

To all Members of the County Council

An ordinary meeting of the County Council will be held at **10.30 am** on **Friday, 18 October 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 11 - 44)

The Council is asked to confirm the minutes of the ordinary meeting of the County Council held on 19 July 2019.

4. **Result of By-election** (Pages 45 - 46)

To receive the County Returning Officer's return of the by-election on 26 September 2019 for the county councillor for the Three Bridges Electoral Division.

5. **Review of Proportionality** (Pages 47 - 48)

The County Council has a statutory duty following a by-election 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 a table showing the number of seats on committees.

6. **Appointments**

(a) **Appointment of Leader**

Following the resignation of Ms Louise Goldsmith as Leader of the Council, to appoint a new Leader for the remainder of the four-year term to 2021.

(b) **Notification of appointments to the Cabinet and Senior Advisers and Advisers to Cabinet Members** (To Follow)

To receive notice of the new Leader's proposed appointments to the Cabinet and any Senior Advisers or Advisers to Cabinet Members, together with the Leader's proposals for the allocation by the Leader of Cabinet portfolios between the Cabinet Members the Leader proposes to appoint (copy to be

circulated).

10.45 am

(c) **Appointments to Committees**

Following the by-election and in the light of the Leader's proposals at 6(b), to consider proposed changes by the Groups to appointments.

Proposals will be circulated. Changes will take effect from the end of the meeting.

7. **Mr Andrew Baldwin**

The Council is asked to resolve that, in accordance with Section 85 of the Local Government Act 1972, Mr Baldwin's ill health should be approved as a reason for absence.

8. **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 Children First Improvement Plan.

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.

9. **Flexible Use of Capital Receipts Strategy (Pages 49 - 52)**

The Council is asked to approve the Council's Flexible Use of Capital Receipts Strategy and an increase in the capital programme budget to fund transformation expenditure, in the light of a report by the Cabinet Member for Finance and Resources.

10. **Notices of Motion**

(a) **Motion on Small Schools Federations (Pages 53 - 54)**

To consider the following motion, submitted by Dr O'Kelly, which was referred to the Cabinet Member for Education and Skills at the meeting of the County Council on 19 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.'

and the report of the Cabinet Member for Education and Skills.

(b) **Motion on system of Council governance** (Pages 55 - 56)

To consider the following motion, submitted by Dr Walsh, which was referred to the Governance Committee at the meeting of the County Council on 19 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.'

and the report by the Governance Committee.

(c) **Motion on Prospective sale of County Council-owned land at Withy Patch**

Please note that the Chairman has agreed that the motion submitted by Mr Jones, which was referred to the Cabinet Members for Finance and Resources and for Fire and Rescue and Communities at the meeting of the County Council on 19 July 2019, will be referred to a later meeting. This will allow for a further discussion between Mr Jones and the Cabinet Members.

(d) **Motion on Air Quality**

To consider the following motion, submitted by Mr Boram, notice of which was given on 20 September 2019.

'This Council recognises air pollution is the top environmental risk to human health in the UK and the fourth greatest threat to public health after

cancer, heart disease and obesity. Improving air quality is a target in the West Sussex Plan and our partners have similar objectives, which resulted in our joint action plan 'Breathing Better'. It is one year on and, whilst there have been continued improvements in air quality in West Sussex with most of our Air Quality Management Areas showing demonstrable reductions in pollution, it is imperative that greater devolution of powers and finance are provided to local authorities to do more to make the significant changes required.

This Council applauds the Government's intention to confer a legal right to unpolluted air for everyone in the UK and to use World Health Organisation air quality measures but calls on the Government to strengthen the powers and funding to all local authorities to achieve clean air.

This Council has an ambition that local air quality will comply with air quality standards by 2025. To meet this challenge, the Council calls on the Cabinet Member for Environment to continue to work collaboratively with our district and borough council partners, as well as introduce further measures over the next three years, to improve quality of air such as:

- (1) enforcement of anti-idling outside schools, hospitals and at level crossings and run a 'Switch if off' campaign across the county;
- (2) implementation of the emerging Electric Vehicle Strategy to accelerate the provision of public charging points;
- (3) ensuring all planning policies across West Sussex authorities include robust criteria to assess the impact on air quality of development and ensure there are appropriate mitigation measures, including HGV routing and use of Ultra Low Emissions Vehicles (ULEVs);
- (4) requiring that the Council's procurement criteria for third party suppliers, where technically and economically practical, gives greater weight to ULEV;
- (5) developing a programme to switch our own vehicle fleet to ULEV as soon as economically and technically practical; and
- (6) bidding for funding to support sustainable transport initiatives, including the Council's Walking and Cycling Strategy, the Local Transport Plan and the West Sussex Bus Strategy.'

(e) **Motion on Partnership working with Health**

To consider the following motion, submitted by Mr Turner, notice of which was given on 1 October 2019.

'This Council supports close, integrated working with health partners as the best way of delivering better outcomes for residents across West Sussex in line with the Government's ambitious NHS Long Term Plan which will bring significant benefits through a joined-up approach to health and social care. This Council is confident that the Health and Wellbeing Board is in a strong position to assist in delivering this vision.

This Council calls on the Leader and the Cabinet Member for Adults and Health to work to deliver integrated health and social care in West Sussex through the NHS Long Term Plan.'

(f) **Motion on Highways Maintenance**

To consider the following motion, submitted by Mr Jones, notice of which was given on 1 October 2019.

'In July this year the Cabinet Member for Highways and Infrastructure approved a new highway maintenance plan which introduced with immediate effect reduced service levels for highways maintenance across the county. This includes a reduction in the frequency of grass cutting and winter salting routines, repairs to signs, bollards and road markings; the cessation of routine weed spraying; reduced tree investigations and cyclical pollarding and a reduction in the frequency of the emptying of gullies. It is understood that action will be taken where there is a safety concern.

This Council understands that the budget for highways maintenance of this nature in 2018/19 was £9.597m although this was clearly not adequate because there was an overspend. The budget for 2019/20 and the subsequent three years is now £8.707m, an annual budget reduction of almost £900,000.

It is understood that work to encourage town and parish councils and community groups to take on this work has begun.

This Council considers that the county is currently in an appalling state with, in some areas, waist high weeds appearing on roadsides and along pathways. Whilst it accepts the desire to increase pollination to tackle climate change, it considers this should be managed properly. It considers that the reduced service levels will discourage visitors and tourists from returning thereby impacting on the local

economy. It considers there is a strong likelihood that parts of the county will be better maintained than others, effectively resulting in a postcode lottery.

This Council calls on the Cabinet Member for Highways and Infrastructure to reverse this cut, at least until such time as adequate alternative arrangements for others to cover the reduction in service levels are in place County-wide. The funding for this service to be taken during this transition period from the budget management reserve.'

(g) **Motion on Hate Crime**

To consider the following motion, submitted by Mr Oxlade, notice of which was given on 1 October 2019.

'This Council notes that since 2016 there has been a significant increase in the number of referrals made to the hate incident support service (HISS) in West Sussex, with the number of reports of hate incidents/crimes motivated by both sexual orientation and directed at those with a disability having doubled. This Council's ambition is for the residents of West Sussex to feel safe in their neighbourhoods, that people from different backgrounds get on well together, benefit from a sense of shared belonging and take up opportunities to participate in community life. This Council condemns homophobia, transphobia, racism, xenophobia and hate crimes unequivocally and pledges to tackle hate crime to ensure such behaviour does not become acceptable and to continue to support those affected by hate crime.

This Council calls on the Cabinet Member for Fire and Rescue and Communities to:

- (1) Ensure that the Hate Incident Support Service is protected from any future budget cuts to ensure this unique and highly valued service can be maintained at its current level;
- (2) Explore cost-effective ways of increasing the promotion of hate crime reporting using wider-reaching advertising opportunities (at roundabouts, on vehicles and local public transport); and
- (3) Ensure a regular report on hate crime is provided to the Chairman of the Environment, Communities and Fire Select Committee and the Business Planning Group for monitoring (and further scrutiny if required).'

Lunch (In the event that the morning business is finished before lunch the afternoon business will be

brought forward as appropriate.)

11. **Adoption of the Shoreham Harbour Joint Area Action Plan** (Pages 57 - 62)

The County Council is asked to consider and adopt the Shoreham Harbour Joint Area Action Plan, incorporating the main and minor modifications, in the light of a report by the Cabinet Member for Environment. The appendices to the report have been published online. Hard copies are available on request.

12. **Approval of the Proposed Submission Draft Soft Sand Review (Regulation 19 stage) of the West Sussex Joint Minerals Local Plan** (Pages 63 - 72)

The County Council is asked to consider and approve the Proposed Submission Draft Soft Sand Review (Regulation 19 stage) of the West Sussex Joint Minerals Local Plan, in the light of a report by the Cabinet Member for Environment. The appendices to the report have been published online. Hard copies are available on request.

13. **Governance Committee: West Sussex Health and Wellbeing Board Terms of Reference and discontinuance of the Orbis Public Law Joint Committee** (Pages 73 - 80)

To consider proposed changes to the terms of reference of the Health and Wellbeing Board and the discontinuance of the Orbis Public Law Joint Committee, in the light of a report by the Governance Committee.

14. **Question Time** (Pages 81 - 86)

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 19 July 2019. A supplementary report may be published.

(2 hours is allocated for Question Time)

15. **Standards Committee Annual Report** (Pages 87 - 88)

The Council is asked to note a report from the Standards Committee on its activities for the period from May 2018 to April 2019.

County Council concludes

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

Director of Law and Assurance
9 October 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.