

To all Members of the County Council

An ordinary meeting of the County Council will be held at **10.30 am** on **Friday, 19 July 2019** at **County Hall, Chichester**.

Agenda

1. **Apologies for Absence**

2. **Members' Interests**

Members are asked to disclose any pecuniary or personal interests in matters appearing on the agenda.

3. **Minutes** (Pages 9 - 38)

The Council is asked to confirm the minutes of the ordinary meeting of the County Council held on 7 June 2019.

4. **Review of Proportionality** (Pages 39 - 40)

Following recent changes to group affiliation, the County Council has a statutory duty to review the proportionality on its committees. A brief explanation of the proportionality rules and how they are applied is set out in the attached report, together with the proportionality following the changes. Appendix 1 - a table showing the resulting number of seats on committees - will follow.

10.45 am 5. **Appointments**

To consider proposed changes by the Groups to appointments. Proposals will be circulated and changes will take effect from the end of the meeting.

6. **Address by a Cabinet Member** (To Follow)

At the discretion of the Chairman, to receive any address by a Cabinet Member on a matter of urgency and/or significant interest to the County Council and which relates to the powers and responsibilities of the County Council or which affects the Council.

The Cabinet Member for Children and Young People will make a statement on the Council's improvement plan in relation to the actions and proposals to address the requirements arising from the recent Ofsted report into Children's Services. A report will be provided to members ahead of the Council meeting. Members may ask questions of the Cabinet Member in accordance with Standing Order 2.33.

7. **Notices of Motion**

(a) **Motion on Small Schools Federations**

To consider the following motion, submitted by Dr O'Kelly, notice of which was given on 1 July 2019.

'The current financial climate for small schools continues to be challenging. The government strategy for small schools is to aim to keep them open and includes exploring federation before considering closure. This Council itself recognises the need for small schools to consider federation in its School Effectiveness Strategy 2018-22. Closure of a small school can be devastating for children, families and the rural communities they are in and the School Effectiveness Strategy recognises this as only a final option.

The process of federation relies on school governors, who are volunteers, often with full time jobs and other commitments, and who do not always have the time and skill sets needed, to explore and develop the federation options fully themselves. Although the School Effectiveness Strategy outlines that the Council will support and challenge governing bodies who have considered the options, there is no formal process for assisting governing bodies in assessing the options open to them and developing possible federation agreements in the first place.

This Council believes that:

- (a) Small schools are at the heart of our smaller communities.
- (b) The federation process is not always straightforward and without significant input from this Council from the earliest stages of the process, governing bodies cannot easily explore federation on their own.
- (c) A more proactive approach to federation is more likely to keep our small schools open and viable and at the heart of our rural communities.
- (d) Consulting on the possible closure of a school should only be considered where all other options have been exhausted.

This Council resolves to ask the Cabinet Member for Education and Skills to:

- (1) Share knowledge about federation and how it can be achieved with all small schools including sharing best practice guidance from other local authorities;

- (2) Provide officer support to governing bodies to consider federation including providing support to find possible partners and facilitate discussions;
- (3) Provide practical tools and officer support during the partnership phase in helping to make all the transitional arrangements; and
- (4) Not consult with the public as to the future of any school in West Sussex without having gone through such a process with schools.'

(b) **Motion on governance system**

To consider the following motion, submitted by Dr Walsh, notice of which was given on 1 July 2019.

'The County Council has been found 'inadequate' by HM Inspectorate, in respect of the Fire and Rescue Service, as well as in its provision of Children's Services by Ofsted, where the Government has appointed a Commissioner to run the service. The Member of Parliament for Mid Sussex has written to the Secretary of State for Housing, Communities and Local Government expressing his "grave concerns about the governance of this authority", and asking him "to investigate why things have gone so wrong".

It is abundantly clear to all that there is a systemic failure of political leadership of West Sussex County Council encompassing all our major services, and further evidenced by the high turnover rate of most senior officers at Director level including Chief Executive over the last few years, and the churn of Cabinet Members.

