

Public Document Pack

Tony Kershaw
Director of Law and Assurance

If calling please ask for:

Clare Jones on 033 022 22526
Email: clare.jones@westsussex.gov.uk

www.westsussex.gov.uk

County Hall
Chichester
West Sussex
PO19 1RQ
Switchboard
Tel no (01243) 777100



14 July 2023

Dear Member,

County Council - Monday, 17 July 2023

Please find enclosed the following documents for consideration at the meeting of the County Council on Monday, 17 July 2023 which have been issued since the agenda was published.

- | Agenda No | Item |
|------------------|------------------------------------------------------------------------------------------------------------------------|
| 2. | Members' Interests (Pages 3 - 4)

List of declared interests. |
| 4. | Appointments (Pages 5 - 6)

Nominations. |
| 9. | Question Time (Pages 7 - 16)

Supplementary Question Time report and written questions. |
| 10(a) | Notice of Motion on Infrastructure Levy (Pages 17 - 20)

Briefing note. |
| 10(b) | Notice of Motion on Highways Repairs (Pages 21 - 26)

Briefing note and proposed amendment by Cllr Boram. |

Yours sincerely

Tony Kershaw
Director of Law and Assurance

To all members of the County Council

County Council 17 July 2023**Agenda Item 2****Declaration of Members' Interests**

Members have declared interests as shown, in the paragraphs specified. Unless otherwise indicated, all the interests are personal but not prejudicial. "DC" = District Council, "BC" = Borough Council, "TC" = Town Council and "PC" = Parish Council.

Member	Item	Nature of Interest
Cllr Ali	9 – Question Time	Member of Crawley BC
Cllr Ali	10(a) – Notice of Motion on Infrastructure Levy	Member of Crawley BC
Cllr Ali	10(b) – Notice of Motion on Highways Repairs	Member of Crawley BC
Cllr Atkins	10(a) – Notice of Motion on Infrastructure Levy	Member of Worthing BC
Cllr Atkins	10(b) – Notice of Motion on Highways Repairs	Member of Worthing BC
Cllr Boram	9 – Question Time	Cabinet Member for Community & Wellbeing at Adur DC
Cllr Boram	10(a) – Notice of Motion on Infrastructure Levy	Member of Adur DC
Cllr Boram	10(b) – Notice of Motion on Highways Repairs	Member of Adur DC
Cllr Condie	9 – Question Time	Member of Burgess Hill TC
Cllr Condie	10(a) – Notice of Motion on Infrastructure Levy	Member of Burgess Hill TC
Cllr Condie	10(b) – Notice of Motion on Highways Repairs	Member of Burgess Hill TC
Cllr Elkins	9 – Question Time	Member of Arun DC
Cllr Elkins	10(a) – Notice of Motion on Infrastructure Levy	Member of Arun DC
Cllr Elkins	10(b) – Notice of Motion on Highways Repairs	Member of Arun DC
Cllr Gibson	10(a) – Notice of Motion on Infrastructure Levy	Cabinet Member for Sustainable Economy and Housing at Mid Sussex DC, Member of East Grinstead TC, Worth PC and Turners Hill PC

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Member	Item	Nature of Interest
Cllr Johnson	10(a) – Notice of Motion on Infrastructure Levy	Member of Chichester DC
Cllr Johnson	10(b) – Notice of Motion on Highways Repairs	Member of Chichester DC
Cllr Lanzer	9 – Question Time	Member of Crawley BC
Cllr Lanzer	10(b) – Notice of Motion on Highways Repairs	Member of Crawley BC
Cllr Mercer	9 – Question Time	Member of Horsham DC and Chair of Orchard Hill College Academy Trust
Cllr Mercer	10(b) – Notice of Motion on Highways Repairs	Member of Horsham DC
Cllr Milne	10(a) – Notice of Motion on Infrastructure Levy	Cabinet Member for Planning at Horsham DC
Cllr Milne	10(b) – Notice of Motion on Highways Repairs	Cabinet Member for Planning at Horsham DC
Cllr Oakley	10(a) – Notice of Motion on Infrastructure Levy	Member of Tangmere PC
Cllr Sharp	9 – Question Time	Member of Chichester DC
Cllr Sharp	10(a) – Notice of Motion on Infrastructure Levy	Member of Chichester DC
Cllr Sharp	10(b) – Notice of Motion on Highways Repairs	Member of Chichester DC

County Council – 17 July 2023

Item No. 4

Committee Appointments

Committee	Change
Governance Committee substitutes	Cllr Montyn in place of Cllr Hunt Cllr Sparkes in place of Cllr Urquhart

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Supplementary Cabinet Report: Delivering Our Council Plan 2021-25

This report sets out the key strategic decisions, policy and programme initiatives, consultations, government announcements and key events within each Cabinet portfolio area to deliver our strategic priorities.

Leader – Paul Marshall

- Earlier this month the Leader attended the [LGA Conference 2023](#) in Bournemouth. The conference provided a valuable opportunity to network and learn from members and officers from across the country, as well as lobby on key areas of concern for the County Council, including highways investment, planned changes to the Community Infrastructure Levy and local government funding. Speakers at the conference included Rt Hon Michael Gove MP, Secretary of State for Levelling Up, Housing and Communities, Rt Hon Gillian Keegan MP, Secretary of State for Education, and Lee Rowley MP, Parliamentary Under Secretary of State, Department for Levelling Up, Housing and Communities, Rt Hon Angela Rayner MP - Deputy Leader, Labour Party, and Rt Hon Sir Ed Davey MP, Leader, Liberal Democrats.

Children and Young People, Learning and Skills (Lead Member for Children) – Jacquie Russell

- Proposals to amalgamate two schools are being progressed as part of a plan to [reduce surplus pupil places in Worthing](#). The amalgamation of Lyndhurst Infant and Chesswood Junior schools will create a new all-through primary school with fewer primary places together with a new Special Support Centre to increase provision for children with special educational needs and disabilities. In combination with the previously agreed reduction in admission numbers at other schools in the borough these proposals will help secure a sustainable future for primary education in Worthing.
- The County Council is working with over 50 clubs across the county to offer the [biggest Holiday Activities and Food \(HAF\) programme to date](#) during the school summer holiday. The scheme enables children and young people aged four to 16 who are eligible for benefits-related free school meals to enjoy a range of activities and a nutritional meal free of charge during the holiday period. The Council is also providing a £60 supermarket voucher to cover the six-week holiday period, meaning further support for these eligible children at a time when financial pressures continue to affect many.

Environment and Climate Change (and Deputy Leader) – Deborah Urquhart

- In March, the Government consulted on the new **Infrastructure Levy**, which is being introduced to replace the current system of developer contributions secured through S106 Agreements and the Community Infrastructure Levy. The County Council's consultation response expressed disappointment and concern that upper-tier authorities would not have a statutory role in the process and that it would result in worse outcomes for those authorities and other service providers. The County Council therefore responded that the new Levy should not be introduced, and the Government should focus on reforming the existing system. The Authority's position reflects that of over 30 organisations (including the County Councils Network) that wrote to the Secretary of State calling on him to not implement the proposed Levy because

it could result in less infrastructure being delivered and fewer affordable homes being built, and there could be an adverse impact on housing delivery.

Highways and Transport – Joy Dennis

- The County Council is [investing a further £4.5m](#) into maintaining the county's highways and roads. This means a **boost of £14.5m funding for highways operations** with the rest being made up of the £7m increase in funds for road maintenance from the County Council's capital budget and £3m from central government for pothole repairs. The funding will provide resources to repair potholes including additional gangs working on the road network, procurement of an additional road patching machine, drainage works and refreshing of signs and lines across the county to improve visibility and safety.

Contact Officer: Helen Kenny, Head of Democratic Services, 033 022 22532, helen.kenny@westsussex.gov.uk

Background papers

None

West Sussex County Council – Written Questions

17 July 2023

1. Written question from **Cllr Cornell** for reply by **Cabinet Member for Children and Young People, Learning and Skills**

Question

The recent scrutiny of the 2021 re-design of early help services highlighted the lack of available funding for a pre-school outreach worker to identify need.

Given a key aim of the new service model is to 'Improve early identification; taking action to respond to problems before they are more difficult to reverse' and that a major re-design impact was the closure of 31 out of 43 Sure Start Centres across the county, can we look again at priorities and resources to ensure that pre-school children are not doubly disadvantaged in this way?

Answer

Early identification of pre-school children is a priority area of work for Early Help and supported by the work undertaken in Education and Skills.

