to £1.5 billion. It is not for the Pension Committee to debate and agree or disagree with the views expressed by the IEA in its first piece of 1.5° modelling. It is one of many pieces of evidence that the Fund, its managers and collaborative partners, take into account when creating the investment portfolios and in engaging with publicly listed fossil fuel companies in pursuit of tipping the trajectory of their capital expenditure in the direction of renewable energy, while acknowledging that these companies have a strategic role to play as a bridge in that transition.

## WRITTEN QUESTIONS PURSUANT TO STANDING ORDER 44

### **1. Question by Councillor Lambert to the Lead Member for Resources and Climate Change**

Large parts of Warwick House in Seaford remain unoccupied several years after Adult Social Care re-located dementia care and other services to Eastbourne. No information appears to be forthcoming about whether or not the lease has been finalised, the use the building will be put to and a timetable for opening.

This building represents a significant investment of public money and it is important that residents are re-assured that every effort has been made to occupy the vacant space in a timely manner so that the County Council does not incur unnecessary costs.

Can the Lead Member please provide an update on this building? Can he also provide information on any other vacant buildings that the County Council owns for which no occupier has yet been found?

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

At Warwick House, the areas that were vacated by Adult Social Care have been let to the NHS, on a 10 year lease starting from 6 December 2021. The NHS are finalising their plans for the refurbishment of the space. They plan to deliver services from the building once the works are complete. The NHS have advised they will be starting on site on 9 May so the community will start to see activity and occupation in due course.

There are two other Council owned building assets which do not have any other occupiers or interim uses. The Council is the long leaseholder of part of a building known as Magdala House, Rye. This property is no longer used for operational use. Discussions are occurring with the landlord to allow the Council to sub-let the space and it will be marketed shortly. The Council also owns Sackville House and there have been recent commercial additional lettings, so this office block is now 92% let. The remaining office suite is currently being marketed.