The Council therefore resolves to scrap the current Cabinet system of governance, where most major decisions are taken either by individual Cabinet Members, or occasionally by the whole Cabinet, and to replace it with a Committee-based system, where all councillors play a part in decision making, and for this to be in place by May 2020.'

(c) **Motion on Fire and Rescue Service Inspection Rating**

To consider the following motion, submitted by Mr Jones, notice of which was given on 2 July 2019.

'This Council notes with dismay the findings of the recently published Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS) Inspection report on the West Sussex Fire and Rescue Service (WSFRS) with a rating of 'needs improvement' for Efficiency, a rating of 'needs improvement' for Effectiveness and a rating of 'inadequate' for People. It is also the only service

in the country not to get a 'good' rating in any category.

This Council recognises that staff in WSFRS do an excellent job in protecting people in West Sussex but that they have been let down by a failure of political leadership at the County Council, which has allowed cost-cutting and budget pressures to take priority over the maintenance of what HMICFS considers acceptable standards.

This has been exacerbated by decisions from the Cabinet that have seen fire stations closed, and second and third fire engines being removed from some remaining stations. Reports from the former Chief Fire Officer confirm they were major reasons for increased response times. Despite the Council's extended response standard for most of the county of 14 minutes, the service has been unable to meet it, as the inspectorate notes, since 2014.

This Council also recognises that this is the second inspection in recent months that has seen a vital service, important to the welfare and safety of all West Sussex residents, being judged as insufficient to meet the required standard and it has become unsustainable for this council to have confidence in a Leader and Cabinet who have presided over such an outcome. This Council therefore expresses that it has no confidence in the Leader and Cabinet.

This Council therefore calls on the Leader and the Cabinet Member for Safer, Stronger Communities (or their successors, if and when they are appointed) to:

- (1) Completely withdraw the cuts to WSFRS proposed for 2019/20 that were put on hold for one year, and prioritise the recruitment of additional firefighters to replace those cut since 2010.
- (2) Stop prevaricating on the clearly unfair funding that WSFRS is receiving compared to other surrounding fire authorities and to finally press the Government for urgent additional funding to properly resource the very stretched service, something which the Leader and the Cabinet Member have failed to do, despite being mandated over six months ago by a full meeting of this council dated 14 December 2018.
- (3) Urgently progress the updating of outdated software and communication equipment in the Fire and Rescue Service to ensure that there is a clearer picture of operational staffing levels and gaps.
- (4) Ensure as soon as possible that the Fire and

Rescue Service launches an anti-bullying campaign to stamp out any instances of bullying and harassment, which will finally carry out advice that was given to WSFRS following the results of a staff stress survey as long ago as 2017.

- (5) Take steps to increase the diversity of the workforce, particularly in respect of more female firefighters and more from the BAME communities, and to work with councillors and other bodies across the county to reach out to local people from these minority groups to encourage them to consider becoming both wholetime and on-call firefighters.
 - (6) Do more to tackle shortages of on-call firefighters and the need to finally accept some of the deep rooted problems with recruitment and retention of on-call firefighters will need more than marginal changes, but a whole new approach that recognises that:
 - (a) more wholetime firefighters are needed to guarantee availability in certain areas of the county; and
 - (b) recruiting and retaining On Call Firefighters crews can be easier in larger settlements within West Sussex, and the first step should be restoring the third fire engine and on-call firefighter crew at Crawley Fire Station.
 - (7) Launch a review, led by an independent person external to this Council, to determine whether alternative governance arrangements for WSFRS may be necessary, given the findings of the inspection report. The review would investigate whether it is still in the best interests of the service for current governance to continue if the County Council, squeezed by continuing Conservative national government cuts, concludes that it cannot afford to meet its duty to resource the service to the level required to protect the residents of West Sussex with acceptable levels of service and performance. The terms of reference for this review to be drawn up with all relevant parties in WSFRS, and to include their employees' trade union representatives.'
- (d) **Motion on Prospective sale of County Council-owned land at Withy Patch**

To consider the following motion, submitted by Mr Jones, notice of which was given on 2 July 2019.