There are a number of approaches taken to ensure there are strong links with other early years providers. Early Help is co-located in Family Hubs with midwives and health visitors which provides immediate opportunities to raise concerns and share resources. Health and early years providers are represented at the six locality partnership groups. In addition to this the senior advisors from the Standards and Effectiveness team, responsible for early years, also attend the groups. This ensures that issues relating to this cohort are visible, addressed and provide an additional link to Early Help, Social Care and Education and Skills.

In addition, there is further cross over with Early Help and Education and Skills in the provision of follow up for Free Entitlement. This work provides contact with families who are struggling through the direct follow up process.

The number of early years settings across the county are significant at over 500 meaning it is not possible to provide each setting with a named link worker within the resource available. However, the Early Years Childcare Advisors and SEND Early Years team both provide regular contact with settings.

2. Written question from **Cllr Gibson** for reply by **Cabinet Member for Highways and Transport**

Question

Speeding on 'rat-runs' is a key concern for residents in rural areas. This has been recognised through the commitment to tackle 'inappropriate use of unsuitable routes using behavioural initiatives' in the area transport strategies of the West Sussex Transport Plan 2022-36.

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- (a) What form will these behavioural initiatives take and what progress has been made in their implementation?
- (b) How will the effectiveness of these behavioural initiatives be quantified?
- (c) Has the Council held discussions with Sussex Police regarding the use of Speed Indicator Displays with Automatic Number Plate Recognition (ANPR) capability and are these one of the initiatives being considered?
- (d) How is the 'inappropriate use of unsuitable routes' represented in the transport models used by the Council to assess the impact of traffic generated by new developments on the road network?

Answer

- (a) The scope of these initiatives is still being determined. The West Sussex Transport Plan (WSTP) is a 15-year plan and some initiatives, such as the one to tackle 'inappropriate use of unsuitable routes', need to be developed before they can be implemented. Initiatives will be progressed subject to funding and availability of resources.
- (b) The WSTP includes a range of measures and indicators that will be monitored and reported in the Annual Monitoring Report. These include the National Highways & Transport Public Satisfaction Survey, which includes overall satisfaction with highways and transport services benchmarked against other authorities. This can be supplemented with specific measures and indicators that will be identified at the scoping stage of projects to develop behavioural initiatives.
- (c) The Sussex Safer Roads Partnership (partners include the County Council and the police) has a recently convened an Innovations Group whose purpose is to identify and trial new ways of reducing the number of people killed and seriously injured. Although no decisions have been made at this stage, the use of speed indicator devices with number plate recognition is being considered alongside other competing interventions.
- (d) There is no single up-to-date transport model with county-wide coverage. Instead, a range of transport models are used to assess the impact of new developments on the road network. The area of coverage and capabilities of the transport models depend on their intended purpose. If the transport model is capable of assessing impacts on roads with lower classifications, which may be considered to be 'unsuitable' depending on the proposed development, they will typically be reported in a transport assessment or study.

3. Written question from Cllr Oxlade for reply by Cabinet Member for Highways and Transport

Question

Residents are concerned about the Council's approach to pothole repairs; many would consider criteria of no intervention until a pothole measures 40 mm by 10 mm as unacceptable. Can the Cabinet Member tell me:

- (a) How the parameters for pothole repair have changed in the county over the last 15 years (how many changes, what they were and when they occurred) and are any changes planned at present?
- (b) How do the Council's pothole repair parameters compare with those of neighbouring councils?
- (c) Surrey County Council has a five-year investment programme which will see £188m invested in improving and maintaining roads and pavements over five years. To what extent does the level of investment by West Sussex County Council for repairing potholes, improving and maintaining roads and pavements (over and above funding provided by central government) compare with other local authorities in the South East on a per kilometre of road basis?

Answer

- (a) Over the last 15 years West Sussex County Council (WSCC) has operated under two key approaches to the response and treatment of safety defects. The Safety Plus Regime was introduced in 1997 and was replaced with the current Highway Inspection Manual in May 2021, to align with the change in Code of Practice to 'Well Managed Highways'. The criteria in both regimes are largely the same. The more significant amendments were the introduction of a risk-based approach, which is an approach that aligns with the latest Code of Practice, as well as the introduction of a new 24-hour response which gives more flexibility and agility to the response to safety defects. No changes are planned but the approach is periodically reviewed.
- (b) The majority of Highway Authorities have a minimum intervention level of 40mm in depth for potholes in the carriageway, with a minimum width of between 150mm and 300mm. WSCC operates a minimum width of 150mm and, for contrast, Hampshire County Council and East Sussex County Council (ESCC) have a minimum width of 300mm before they intervene and raise a pothole for repair

For the most urgent repairs, neighbouring local authorities and WSCC all have a two-hour response. For their lowest risk safety defects, WSCC and ESCC have a 28-day response time. In comparison, Surrey has a 20-day response time, with caveats that this will extend to six months if the area of concern will be rectified by a larger permanent solution. Hampshire County Council has a 14-day response time but similar to Surrey, this can be extended to two months, depending on the type of defect and risk to the highway user
- (c) The level of funding for highways maintenance inevitably varies from one authority to another, as does the level of need. WSCC has spent approximately £146m of capital on highway maintenance activities over the past five years. Historical funding covers all highways maintenance activities i.e. resurfacing roads and pavements, bridge repairs and maintenance of other highway assets.

4. Written question from Cllr Natalie Pudaloff for reply by Cabinet Member for Highways and Transport

Question

Does the Cabinet Member take the view that existing legislation governing transport accessibility, such as the 2010 Equality Act, is adequate?

- (a) What steps is the Council taking to improve accessibility in the transport sector specifically for disabled people who are adults of working age and children and those with long-term health conditions?
- (b) What steps are the Council taking to work with health and social care providers to ensure that public transport is co-ordinated with other services?
- (c) What is the Council's timeline for implementing the 20's Plenty (20mph speed limit) broader implementation to reduce social and health inequalities?
- (d) What are the Council's plans to educate the public about the importance of accessible transportation?

Answer

National legislation is a matter for the Government. However, legislation affecting buses has ensured that local buses have been fully accessible for years, though coaches have proven more challenging due the nature of their construction and use. The County Council has sought to use accessible minibuses across most of its fleet to ensure they can be used by all passengers. Across the wide range of publicly available transport which is not within the Council's influence such as taxi, rail or air, the Cabinet Member recognises that users' experiences can vary depending on the type of transport used and location where it is accessed.

- (a) The County Council has a statutory duty to provide off peak free bus travel for entitled disabled people. However, the County Council does more than this and provides free travel 24/7.

Some of the Bus Services Improvement Programme funding is being used to launch new fully accessible digital demand responsive transport services allowing fully inclusive services in hard-to-reach areas in July 2023. These will complement the conventional bus services, many supported financially by the County Council, which also works closely with local bus operators through the Enhanced Partnership. Local buses must meet accessibility standards.

The BusIt campaign is encouraging older and disabled people to use buses again following the pandemic. Numbers of free bus passes have increased.

- (b) Through the Enhanced Partnership, bus services are being promoted to health and social care providers offering cost-effective or free transport solutions for staff, patients and carers, a sustainable alternative to the car where appropriate. In addition, community transport providers are supported through the County Council's Service Level Agreement with Community Transport Sussex who develop, support and deliver community transport services across the county, sometimes in partnership with key organisations such as Age UK to tackle social isolation.

We work with bus companies to co-ordinate buses with key destinations such as hospitals to aide staff and visitors have services when they are most needed.

- (c) There is not currently a programme for widespread implementation of 20mph speed limits in West Sussex. All applications submitted from the community will be carefully considered.
- (d) The County Council works with a number of organisations, including Passenger Focus, in the delivery of information and promotions by the County Council and partners, emphasising the importance of transport solutions being accessible to all.

5. Written question from Cllr Quinn for reply by Cabinet Member for Highways and Transport

Question

In an answer to my written question at December 2022 full Council, I understood the pothole repairs backlog was cleared and that between 2018 and 2022 the County Council had paid out on just 14% of claims, an amount over £274,800 for damage to vehicles/persons. A recent Highways email highlighted a significant rise in such claims being received. Could the Cabinet Member tell me:

- (a) What assessment has been made of the cost impact this increase will have on Council finances?
- (b) And confirm, between April 2022 to April 2023:
 - The number of claims made
 - The number of claims settled by payment
 - The percentage of claims settled by payment
 - The number and percentage of claims that were unsuccessful
 - The total amount paid out
- (c) Does the Cabinet Member believe it reasonable for claimants to wait at least 24 weeks, or six months, for their claim to be processed given that in some cases motorists may be without transport?

Answer

- (a) The increase in claims is likely to lead to an increase in the level of compensation paid but this will still be manageable within allocated budget provision.
- (b) Between April 2022 to April 2023:
 - **the number of claims made:** total claims received between 1 April 2022 and 31 March 2023 is 2,475. However, these have not all been processed
 - **the number of claims settled by payment:** 78. However, not all claims have been processed

- **the percentage of claims settled by payment:** of the claims processed, 60%
 - **the number and percentage of claims that were unsuccessful:** 31 and 40%. These figures will change as claims are processed
 - **the total amount paid out:** £30,219. This figure is likely to increase once all claims have been processed
- (c) The County Council has not been able to increase the staffing resources to process claims and this has led to an increase in the time taken to process them. In most, if not all, cases claims are based on repairs having been carried out, the claim being for the cost incurred.
- 6. Written question from Cllr Sharp for reply by Cabinet Member for Highways and Transport**

Question

Concerning the Draft Active Travel Strategy:

- (a) What methods will be used to assess and evidence to Active Travel England, and the public, that attitudes towards Active Travel have changed? Have before and after surveys taken place?
- (b) Walking levels have been static for several years. Urban sprawl means residents make fewer journeys on foot. Fewer journeys are made on foot in rural areas. How will the Cabinet Member replace medium (two to five-mile) car journeys by walking and measure success?
- (c) Research has shown most people are reluctant to walk more than 20 minutes for everyday journeys. Is this concentration on walking limiting modal shift by failing to provide for safe (electric) bike journeys?
- (d) Have people with disabilities, different ages and users of cargo bikes and bikes used as mobility aids been involved in co-producing the Strategy? If not, why not?
- (e) What contingencies have been built into the Strategy if it does not fulfil its aims?

Answer

- (a) The draft Active Travel Strategy consultation planned for September will give insight into public views regarding active travel priorities. In addition, on-street sensors have been installed at new active travel schemes and School Street sites that will provide valuable before and after data. In relation to School Streets, there is also travel data from schools that will continue to be monitored.
- (b) Whilst levels of walking have been static at a national level, the Department for Transport reports that the number of people who walk at least once a week for any purpose has increased in recent years. The figure for West Sussex is higher than the national average and neighbouring counties. The County Council continues to develop significant numbers of longer distance active travel

schemes e.g. the Strategic Transport Investment Programme schemes, three Local Cycling and Walking Infrastructure Plan schemes, and Arundel/Ford and Chemroute. Beyond this, shorter distance walking naturally feeds into public transport therefore medium/longer trips may be met and improved via the County Council's Bus Service Improvement Plan work. All schemes will be monitored for their effectiveness. In addition, consideration will be given to replacing the county plan length of cycleway implementation target with one which measures usage more directly.

- (c) This is unlikely to be the case. Active Travel England suggest that 90% of the Government's target will be achieved via walking and wheeling. The Government's objectives relate to short distance (less than 20 minutes) journeys in towns and cities. These include a target in relation to increasing the proportion of children aged five to 10 who walk to school and encouraging people who already walk to walk more, or people who do not walk to walk. This is likely to result in greater modal shift than increasing cycling levels for longer journeys where part of the issue is that e-bikes, whilst excellent, remain unaffordable for many people.
- (d) The forthcoming public consultation will give an opportunity to input into the draft Active Travel Strategy. All suggested amendments will be considered. In addition, the Local Transport Note 1/20 design guidance upon which the strategy is based was produced with people with different needs and types of bike.
- (e) This is to be confirmed given the strategy is currently draft and subject to consultation. An action plan and strategy governance are to be agreed following formal adoption of the strategy post consultation.

7. Written question from Cllr Wild for reply by Cabinet Member for Highways and Transport

Question

The County Council currently uses glyphosate as a weed killer. However, it is known to harm wildlife and bees in particular, and bees especially are needed for helping in our food production.

Could the Cabinet Member advise me when the County Council will be removing this toxic poison from use?

Answer

The product used to control weed growth in the county is a glyphosate-based herbicide called Trustee Amenity. It is applied at a concentration of 3.5% (in water) and is considered to be a low risk to bees when used in accordance with the manufacturer's instructions.

There are currently no other cost-effective alternatives available to treat such significant areas of network. However, the situation is being continually monitored as officers are working with other local authorities with a view to considering any alternative methods of weed control should they become available.

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Last year, hot-foam removal of weeds was trialled. Whilst this method of removal contains no herbicide, the hot water/foam is likely to kill insects it comes into contact with. It takes considerably longer to apply, and the foam system uses significantly more fuel and water than conventional treatment. It is estimated that it could cost around 37 times more than conventional treatment.

Glyphosate is currently licenced for use in the UK until December 2025.

County Council – 17 July 2023

Item 10(a) - Notice of Motion on Infrastructure Levy from Cllr Dabell

Briefing Note

Introduction

On 17 March 2023, the Government published a [technical consultation](#) on the new Infrastructure Levy (the 'Levy'), which is being introduced through the Levelling-Up and Regeneration Bill (LURB).

The LURB seeks to replace the current system of developer contributions (i.e. Community Infrastructure Levy (CIL) and S106 agreements) with a mandatory, more streamlined, and locally determined levy. There is the suggestion that S106 agreements will continue to be used to secure the delivery of some infrastructure but this would be at a reduced level.

The consultation, which closed on 9 June 2023, set out the proposed technical details of how the Levy could be implemented and how it could work in practice. Responses to the consultation will inform the preparation and content of regulations, which will themselves be consulted on should Parliament grant the necessary powers set out in the LURB.

Background

Since the implementation of CIL nationally in 2014, there have been numerous changes to national regulations and guidance seeking to improve its introduction and operation.

CIL has now been adopted by all the local planning authorities in West Sussex, excluding Adur District Council and Mid Sussex District Council; in those two areas, S106 agreements are the only mechanism to secure developer contributions. As a consultee in the CIL, the County Council has no control over setting and collecting the levy, deciding spending priorities, and the allocation of funds.

In recent years, the Government has consulted on changes to the developer contributions system through the 'Reforming Developer Contributions Technical Consultation on Draft Regulations' (December 2018) and the 'Planning White Paper' (August 2020). The Planning White Paper sought answers to specific questions regarding the introduction of a national levy.

Based on the County Council's experience of the operation of CIL across most of the County, comments were submitted to those consultations, setting out areas of concern and caution regarding a national Levy.

Consultation

The recent consultation says that the Levy would be a more efficient system, "largely sweeping away the sometimes-protracted negotiation of Section 106 planning obligations". It also says the Levy would be mandatory with all local planning authorities required to implement it.

The proposals would see the amount that developers pay calculated only once a project is complete, rather than, as at present, when the site is given planning permission. The reason for this would be to ensure contributions capture the benefit from increases in land value between the granting of planning permission and completion of construction.

It proposes that the Levy would be more transparent, with charging schedules making the expected value of a contributions clear up-front. It would also make it clear to (a) existing and new residents what new infrastructure would accompany development and (b) to developers what infrastructure would be required to make the development acceptable.

'Charging Authorities' (i.e., lower-tier and unitary authorities) would be able to set rates themselves, with a portion of the money to be passed directly to communities as a 'neighbourhood share' to fund their infrastructure priorities (as happens with CIL). County councils would not be Charging Authorities and would not have a statutory role on the process.

Charging Authorities would be required to engage with communities and consult with upper-tier authorities as part of the process.

Charging Authorities would be required to prepare an Infrastructure Delivery Strategy, which would set out their spending plans.

The Government has committed to the Levy securing at least as much affordable housing as developer contributions currently do. Affordable housing currently sits outside CIL. Charging Authorities would have the 'right to require', meaning they would be able to dictate how much of the Levy would be used to deliver affordable housing on-site and how much would be given in cash for other infrastructure.

The new 'right to require' proposes that the developer would be obliged to deliver the apportionments set out by the planning authority, thereby eliminating negotiation and affording greater protection to policy compliant levels of affordable housing.

The consultation says that the Levy would prevent developers from negotiating down the amount they contribute to a community on projects they bring forward.

It was proposed that the Levy would be rolled-out through a 'test and learn' approach from 2025, meaning that it would be tested by a representative minority of authorities prior to a nationwide roll-out. This would mean that the Levy would not be rolled out nationally until 2029-32.

WSSC Consultation Response

On 9 June 2023, the County Council responded to the consultation setting out general comments and responses to the questions asked by the Government.

The following is a summary of the general points made by the County Council in its consultation response:

- disappointment and concern that upper-tier authorities, which are providers of infrastructure that is essential to economic health and social well-being, would not have a statutory role in the Infrastructure Levy process.

- the Government should ensure that county councils have a statutory role in the process, especially in the identification and prioritisation of infrastructure, and the allocation of collected funds.
- concern that the proposed Levy will not resolve the current issues with the CIL system experienced by service providers and could result in worse outcomes for county councils and other service providers in securing contributions towards the essential infrastructure that supports the delivery of development and economic prosperity.
- concern that considerable additional resources and expertise would be required to implement the proposed Levy.
- overall, the new Levy should not be introduced as currently proposed and that the Government should focus on reforming the existing developer contributions system. This should include a statutory role for county councils in the identification and prioritisation of infrastructure, and a dedicated share of funds for upper-tier authorities.
- the County Council would be happy to work with the Government and others to reform the current developer contributions system and, if the proposal is retained, the introduction of the Infrastructure Levy so its shortcomings can be addressed.

Related Matters

Following the close of the consultation, 30 organisations (including the County Councils Network, charities, housebuilders, professional bodies, and housing associations) wrote to the Secretary of State for Housing, Communities and Levelling Up Secretary, calling on him to not implement the proposed Levy. This was because, in summary, it could result in less infrastructure being delivered and fewer affordable homes being built, and because there could be an adverse impact on housing delivery.

Lee Harris

Director of Place Services

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County Council – 17 July 2023

Item 10(b) - Notice of Motion on Highways Repairs from Cllr Lord

Briefing Note

Motion paragraph (3)(a)

West Sussex experienced one of its hottest summers in 2022 and this was followed by higher-than-average rainfall from September to January, with exceptionally high rainfall in November leading to widespread flooding on the network. Extremely cold periods in December and January resulted in an unseasonably high number of gritting outings. These extreme weather fluctuations contributed to the unprecedented volume of defects.

The incidence of safety defects is increasing year on year. The average over the past three years has increased to 38,200 compared to 32,268 over the previous seven years. Numbers are exceptionally high this year and, if they continue at the same level, a total of between 45,000 and 50,000 is expected.

Neighbouring southeast authorities have also experienced significant increases in defect numbers. A number of authorities across the region, including West Sussex, have written to the Government to ask for more funding for highway maintenance to address the longer-term investment required to prevent potholes.

In terms of the response to these repairs during the winter months, it is extremely difficult to increase resources to meet demand when all local highway authorities are experiencing similar demand increases. The County Council did deploy extra safety gangs and extended their working days, working twilight and weekend shifts. In addition 'find and fix' gangs were deployed to focus efforts in specific areas. The emphasis has to be on making the network safe and occasionally this has an impact upon the long-term quality of repairs.

In recognition of the issues across the network, the County Council has allocated exceptional revenue funding of £4.5m in 2023/24. This supports additional resources on proactive activities which will better prepare the county's road network for the winter season. The best time to fix road defects properly is when the weather is warm and dry which is not when the majority of the problems occur. Initiatives being implemented include:

- **Right First-Time approach** where all repairs to be mandated as 'cut, sawn and sealed'
- **Jet Patchers** – additional Jet Patcher funded so there are now three employed across the county
- **Additional 'Small Scale' Patching gang** working during the summer months. Patching can add structural strength back into the area of carriageway
- **Find & Fix Gangs** – additional funding for gang resource in the winter
- **Drainage** – water-logged roads impact the condition of the network. Additional resources to undertake jetting, CCTV investigations, gully repairs and preventative maintenance

- **Additional Patching budget** – additional capital for small scale patching work

Motion paragraph (3)(b)

The contractor plans their work to meet contractual timescales. Efforts will be made to publish more granular data showing timescales on a district/ward basis. This will confirm the lack of geographical bias in the allocation and prioritisation of work.

Motion paragraph (3)(c)

To improve engagement with district, borough, town and parish councils on highway matters officers have engaged with the West Sussex Association of Local Councils, Arun councils and Mid Sussex councils to try and understand what would improve awareness and knowledge sharing. Due to the upsurge in activity following the winter resources have been limited in recent months but when back to normal 'business as usual' more resource will be applied to this activity.

Motion paragraph (3)(d)

The County Council has piloted alternative delivery models with town councils and continues to work with other councils in the county on highway maintenance matters.

Mid Sussex town councils have agreed to provide feedback on the quality of highway repairs over the summer months, with East Grinstead Town Council providing more granular, specific feedback on repairs. This is a positive way to audit our activities and focus efforts on quality and timeliness of repairs.

There is a complexity to the reactive highways service which would be extremely onerous for other councils. Amongst the barriers to this are:

- Liability – there would be a requirement for indemnity and insurance cover engagement with the Council's insurers in cases of conflicting liability. This includes accounting for responsibility to address damage claims, evidence collation and court attendance.
- Qualifications and Equipment – anyone working on the highway needs to hold specific certification and use approved equipment and materials.
- Permitting – all works on the highway require, as a matter of law, a permit from the County Council which will add an administrative burden upon both councils involved.
- Record Keeping – defects and repairs are recorded on a central system that is used to support our asset management and provide a basis for responding to claims.
- Emergency call out – the service provides a 365 days a year/24hr call-out service.
- Health and Safety – any third party would be working for or on behalf of the highway authority and as such would need to comply with statutory and contractual requirements for compliance and consequent liability.

The current contractual arrangement revolves around a lump sum payment for a set number of safety defect repairs. The volume of work provides economies of scale, so the cost to repair a defect provides good value for money given the large volume the contactor is dealing with. If the number of defects reduces within the main contract as other councils take on some of the work the cost per defect will increase. Also, the reactive service model provides county-wide out of hours emergency response and the operatives double-up as gritter drivers which would be at risk if taking out specific elements out of the work.

The contract is currently tendered on a pan-county basis. If the County Council paid other councils to undertake defect repairs it would effectively be paying twice as we cannot simply reduce the lump sum we pay to our contractors.

The officer time required to negotiate and manage formal agreements with numerous local councils across the county to undertake work on some form of agency basis would be significant. It would require the involvement of officers currently managing the major maintenance contracts and service plans. This would be likely to have an adverse impact on capacity and the best use of resources.

Lee Harris

Director of Place Services

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County Council 17 July 2023

Item 10(b) - Notice of Motion on Highways Repairs from Cllr Lord

Amendment by Cllr Boram

County and ~~district and borough~~ councillors across West Sussex are regularly approached by residents, parish, neighbourhood, and town, **district and borough** councils about potholes and the state of the highways locally. The transparency of **Priorities, intervention levels and programming are misunderstood** is ~~poor~~ leading to **some** residents believing that their roads are forgotten at the expense of other parts of the county.

The cold and wet weather of the past winter has caused huge damage to our roads which West Sussex County Council, **as with all highway authorities**, has struggled to fix in a timely manner. This has led to significant frustration amongst residents and occasional regrettable and unacceptable behaviour towards our hardworking highways officers and the Council's contractors.

Therefore, this Council:

- (1) Expresses its thanks to all officers **and contractors** who have worked diligently throughout the winter and spring to repair our roads and deal with resident frustration.
- (2) Asks residents to be mindful that the individuals on the frontline are not responsible for the **complex set of factors** ~~polices~~ that have caused the problems.
- (3) ~~Declares that it no longer has confidence in the current model for highways repairs and therefore~~ **Asks** the Cabinet Member for Highways and Transport to:
 - (a) **Continue to** ~~Urgently~~ review the contract, oversight and response to emergency repairs to ensure this Council is ~~better~~ able to manage winter pressures and the impacts of climate change.
 - (b) **Maintain and enhance the current approach to data sharing with councillors and residents to** ensure that there is no perception of geographical preference in the prioritisation of repairs ~~through greater transparency of data shared with councillors and residents.~~
 - (c) **Continue** ~~Improve~~ engagement with district, borough, town and parish councils on highway matters to aid knowledge sharing and transparency.
 - (d) Explore how the Council could **work** ~~fund an alternative approach to repairs and pilot this~~ with district, borough, town and parish councils who are willing to work together on **alternative practical value for money approaches which meet legislative requirements and our statutory responsibilities across the whole of the county** ~~this.~~

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