'This Council notes that West Sussex County Council owns the freehold land known as Withy Patch which currently forms part of an area that has planning permission from Adur District Council for an extensive new development, commonly known as New Monks Farm.

This Council recognises that the proposals for a major development and retail park has been a source of considerable controversy in recent years. This Council believes that the continued uncertainty, anger and stress this has caused local residents, is unacceptable and calls on the Cabinet Member for Finance and Resources to either take action now to reassure the community that the Council will not proceed with selling or transferring this land to developers or to confirm he will not accept any arrangement which attempts to get the Council to agree to waive, or write off, any of the section 106 developers' contributions from the New Monks Farm developers that will be required to provide sufficient education provision to meet the needs of the resulting community. The needs of West Sussex children and their education must come first.

This Council believes that there is already an increasing shortage of places both in primary and in secondary education in the Adur and Worthing areas with children currently being sent to maintained schools much further from their homes, because the local schools have not got the places for the existing population. The additional population from the New Monks Farm development will inevitably create further pressures and reduce local parents' ability to find school placements close to them without these contributions. Moreover, the additional financial burden of creating places will almost certainly have to be met by this Council, which already faces unprecedented financial pressures without having to absorb the costs of building additional buildings and increasing capacity elsewhere.

This Council also believes that facilitating this development through the sale of the land will result in outcomes entirely at odds with the values recently expressed in the cross-party motion on climate change and the 'climate action pledge'. Not only may the new development increase the local flooding risk, but the increased traffic and congestion on this part of the A27 relating to the increased population and high profile retail offer will exacerbate further the already serious problems relating to pollution and air quality in the current Air Quality Management Areas within the District.

In the event that the Cabinet Member decides to sell

or transfer the land it is understood the gypsy and travellers' site at Withy Patch would be required to move to the edge of the development and the residents effectively living directly on the edge of a building site, with all the dust, noise and disruption that such construction would entail. Given what this would mean for that community, this Council also calls on the Cabinet Member for Safer, Stronger Communities to undertake a meaningful consultation with those residents as the person accountable for their welfare on the Council's land and to object to the sale of the land should the residents ask for that.

Therefore for the reasons stated above, this Council urges the Cabinet Member for Finance and Resources to refuse any sale or transfer of the land at Withy Patch.'

8. **West Sussex County Council Annual Report 2018/19**
(Pages 41 - 86)

The County Council is asked to consider the Council Annual Report 2018/19, in the light of a report by the Leader.

Lunch (In the event that the morning business is finished before lunch the afternoon business will be brought forward as appropriate.)

9. **Performance and Finance Select Committee: Annual Scrutiny Performance 2018/19** (Pages 87 - 108)

The Council is asked to approve the Annual Scrutiny Newsletter 2018/19 which summarises the work of the Select Committees and reports the performance measures for the end of the year, in the light of a report by the Performance and Finance Select Committee.

10. **Question Time** (Pages 109 - 112)

Questions to the Leader and Cabinet Members on matters contained within the Cabinet report, written questions and any other questions relevant to their portfolios. Members may also ask questions of the Leader on anything that is currently relevant to the County Council. The report covers relevant Council business or developments in respect of portfolios arising since the meeting of the Council on 7 June 2019. A supplementary report may be published.

(2 hours is allocated for Question Time)

11. **Governance Committee: Review of Scrutiny and Delegation to Standards Committee** (Pages 113 - 114)

To note arrangements for a review of scrutiny and consider a delegation to the Standards Committee in relation to recommendations from the Local Government and Social Care Ombudsman, in the light of a report from the Governance Committee.

County Council concludes

Items not commenced by 4.15 p.m. will be deferred to the following meeting.

Director of Law and Assurance
10 July 2019

The times stated indicate the latest end times for previous business and should not be relied on as start times for subsequent items

Webcasting

Please note: this meeting may be filmed for live or subsequent broadcast via the County Council's website on the internet - at the start of the meeting the Chairman will confirm if all or part of the meeting is to be filmed. The images and sound recording may be used for training purposes by the Council.

Generally the public gallery is not filmed. However, by entering the meeting room and using the public seating area you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes.