

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.

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West Sussex County Council – Ordinary Meeting

19 July 2019

At the Ordinary Meeting of the County Council held at 10.30 am on Friday, 19 July 2019, at the County Hall, Chichester, the members present being:

Mrs Duncton (Chairman)

Mr Acraman	Mrs Kitchen
Lt Cdr Atkins, RD	Mr Lanzer
Mr Barling	Mr Lea
Mr Barrett-Miles	Ms Lord
Lt Col Barton, TD	Mr Markwell
Mrs Bennett	Mr Marshall
Mr Boram	Mr McDonald
Mr Bradford	Mrs Millson
Mrs Bridges	Mr Montyn
Mr Burrett	Mr R J Oakley
Mr Catchpole	Mr S J Oakley
Mr Cloake	Dr O'Kelly
Mr Crow	Mr Oxlade
Mrs Dennis	Mr Parikh
Dr Dennis	Mr Patel
Mr Edwards	Mrs Pendleton
Mr Elkins	Mr Purchase
Ms Flynn	Mrs Purnell
Ms Goldsmith	Mrs Russell
Mrs Hall	Mr Simmons
Mr High	Mr Smytherman
Mr Hunt	Mr Turner
Mrs Jones, MBE	Mrs Urquhart
Mr Jones	Mr Waight
Mrs Jupp	Dr Walsh, KStJ, RD
Mr Jupp	Mr Whittington
Ms Kennard	Mr Wickremaratchi

28 Death of Mr Charles Petts

28.1 The Chairman reported the death of a current member of the Council, Mr Charles Petts, who had been the member for the Three Bridges division since 2017.

28.2 Members stood for a minute's silence.

29 Interim Executive Director Resource Services

29.1 The Chairman welcomed Richard Ennis to his first meeting as Interim Executive Director Resource Services.

30 Apologies for Absence

- 30.1 Apologies were received from Mrs Arculus, Mr Baldwin, Mr Barnard, Mr Bradbury, Mrs Brunsdon, Mr Fitzjohn, Mr Hillier, Mr Mitchell, Mr Oppler, Mr Quinn and Mrs Sparkes.
- 30.2 Mr Buckland, Mrs Smith and Ms Sudan were absent.
- 30.3 Apologies for the morning session were received from Dr Dennis and for the afternoon session from Lt Cdr Atkins, Mr Barling and Lt Col Barton. Ms Lord gave her apologies and arrived at 11.35 a.m. She also gave her apologies for the afternoon session.
- 30.4 Mrs Bridges and Mr Purchase were absent for the afternoon session. Mr Cloake, Ms Flynn and Mrs Hall left at 3.45 p.m.

31 Members' Interests

- 31.1 Members declared interests as set out at Appendix 1.

32 Minutes

- 32.1 It was agreed that the minutes of the Ordinary Meeting of the County Council held on 7 June 2019 (pages 9 to 38) be approved as a correct record.

33 Review of Proportionality

- 33.1 The County Council was reminded of its statutory duty following recent changes in group affiliation to review the proportionality on its committees. A report on the application of the proportionality rules and how they were applied was set out at pages 39 and 40 and a table showing the resulting number of seats on committees had been circulated.
- 33.2 Resolved –
- That the review of proportionality on committees be agreed.

34 Appointments

- 34.1 The Council approved appointments as set out below.

Committee	Change
Children and Young People's Services Select Committee	Mr Jupp in place of Mrs Russell Mr Jupp as Vice-Chairman Mr Lea to fill vacancy

Committee	Change
Performance and Finance Select Committee	Mr Hillier to fill vacancy
Regulation, Audit and Accounts Committee	Mr Jones to fill vacancy
Rights of Way Committee	Mr Lea and Mr Buckland to replace Dr O'Kelly and Mr Quinn Mrs Brunsdon to fill substitute vacancy
Standards Committee	Mrs Brunsdon to fill vacancy
Corporate Parenting Panel	Mrs Millson as Vice-Chairman

35 Address by a Cabinet Member

- 35.1 Members received an address by the Cabinet Member for Children and Young People 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 by the Cabinet Member had been circulated.

36 Motion on Small Schools Federations

- 36.1 The following motion was moved by Dr O'Kelly and seconded by Mr Smytherman:

'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.'

36.2 The motion was referred to the Cabinet Member for Education and Skills for consideration.

37 Motion on system of Council governance

37.1 The following motion was moved by Dr Walsh and seconded by Mrs Millson:

'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.'

- 37.2 The motion was referred to the Governance Committee for consideration.

38 Motion on Fire and Rescue Service Inspection Rating

- 38.1 The following motion was moved by Mr Jones and seconded by Mr Purchase.

'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.'

- 38.2 An amendment was moved by Mrs Russell and seconded by Mr Barrett-Miles as set out below:

'This Council **accepts** ~~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, ***through the Improvement Plan recently adopted after being fully scrutinised by members, and the investment it brings*** ~~(or their successors, if and when they are appointed)~~ to:

- (1) ***Maintain the commitment to no budget savings***
~~Completely withdraw the cuts to WSFRS proposed for 2019/20 that were put on hold for one year, and~~ ***continue to***
~~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 **Continue** to finally press the Government for urgent additional funding to properly resource these very **important** stretched services, 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) **Complete the well-advanced plans to renew** 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) **Endorse the Cabinet Member's commitment to** 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) **Continue to t**Take steps to **maintain the** increase **in** 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) **Continue with the plans** Do more to tackle shortages of on-call firefighters and the need to **address** 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) **we need a study to consider whether** 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) Support the Launch a review of governance, member involvement and scrutiny which the Council's Environment, Communities and Fire Select Committee recommended to the Governance Committee, led by an independent person external to this Council, to determine whether alternative governance arrangements for WSFRS may be necessary within the County Council, 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.'~~

38.3 The amendment was carried.

38.4 An amendment was moved by Dr Walsh and seconded by Mrs Millson as set out below:

'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.

This Council also asks the Leader to publicly apologise to both the staff of the West Sussex Fire and Rescue Service and to the people of West Sussex, for the failures of this Council that have resulted in this poor inspection being received.'

38.5 The amendment was lost.

38.6 The amended motion, as set out below, was agreed.

'This Council accepts 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.

This Council recognises that staff in WSFRS do an excellent job in protecting people in West Sussex.

This Council therefore calls on the Leader and the Cabinet Member for Safer, Stronger Communities, through the Improvement Plan recently adopted after being fully scrutinised by members, and the investment it brings to:

- (1) Maintain the commitment to no budget savings to WSFRS and continue to prioritise the recruitment of additional firefighters.
- (2) Continue to press the Government for urgent additional funding to properly resource these very important services.
- (3) Complete the well-advanced plans to renew 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) Endorse the Cabinet Member's commitment to an anti-bullying campaign to stamp out any instances of bullying and harassment.
- (5) Continue to take steps to maintain the increase in 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) Continue with the plans to tackle shortages of on-call firefighters and the need to address problems with

recruitment and retention of on-call firefighters recognising that:

- (a) we need a study to consider whether 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.
- (7) Support the review of governance, member involvement and scrutiny which the Council's Environment, Communities and Fire Select Committee recommended to the Governance Committee to determine whether alternative governance arrangements for WSFRS may be necessary within the County Council.'

39 Resignation of the Cabinet Member for Safer, Stronger Communities

- 39.1 Following the debate on the motion on the Fire and Rescue Service Inspection Rating, the Chairman agreed to a personal statement by the Cabinet Member for Safer, Stronger Communities who announced to the Council her resignation as Cabinet Member on ill health grounds.
- 39.2 Group Leaders expressed their best wishes to Ms Kennard on behalf of their groups.
- 39.3 The Leader gave notice of the appointment of Mrs Jacquie Russell as the Cabinet Member for Safer, Stronger Communities with effect from the end of the Council meeting.

40 Motion on Prospective sale of County Council-owned land at Withy Patch

- 40.1 The following motion was moved by Mr Jones and seconded by Mr Oxlade:

'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.'

- 40.2 The motion was referred to the Cabinet Member for Finance and Resources for consideration.

41 West Sussex County Council Annual Report 2018/19

- 41.1 The Leader moved the report on West Sussex County Council Annual Report 2018/19 (pages 41 to 86).

41.2 Resolved –

That the West Sussex Annual Report 2018/19 be noted.

42 Performance and Finance Select Committee: Annual Scrutiny Performance 2018/19

42.1 The Council considered the Annual Scrutiny Newsletter 2018/19 which summarised the work of the Select Committees and reported the performance measures to the end of the year, in the light of a report by the Performance and Finance Select Committee (pages 87 to 108).

42.2 Resolved –

That the Annual Scrutiny Newsletter 2018/19, as attached at Appendix 1 to the report, be approved.

43 Question Time

43.1 Members asked questions of members of the Cabinet on matters relevant to their portfolios and asked questions of chairmen, as set out at Appendix 3. This included questions on those matters contained within the Cabinet report (pages 109 to 112) and a supplementary report (supplement page 1) and written questions and answers pursuant to Standing Order 2.38 (set out at Appendix 2).

44 Governance Committee: Review of Scrutiny and Delegation to Standards Committee

44.1 The Council noted arrangements for a review of scrutiny and considered 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 (pages 113 to 114).

44.2 Resolved –

That the terms of reference of the Standards Committee be amended to include the delegation set out in paragraph 8 of the report.

45 Retirement of Tony Hill, Front of House Assistant

45.1 On behalf of all members, the Chairman expressed thanks and best wishes to Tony Hill, Front of House Assistant, who was retiring before the next meeting of the Council.

Chairman
The Council rose at 4.15 pm

Interests

Members declared interests as set out below. All the interests listed below were personal but not pecuniary or prejudicial unless indicated.

Item	Member	Nature of Interest
Item 7(a) – Notice of Motion on small schools federations	Mrs Dennis	Governor of Twineham Primary School
Item 7(c) – Notice of Motion on Fire and Rescue Service Inspection Rating	Mr Waight	Member of Worthing Borough Council
Item 7(d) – Notice of Motion on Prospective sale of County Council-owned land at Withy Patch	Mr Simmons	Member of Adur District Council and substitute on Adur District Council Planning Committee and Chair of the School Council of Sir Robert Woodard Academy
Item 10 – QT on 'Children not in School'	Mr Smytherman	Foundation Governor of St Mary's Catholic Primary School, Worthing and Governor for West Sussex Alternative Provision College
Item 10 – QT relating to the 'Our Town Scheme'	Lt Cdr Atkins	Member of Worthing Borough Council
Item 10 – QT relating to the 'Our Town Scheme'	Mr Smytherman	Chairman of Dementia Friendly Worthing
Item 10 – QT relating to Financial Statements and 2019 Triennial Actuarial Valuation of the West Sussex Pension Fund	Mr Burrett	Deferred member of the Local Government Pension Scheme
Item 10 – QT relating to Financial Statements and 2019 Triennial Actuarial Valuation of the West Sussex Pension Fund	Mr Lanzer	Deferred member of the Local Government Pension Scheme
Item 10 – QT relating to Shoreham Airport	Mr High	Member of Worthing Borough Council
Written Question 4	Mr Lanzer	Member of Crawley Borough Council

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Written Questions: 19 July 2019

1. Written question from **Mrs Millson** for reply by the **Leader**

Question

I am sure that the Leader is aware of the recent award of grant funding of over £4m from the European Regional Development Fund to the Coast to Capital Local Enterprise Partnership. The funding is available to support projects that support the shift towards a low carbon economy in all sectors, specifically:

- Promoting the production and distribution of energy derived from renewable resources.
- Promoting energy efficiency and renewable energy use in enterprises.
- Supporting energy efficiency, smart energy management and renewable energy use in public infrastructure, including in public buildings, and in the housing sector.
- Promoting low-carbon strategies for all types of territories, in particular for urban areas, including the promotion of sustainable multimodal urban mobility and mitigation-relevant adaptation measures.
- Promoting research and innovation in, and adoption of, low-carbon technologies.

Is the Leader aware of any projects in West Sussex that may be eligible to put forward bids for funding? What is the County Council doing to promote the opportunity to possible projects and to support such projects in preparing bids?

Answer

We welcome the award of grant funding to support projects that accelerate the shift towards a low carbon economy, closely aligning with our corporate Energy Strategy and aspirations to be carbon neutral by 2030.

Through the Your Energy Sussex team, the County Council has taken a leading part in a successful bid to deliver £42m of investment in energy infrastructure improvements over the next three years. The SMARTHUBS programme will deliver advancements in heating, power and transport systems in a first-of-its-kind smartgrid in the Adur & Worthing area.

With Government's stated expectation that the smartgrid in Adur & Worthing will form the template for a national rollout, the Energy Team's current focus is to ensure that the SMARTHUBS programme moves purposefully and at pace from masterplan to delivery.

We are nevertheless very keen to support bids to this additional fund that align with our corporate Energy Strategy and support our work around smart local energy systems.

To this end, the Your Energy Sussex and Economic Growth teams have engaged with this funding round, held discussions with the Coast to Capital Local Enterprise Partnership and provided detailed responses to one party interested in bidding into the fund.

The County Council will continue to take part in the Local Enterprise Partnership's follow up meetings and discussions about the potential for bids to this fund to be grounded in West Sussex.

2. Written question from Mr Oxlade for reply by the Cabinet Member for Adults and Health

Question

I am extremely concerned about the proposed withdrawal of funding currently provided by the County Council to support some high-risk offenders when released from prison. The report to the recent Health and Adult Social Care Select Committee meeting makes it clear there is a risk that without this or alternative funding they will end up sleeping rough, posing a risk not only to others in the county but to themselves.

I understand that the Ministry of Justice has been approached about this problem which is apparently not unique to West Sussex.

Given that previous requests to central government for funding on issues such as education have not been listened to, can the Cabinet Member tell me how confident she is that the current level of funding and support, which is clearly needed, will continue to be made available in the future before the current funding runs out in September.

Answer

The Council currently funds Change Grow Live to provide accommodation-based support for ex-offenders under its housing-related support funding. The Council will continue to fund the service until the end of March 2020.

The Chairman of the Task and Finish Group, Natalie Brahma-Pearl (CEO Crawley Borough Council), is currently in negotiation with a number of partners for the continuation of this contract until September 2020 and once details have been confirmed I will ensure all members are advised.

3. Written question from Mrs Jones for reply by the Cabinet Member for Children and Young People

Question

Since the withdrawal of our excellent Mid Sussex Home Start service a few years ago, the support from Crawley has been patchy and has done little to stem the tide of the breakdown of families now being experienced in Mid Sussex. As part of our programme to improve Children's Services, can I request that the Cabinet Member investigates the re-introduction of this service to provide this essential support for our most vulnerable children.

Answer

The future reintroduction of financial support to Home-Start in Mid Sussex is not possible at this time due to the fact that the budget for Early Help is fully committed.

Since the main Home-Start funding agreements ceased in 2014, the County Council has, through its Early Help service, commissioned two pilot schemes with Home-Start. One of these was for the Worthing and Adur Home-Start, to trial a keyworker role supported by a small group of volunteers; the other was for Crawley Home-Start, which was part of a new voluntary sector consortium supporting the Think Family

programme. These schemes were funded until 2016 but ceased when savings were delivered at the point of implementation of the Integrated Prevention and Earliest Help Service (IPEH) in 2017. The County Council still has strong relationships with Home-Start, which includes their representation on several of its Partnership Advisory Boards.

Home-Start is now provided to Mid Sussex by Home-Start Crawley, Horsham and Mid Sussex (CHAMS), which is based in Crawley but delivered by some local and wider area-based volunteers.

Despite the loss of funding, it is important to note that various alternative forms of support for vulnerable families continue to be provided by the County Council. Since 2017, there has been a significant increase in support to partners to aid early identification of concerns in both schools and other settings. There has also been the introduction of Enabling Families, a targeted support scheme, which provides up to four sessions to help families seek support or address low level domestic issues, and if necessary helps them to gain support through an early help plan. There continues to be a good children and family centre offer across the county, and universal and targeted support from the Healthy Child Programme.

4. Written question from Mr Crow for reply by the Cabinet Member for Corporate Relations

Question

I was disappointed with the response to my written question for the previous full Council meeting, which was answered in general and bland terms, without specifically giving direct answers to some questions that I asked. In particular, the actual take-up of dedicated officer support that each opposition group has received was not answered.

It is my belief that the Labour Group of only five members is receiving disproportionate officer support that may entail the reading of reports for them, the formulation of written questions, verbal questions, and motions to full Council. I suspect that this is especially so in comparison to the larger Liberal Democrat opposition group, with the full cost of this being hard to justify when the County Council is having to make significant savings across the board. In relation to this, please answer the following:

- (a) Since this County Council was elected in May 2017, how many group meetings for both the Liberal Democrat and Labour groups (listed separately by group) have had officer attendance to specifically support the formulation of either full Council written questions, verbal questions or motions?
- (b) For the 11 written questions submitted to the June 2019 full Council meeting, which by political group were seven Labour, two Liberal Democrat and two Conservative, how many (listed by political group) had officer input into their actual formulation?
- (c) Has there been any officer input into the actual formulation of the motion on the Fire and Rescue Service Inspection Rating that has been tabled by the Labour Group Leader for this full Council Meeting? If so, please detail that input;

- (d) Please provide an estimation in percentage terms as to how the £17,000pa (0.4FTE) has been split between the Liberal Democrat and Labour Groups in its take-up by the two group since May 2017;
- (e) Given that the Labour Group Leader leads a group of just four other members and receives a very generous Special Responsibility Allowance (SRA) for this role, please provide the justification as to why the Labour Group Leader receives such significant additional dedicated officer support in addition to the SRA, when the SRA is supposed to cover the additional work that being a group leader entails; and
- (f) With regard to the answer for (e), what justification could be given to the public as to how proportionate this appears when compared to other Councils within West Sussex, given that for example, the Leader of the Opposition at Crawley Borough Council leads four times the number of members than the Labour Group Leader (the third party) at the County Council does, with an SRA roughly half the amount and with no dedicated Officer support for this role whatsoever?

Answer

The County Council provides non-political officer support to all members of the County Council in addition to advice and support for those in particular roles. The Council has been providing minority group leader support since 2002. Where members in any capacity seek advice on the management of any aspect of Council business, officers will help them to do so in the most effective way to ensure the best use of the Council's governance and democratic procedures, including a constructive opposition. Answers to the last question were given by reference to the best information available. The post-holder undertakes other tasks in addition to those referred to in the question and the allocation of the officer's time to each task is not precisely recorded. In response to the further questions:

- (a) A member of Democratic Services staff has attended most Labour Group meetings since May 2017. No members of Democratic Services staff have been requested to attend Liberal Democrat Group meetings in this period. Other County Council staff, including the Chief Executive and members of the Executive Leadership Team, have also attended group meetings on some occasions. Attendance by officers can be requested by any political group within the constraints set out in the Council's Protocol on relationships between Members and Officers (Constitution Part 5 Section 2). The exact number of Labour Group meetings attended since May 2017 is being collated and will be sent to Mr Crow within the next two weeks.
- (b) Of the 11 written questions submitted for Council in June 2019, officers provided some drafting support for two Liberal Democrat group questions and five Labour group questions. No support was requested for two Conservative group questions and one Labour group question. Support is available to any member when preparing written questions to help them to frame it in the most effective and accurate manner.
- (c) Drafting advice was provided by a Director and a Senior Advisor in Democratic Services, based on areas specified by Mr Jones. Advice has been provided to both opposition groups and majority group members in relation to notices of motion and amendments to notices of motion for most Council meetings.

Advice is generally given to assist all groups and any member seeking to present an amendment to a notice of motion given the rules and Standing Orders which apply to them.

- (d) Since 2017, it is estimated that 80% of the support has been used by the Labour Group and 20% has been used by the Liberal Democrat Group. This remains flexible in response to actual requests for support from the minority group leaders and other backbench members.
- (e) Support for minority group leaders has been provided since the Independent Remuneration Panel (IRP) chaired by Baroness Cumberlege of Newick recommended that it should be provided, in a report to the Governance Committee in March 2002. The justification is set out there. The Governance Committee supported the IRP's recommendations and the support commenced in April 2002. The County Council considers this to be good practice in ensuring effective and constructive challenge within a democratic organisation. The allowances members receive for any special responsibilities do not in any instance displace the need for or provision of officer support to those roles. Prior to May 2017, minority group leaders were entitled to receive a special responsibility allowance of £14,361 each regardless of group size. The IRP review in 2016 recommended that different rates were applied depending on the size of the group - £12,490 for 15 members or more, £10,226 for groups of five to 14 members and £4,072 for small groups of three to four members. This was amended by the County Council to give further payment of £200 per member of the group. In May 2017, the new allowances came into effect and the Labour Group meets the classification of a 'medium' minority group.
- (f) The answer to (e) above includes the rationale. The County Council would be willing to discuss this approach with any other Council or its IRP. Allowances for district and borough council members tend to be lower than those for larger authorities such as the County Council.

5. Written question from Mr Cloake for reply by the Cabinet Member for Education and Skills

Question

I am pleased to note that steady progress continues to be made with plans for the replacement of the existing Woodlands Mead College building on the former Newick House School site in Burgess Hill. When the replacement project was first discussed, there was considerable discussion around the possibility of providing an enhanced disability-friendly sports provision of regional significance, which was supported by Sir Nicholas Soames MP, and which would need to be funded from a central government grant rather than by County Council resources, as an enhancement to the new buildings provided by the County Council. Since that time there has been little mention of this facility, so please could the Cabinet Member give an update as to what progress has been made with securing the funds for this to be provided?

Answer

The brief for the replacement and extended Woodlands Mead College meets all aspects of Building Bulletin 104 which is the Department for Education's Briefing Framework for Special Schools. This includes a two-court sports hall.

Separately, Woodlands Meed College and the County Council have submitted a joint Expression of Interest to Sport England, bidding for funding to provide a four-court sports hall. The initial architect's plans are indicating both the two-court and four-court options to ensure, should additional funds not be available initially, that the facility could potentially be expanded in the future. The bid for funds has been supported by Sir Nicholas Soames MP. Officers have recently been seeking an update from Sir Nicholas on progress with the bid, but no information has been forthcoming as yet.

6. Written question from Ms Lord for reply by the Cabinet Member for Education and Skills

Question

With respect to small schools and the option of federation, which is part of the School Effectiveness Strategy, could the Cabinet Member confirm:

- (a) How many schools have been asked to consider federation and whether any conditions or timelines have been imposed on them by West Sussex beyond which they are subject to consultation on closure?
- (b) Details of the officer support, in terms of hours, West Sussex County Council has provided to each of the schools in (a), including but not limited to:
 - (i) working with governors to identify possible partner schools;
 - (ii) working with governors to facilitate partnership and then federation Discussions; and
 - (iii) drawing up staffing and financial plans as part of the partnership and federation process;
- (c) Details of budget allocated within the directorate to providing support to schools as they go through the federation process;
- (d) That he recognises the federation process for some schools may take a number of years as schools move into partnership and then work towards a lasting federation;
- (e) And, therefore, that West Sussex County Council will not consult on the closure of any schools before it has provided significant officer support over what may be a lengthy period to these schools to assist them in considering the federation option?

Answer

- (a) All schools were made aware of the opportunity to consider federations as part of the County Council's School Effectiveness Strategy 2018-22 published last summer. It is not directed just at small schools.
- (b) Significant efforts are being made to work with governing bodies interested in considering federation options, but it is not possible to quantify the staff time or other resource. Officers from the School Improvement Service and School

Organisation and Development are available to discuss federation options if governing bodies request.

- (c) The Director of Education and Skills has advised the County's Schools Forum that support will be offered to schools that have formally federated to support the early days of federation and to ensure that the leader and federation is supported through the first two years of federation. All schools have a Link Adviser who is attached to the school and is accessible to governors. Additional support to schools over and above this is available through our traded work with schools.
- (d) There is no specific timescale that a governing body should take to review federation options, but it is expected that typically these should be achievable within a 12-month timescale.
- (e) The County Council is expecting to consult on options such as federation, amalgamation, relocation or closure for five schools this autumn. Discussions over the opportunity for federation have taken place with each of the schools and others over a period of time over the last 12 months. The consultation on options will enable clarity to be given on whether the option of federation is feasible or whether other options are more appropriate. At this stage, I cannot rule out that moving to a potential closure could be a possible outcome.

7. Written question from Ms Sudan for reply by the Cabinet Member for Education and Skills

Question

Young people are required to continue in education or training until at least their 18th birthday, choosing to participate through full time education, a job or volunteering combined with part time study, or by undertaking an apprenticeship or traineeship. Furthermore, local authorities have a statutory duty to encourage, enable and assist young people to participate in education or training and that under the September guarantee all 16 and 17-year-olds are entitled to an offer of a suitable place in education or training regardless of what qualifications they have gained when they left school.

In response to a written question put by the Labour Group in July 2018, figures were provided in respect the percentage of young people with an unknown education, employment or training (EET) status. These figures made it clear that West Sussex was performing in the bottom quintile nationally.

The County Council committed to addressing these challenges over the subsequent year.

- (a) I would be grateful if the Cabinet Member could provide the figures for young people with an unknown EET status for West Sussex, the South East region and nationally as of April 2019 with comparison to April 2018 and 2017.
- (b) Please also confirm how many young people in West Sussex aged 16 to 24 are currently identified as not in education, employment or training (NEETS) and what proportion of these are:
 - (i) children looked after;

- (ii) have special education needs or disabilities (SEND); and
- (iii) are eligible for free school meals.

Answer

- (a) The following data is taken from the monthly-released National Client Caseload Information System (NCCIS) data tables and compares West Sussex against National and South East figures:

Figure 1: NEET - April figures 2017-19 inclusive

NEET	2019	2018	2017
West Sussex	2.7%	2.1%	1.7%
South East	2.5%	2.3%	2.5%
National	2.8%	2.9%	3.0%

Figure 2: Not known - April figures 2017-19 inclusive

Not Known	2019	2018	2017
West Sussex	6.5%	7.1%	7.4%
South East	2.6%	3.6%	4.0%
National	2.4%	2.9%	3.0%

Figure 3: NEET and not known - April figures 2017-19 inclusive

NEET and Not Known	2019	2018	2017
West Sussex	9.2%	9.2%	9.1%
South East	5.1%	5.9%	6.5%
National	5.2%	5.8%	6.0%

The County Council's Corporate Plan target is to reduce the number of NEET young people to 1.9% by 2022. We are seeing an increase on last year's NEET figures, an increase of 0.6% compared to April 2018 due to the fact that there has been a lot of work over the last year to improve the accuracy of our data collection, which is still ongoing.

We now have fewer 16 to 17-year-olds for whom we do not know their current education, training or employment status (6.5% compared to 7.1% last year). However, since then work has further reduced the Not Known figure to 5.6% as at the end of June 2019.

Of the Not Known percentage, Year 13 is significantly higher than most other areas in the South East, so this is an area to focus on to reduce the figures further.

- (b) The following data is taken from the quarterly-released NCCIS 'at risk' data tables:

SEND - as of March 2019, West Sussex had a cohort of 1,510 young people aged 16 to 24 with special educational needs or disabilities (SEND), and of this cohort 5.9% (89 young people) were identified as NEET, compared to 9.3% nationally and 7.4% in the South East.

Care Leavers - with regards to care leavers, as at March 2019, with respect to those aged 16 to 17 West Sussex had a cohort of 33, of which five young people (15.2%) were known to be NEET. This compares to 24.4% nationally and 25.8% in the South East.

Free School Meals - we do not hold data regarding those who are NEET who are eligible for Free School Meals. Those young people aged 16 to 17 in school and eligible for Free School Meals would not be classified as NEET.

8. Written question from Mr Quinn for reply by the by the Cabinet Member for Highways and Infrastructure

Question

The Environment, Communities and Fire Select Committee considered the proposed Highways maintenance plan 2019 which sets out what the Council will and will not do in respect of highway maintenance. I understand this includes a reduction in the number of grass cuts, hedges trimmed, weed spraying and maintenance of lines and signs. Further information about this was provided at the recent member day.

Can the Cabinet Member please clarify:

- (a) When he intends the plan will come into effect (given that the draft version presented to select committee was dated 2019);
- (b) When the period of engagement with parish and town councils and communities to encourage more active community support will commence; and
- (c) Whether any aspects of the current reduction of service levels have already commenced (for example weed spraying and lines and signs), given that some information on the County Council's website appears to already reflect the new service level arrangements and there has been a marked increase in the spread of weeds across the county.

Answer

- (a) The plan will come into immediate effect once it has cleared the decision process and will be Council policy. The aim of the plan is to bring clarity to the operational levels that the Highways service can deliver within the budget allocated.

- (b) Officers will start a period of engagement with the parish, town councils and communities under the new offer 'Improving Local Places and Spaces'. Initial information will be available on the website shortly; members who attended the half day Highways and Transport Member Day on 10 July received a presentation and draft booklet. It was the headline story in the Highways and Transport Members Update sent to members on 15 July and all members will receive a link to the guidance.

Over the next few months, the engagement will involve: completion of comprehensive webpages, parish/town council cluster meetings, articles in newsletters, a West Sussex 'Connections' feature in October, press and social media releases and presentations at the Sussex Association of Local Councils' autumn conference on 3 October and at autumn/winter County Local Committee meetings.

There will also be communications with our partners on the new service levels.

- (c) Due to the budget reduction this year, changes to some operational service levels have, by necessity, had to take place, for example, weed spraying and signs and lines.

9. Written question from Mr Jones for reply by the Cabinet Member for Safer, Stronger Communities

Question

The Leader recently shared with members a list of the other nine locations identified for potential further community hubs. That list includes Crawley Town Centre and Broadfield, Crawley.

I would be grateful if the Cabinet Member could provide a list of the services within a two-mile radius of these two libraries, provided by:

- (a) The County Council;
- (b) Public Health; and
- (c) Any other service provider deemed to be within scope of this project.

Please also confirm in respect of each of these services:

- (i) Where they are currently being delivered from;
- (ii) Who owns the land or facility from which the services are being delivered; and
- (iii) Whether there are any restrictions or conditions in respect of either the type or level of service provision or in respect of the building or land in the event that the current service provision was to cease.

Answer

Our Place, the County Council's community hubs initiative, aims to create public spaces where the community can access a range of services. A set of objective criteria have been developed to assess in which locations across the county a potential community hub may be an appropriate model. From this work 10 locations

have been so far identified for further exploratory work to test the viability of a community hub.

Both Crawley town centre and Broadfield have been identified in the above list and viability work has been commissioned to test the suitability of a community hub solution in these locations. The member Project Board will review and then identify the locations deemed viable for further work and at this stage local member communication will be undertaken as a precursor to extensive community engagement and consultation.

The Community Hubs programme has focused on identifying in-scope services within a two-mile radius of key locations. The in-scope services are Libraries, Children and Family Centres (CFCs) and Find It Out services provided by the County Council.

Details of the in-scope County Council services (a), location (d), ownership (e), are detailed below. A full understanding of any restrictions or conditions (f) on alternative use and disposal opportunities will be identified through the due diligence process at detailed feasibility stage of phase 1 of the programme for Crawley Town Centre and phase 2 of the programme for Broadfield, Crawley.

Other County Council services and services provided by Public Health (b) and other potential services (c) which could benefit from being offered from a hub location will be identified as part of the detailed feasibility stage of the projects.

Crawley Town Centre

Crawley Library Service is delivered from Crawley Library, Southgate Avenue, Southgate, Crawley, West Sussex, RH10 6HG. County Council Freehold ownership.

Langley Green Children and Family Service is delivered from Langley Green Children and Family Centre, Langley Drive, Langley Green, Crawley, West Sussex, RH11 7PF which is part of the Langley Green Centre, the CFC is held on a long lease until 2073 from Crawley Borough Council.

Northgate Children and Family Service is delivered from Northgate Children and Family Centre, Barnfield Road, Northgate, Crawley, West Sussex, RH10 8DP, County Council Freehold ownership. The site is adjacent to Northgate Primary School.

Pound Hill Children and Family Service is delivered from Pound Hill Children and Family Centre, Crawley Lane, Pound Hill, Crawley, West Sussex, RH10 7EB. County Council Freehold ownership. The asset is on the campus of Pound Hill Infants Academy and Pound Hill Junior School.

Crawley Find It Out Service is delivered from Centenary House, Woodfield Road, Northgate, Crawley, West Sussex, RH10 8GN. County Council Freehold ownership, this site forms part of the Crawley Town Centre Regeneration proposals and it is anticipated it will be demolished in due course.

Broadfield

Broadfield Library service is delivered from Broadfield Library, Broadfield Barton, Broadfield, Crawley, West Sussex, RH11 9BA. County Council Freehold ownership.

Broadfield Children and Family Service is delivered from Broadfield Children and Family Centre, Creasys Drive, Broadfield, Crawley, West Sussex, RH11 9HJ and is held on a lease from Crawley Borough Council for 25 years expiring in 2029.

Bewbush Children and Family Service is delivered from Bewbush Children and Family Centre, Dorsten Square, Bewbush, Crawley, West Sussex, RH11 8XW and is held on a lease from Kenmal Academies Trust for 125 years expiring in 2137.

Southgate Children and Family Service is delivered from Southgate Children and Family Centre, Barrington Road, Southgate, Crawley, West Sussex, RH10 6DG, and is held on a lease from GLF Schools for 125 years expiring in 2142.

10. Written question from Mrs Smith for reply by the Cabinet Member for Safer, Stronger Communities

Question

I understand that the mobile library which until recently visited 33 different areas within the rural south of West Sussex has been taken off the road as it has been deemed unroadworthy. Can the Cabinet Member please tell me in respect of this vehicle:

- (a) When its roadworthiness was last reviewed (I understand mobile libraries are exempt from the requirement to have an MOT);
- (b) Whether that review was carried out internally or externally;
- (c) Whether any concern about the condition or advisory notes was expressed at the time of the last inspection;
- (d) What the problem with the vehicle is; and
- (e) What the estimated cost of repairing the vehicle would be?

I understand that all options for the future of this service are being reviewed and note that the removal of the all mobile library service facilities is one of the options future budget savings options which Cabinet agreed should be explored further last week.

- (i) Given that this proposed saving is for implementation in 2020/21 can the Cabinet Member please tell me what interim arrangements she proposes to put in place to enable residents of rural south West Sussex who are unable to travel to their local library due to a disability or mobility issues can continue to borrow books and other resources. In particular, I would like to know whether an equalities impact assessment has been completed to understand the impact on those residents who until recently relied on this service.
- (ii) I would also be grateful if the Cabinet Member could confirm which 11 libraries form tier 6 and are in scope for potential closure as part of the proposed budget cuts for 2020/21.

Answer

We have been considering for some time the future of library service delivery to those residents who find difficulty in accessing one of our 36 static libraries. Use of the

mobile library service has declined heavily making it a very expensive service to maintain.

Issues on the mobile service have declined 27% since the last review of the service in 2011 and that decline has accelerated over the last four years. Registered borrowers have also declined by 25% in the same period. This shows a far greater rate of decline than static libraries. Replacing a customised, large diesel vehicle is expensive, this is not an environmentally sound model and it is increasingly difficult to source specialist vehicles because demand for them across the country has declined. The lead in time for a new vehicle is around 18 months and the estimated minimum cost well over £100,000. As finances become more challenging this is an area where we feel economies could be made whilst protecting the service to those most vulnerable. Many residents who currently use the mobile service also use a static library and some drive to the mobile stop.

Now that removing the mobile library service has progressed to the Forward Plan stage of the budget planning we will be accelerating the review of the service which will include a full equalities impact statement.

We have been concerned about the roadworthiness of the two vehicles for some time and the vehicle in question, Community Mobile 1, was off the road for 29 days in 2018/19. We had hoped it would be able to continue until we had the results of the review and our savings requirements, but the failure of the vehicle has necessitated mitigating action.

- (a) Mobile libraries are not exempt from MOT and approaching this year's annual test the vehicle was reviewed by our Transport Services Team who concluded that a new clutch, gearbox, full service and various welding issues on the body were needed. Their view was that this would cost more than the value of the vehicle.
- (b) The vehicle review was carried out by Transport Services not the library service.
- (c) Yes, we have been concerned for some time, but we were not in a position where we felt it wise to commit to the ordering of a new vehicle.
- (d) See above.
- (e) See above.
- (i) Since Community Mobile 1 was taken out of service we have written to all 677 residents who have used the Mobile Library in the last 12 months. Of those, 231 already use a static library as well (that figure has now risen to 320 meaning that 47% of residents using the mobile service have also joined a static library and are able and happy to do so). We have worked with the mobile driver and identified 47 residents who had been using the service who would find it very hard to visit a static library. We are arranging to lease a small vehicle so that we can collect any books from people who are unable to return them to a library and will focus on maintaining a service to those who cannot access a static library whilst encouraging those who can get to a static library to do so. We already work with volunteers to offer Home Library Direct to anyone who cannot access the service and will be working to put people in touch with a local volunteer who can borrow and return for them.

- (ii) Currently there are 13 tier 6 libraries and we will be reviewing all of them as part of the savings exercise.

Tier 6 Libraries

- Angmering
- Arundel
- Broadwater
- East Preston
- Ferring
- Findon Valley
- Hassocks
- Hurstpierpoint
- Petworth
- Pulborough
- Southbourne
- Southwater
- Witterings

We will be doing all we can to maximise savings through the community hubs programme so that we do not need to close rural libraries; we will be announcing the programme in due course. In the event that some closures are required these would be subject to public consultation.

Question Time: 19 July 2019

Members asked questions of members the Cabinet and chairmen as set out below. In instances where a Cabinet Member, the Leader or a chairman undertook to take follow-up action, this is also noted below.

Best Start in Life

Cabinet Member for Education and Skills

The Cabinet Member answered questions on the following matters.

Children not in school (page 109), from Mr Jones and Mr Smytherman.

In response to a question from Mr Jones about whether there had been any increase in children being removed from schools as a result of the lack of school funding, the Cabinet Member said there had been an increase in the number of children being home educated but he was not aware there was any evidence that the increase related to school funding. He said he would see if there was a correlation and respond to Mr Jones.

In response to the changes in legislation arising from the 'Children not in School' consultation the Cabinet Member agreed to respond to Mr Smytherman about where the special support centres which would be educating primary school-age children were, whether there would be enough places and whether the curriculum would be the same as the one provided by the Alternative Provision College.

Survey of schools, from Mr Oxlade.

Written question 6, from Dr O'Kelly.

A Prosperous Place

Leader

The Leader answered questions on the following matters.

Gatwick Airport and the end of legal agreement, from Mr Acraman, Mr Bradford and Dr Walsh.

Discussions with the Secretary of State for Health and Social Care at the Local Government Association Conference (page 110), from Mr Turner.

Shoreham Airport, from Mr Acraman, Mr Bradford, Mr Boram, Mr High, Mrs Kitchen and Dr Walsh.

Cabinet Member for Highways and Infrastructure

The Cabinet Member answered questions on the following matters.

Downs Link surface improvements (page 110), from Mrs Millson and Mr S J Oakley.

In response to a question from Mrs Millson on funding for surface improvements to the Downs Link, the Cabinet Member said he would let members have a plan which showed exactly what was being done.

In response to a question from Mr Oakley, the Cabinet Member agreed to let him have a breakdown of how much of the money for the Downs Link resurfacing would be required for non-operational costs.

Written question 8, from Mr Jones, Mrs Jones and Dr Walsh.

Safety fencing on central reservation of dual carriageways, from Dr Dennis.

The Cabinet Member said he would investigate and respond to Dr Dennis on whether:

- the work on the A24 had been completed
- safety fences had been extended to other dual carriageways under the County's control where speed limit was more than 50 miles per hour (A264/ A259)
- a risk assessment had been carried out of not having safety fencing; and
- a cost benefit analysis had been carried out of their value against other highway safety measures.

Section 278 highways works, from Mrs Dennis.

In response to a request from Mrs Dennis for a review of the timing of Section 278 works by developers, the Cabinet Member said he would see if anything could be done but commented that there was limited scope for improvements given the legal framework. He also agreed to see where communications about such works could be improved.

A Council that Works for the Community

Cabinet Member for Corporate Relations

The Cabinet Member answered questions on the following matters.

Preparation for service continuity in relation to back office functions (page 112), from Mr Wickremaratchi.

Written question 4, from Mr Crow.

Cabinet Member for Finance and Resources

The Cabinet Member answered questions on the following matters.

Triennial actuarial valuation of the Pension Fund (page 112), from Mr S J Oakley.

Chichester Harbour Conservancy award for education service, from Mr Acraman, Mr Montyn and Mr S J Oakley.

A Strong, Safe and Sustainable Place

Cabinet Member for Safer, Stronger Communities

The Leader, on behalf of the Cabinet Member for Safer, Stronger Communities, answered questions on the following matters.

Our Town scheme (page 111, from Mr Barrett-Miles and Mr Smytherman.

In response to a question from Mr Barrett-Miles the Leader agreed to circulate to all members the rollout programme for the rest of the county. She also agreed to make sure Burgess Hill Town Council knew if there was any requirement for it to help.

In response to a question from Mr Smytherman, about the resources for supporting the Our Town schemes and a list of local businesses involved, the Leader agreed to let members know.

Unauthorised occupation of County Council land at Tangmere, from Mr S J Oakley.

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County of West Sussex
By-Election of County Councillor
for the Three Bridges Electoral Division
26 September 2019

Return by County Returning Officer
of persons elected as County Councillors

Electoral Division	Name and Address of Person Elected	Description
Three Bridges	Mrs Brenda Burgess 8 Haversham Close Three Bridges Crawley West Sussex RH10 1LB	Conservative

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Proportionality

Background

- 1** It is the duty of the County Council, following the Three Bridges by-election to review the entitlement of political groups to seats on committees in line with the proportionality rules set out in the Local Government and Housing Act 1989. The rules allow adjustments to be made to make whole numbers of seats and, once the County Council has determined how adjustments should be made, appointments are made to committees on that basis.
- 2** The proportionality rules are as set out below:
 - (1) No political group can have all the places on a committee (the exception is the Cabinet).
 - (2) A group having an overall majority on the County Council is entitled to a majority of seats on each committee.
 - (3) The gross number of seats is allocated in accordance with each group's entitlement.
 - (4) The number of seats on each committee is allocated in accordance with each group's entitlement.
- 3** The application of these rules produces different figures so the figures have to be reconciled by applying the rules in descending order of importance. The critical rule is rule (2) if, as in the case of the County Council, there is an overall majority, and numbers of seats are then reconciled with rules (3) and (4). Under the rules, if there are members of the Council who do not belong to a political group (independent members) then, once the division of seats between the political groups has been made, any remaining seats are allocated to the independent members by the County Council.
- 4** Mr Parikh, the member for Bourne, resigned from the Conservative Group and subsequently the County Council in August. A by-election to fill the vacancy will be held on 21 November. A further calculation of proportionality will therefore be required at the Council meeting in December.
- 5** A table showing the number of seats on committees using the above formula following the outcome of the Three Bridges by-election is set out overleaf.

Proposal

- 6** There are currently Conservative vacancies on four committees – the Children and Young People's Services Select Committee, the Health and Adult Social Care Select Committee, the Planning Committee and the Rights of Way Committee. Following the result of the Three Bridges by-election, it is proposed that the Conservative Group should fill three vacancies at this time. The remaining vacancy, on the Planning Committee, will await a full recalculation of proportionality after the Bourne by-election.

Committee	Places	Con	Lib Dem	Lab	Ind Con	Ind	Vac
Performance and Finance	15	12	2	1	0	0	0
Children and Young People's Services	12 (16+)	9	1	1	1	0	0
Environment, Communities and Fire	12	9	2	1	0	0	0
Health and Adult Social Care	12(19+)	9	2	1	0	0	0
Planning	13	10	1	1	0	0	1
Regulation, Audit and Accounts	7	5	1	1	0	0	0
Rights of Way	9	7	0	0	1	1	0
Governance	9	7	1	1	0	0	0
Standards	9	7	1	0	1	0	0
Allocation of seats	98	75	11	7	3	1	1

Recommended

That the proportionality on committees be approved.

Tony Kershaw

Director of Law and Assurance

Contact Officer: Charles Gauntlett 033 022 22524

Background papers

None

Flexible Use of Capital Receipts Strategy

Purpose

- 1** To approve the Council's Flexible Use of Capital Receipts Strategy.

Background

- 2** In the Spending Review 2015, the Chancellor of the Exchequer announced the Government would allow local authorities to spend up to 100% of their capital receipts on the revenue costs of transformation projects, to support local authorities to deliver more efficient and sustainable services.
- 3** The Secretary of State for Communities and Local Government issued a Direction in March 2016, giving local authorities greater flexibilities to use capital receipts to finance expenditure. This allows local authorities to treat qualifying expenditure on transformation projects as capital expenditure and to fund it from capital receipts received after April 2016. The Statutory Guidance defines qualifying expenditure as follows.

"Qualifying expenditure is expenditure on any project that is designed to generate ongoing revenue savings in the delivery of public services and/or transform service delivery to reduce costs and/or transform service delivery in a way that reduces costs or demand for services in future years for any of the public sector delivery partners. Within this definition, it is for individual local authorities to decide whether or not a project qualifies for the flexibility.

Set up and implementation costs of any new processes or arrangements can be classified as qualifying expenditure. The ongoing revenue costs of the new processes or arrangements cannot be classified as qualifying expenditure. In addition, one off costs, such as banking savings against temporary increases in costs/pay cannot be classified as qualifying expenditure."

- 4** The Chancellor originally announced the flexibility for the period 2016/17 to 2018/19. The Secretary of State extended it by three years to 2021-22 as part of the 2018/19 Provisional Local Government Finance Settlement.
- 5** To make use of the Direction, the Council must consider the Statutory Guidance issued by the Secretary of State. This Guidance requires authorities to prepare, publish and maintain a Flexible Use of Capital Receipts Strategy with future Strategies included within future Annual Budget documents. The Guidance states that the Strategy should include a list of each project the Council plans to fund from the capital receipts flexibility and the expected savings from that project. The Strategy should also update the Council's Prudential Indicators to show the impact of this use of the flexibility on the affordability of the Council's borrowing.
- 6** The Council referred to a Use of Capital Receipts Strategy in its 2019/20 Budget Report, but has not, until now, prepared such a strategy. The Council has no balance of capital receipts brought forward. To date, the Council has £1.6m capital receipts in 2019/20 and anticipates further substantial capital receipts in the remainder of the year.
- 7** Flexible use of capital receipts replaces planned revenue expenditure and draw down from the Service Transformation Fund.

Flexible Use of Capital Receipts Strategy 2019/20

- 8** The Council will use the powers under the Government's Statutory Guidance on the flexible use of capital receipts, to fund up to £7m qualifying transformation expenditure on the projects **summarised at Appendix A**. Appendix A also shows the impact of the flexible use of capital receipts on the affordability of the Council's Prudential Borrowing.
- 9** In future years, the Council's flexible use of capital receipts to fund projects will continue to be subject to development of robust business cases. The business cases will demonstrate that: the initiative will transform services, generate future savings or reduce future costs, and the costs being funded are implementation or set up costs and not on-going operational costs. Each year, the Council will review the robustness of business cases by the 31 March preceding the year in which it intends to apply the capital receipts flexibility.

Recommended

- (1) That the Flexible Use of Capital Receipts Strategy for 2019/20, as set out in paragraphs 8 and 9, be approved to comply with the Secretary of State for Communities and Local Government's Direction for the use of capital receipts to fund service reform and transformation;
- (2) That an increase in the capital programme budget for 2019/20 of up to £7m be approved to reflect the capitalisation of the transformation activities to be funded by capital receipts under the Flexible Use of Capital Receipts Strategy, as set out at Appendix A; and
- (3) Approve an increase of up to £7m in the Council's 2019/20 Capital Expenditure Prudential Indicator to £115.995m.

Jeremy Hunt

Cabinet Member for Finance and Resources

Contact Officer: Katharine Eberhart, Director of Finance and Support Services, 033 022 22087

Appendices

- Appendix A: Projects to be funded from flexible use of capital receipts

Background papers

- [Statutory Guidance on the Flexible Use of Capital Receipts \(updated\), Department for Communities and Local Government, March 2016](#)

Projects to be funded from flexible use of capital receipts

The County Council intends to apply the capital receipts in 2019/20 to fund the following transformation projects for which it has received robust business cases.

The total capital receipts proposed for flexible use in 2019/20 gives some headroom to allow for accelerated spending on service transformation projects.

Table 1: Children First Improvement Plan

(the investment and work is wholly transformational to improve the service)

Qualifying expenditure	Forecast expenditure (2019-20) £000	Savings forecast¹ £000	Payback period
Short period of investment in targeted improvement including:			
• Senior Improvement Leads	454		
• Programme Management and support	473		
• Practice Improvement and Behaviour Change Programme	900		
• Leadership Development Programme	250		
• Specific Project Consultancy	167		
• Communications Lead	27		
• Complaints Officer	27		
• Neglect Strategy work	33		
• Casework Audits	155		
Total	2,486	Nil	N/A

Table 2: Fire & Rescue Improvement Plan

(the investment and work is wholly transformational to improve the service)

Qualifying expenditure	Forecast expenditure (2019-20) £000	Savings forecast¹ £000	Payback period
Short period of investment in targeted improvement including:			
• equality and inclusion workshops and report	30		
• data cleansing and analysis	55		
• business analysis and insight for prevention and fire safety transformation	74		
• fire safety and improvement plan project support	47		
Total	206	Nil	N/A

¹ In most instances the on-going savings do not depend solely on this investment. Delivering the forecast savings will also require the focus of other, existing resources

Table 3: Service transformation

	Forecast expenditure (2019-20) £000	Savings forecast £000	Payback period
Qualifying expenditure			
Short period of investment in transformation across the whole council, including:			
• unlocking the power of the community and community hubs	216		
• improving the customer experience ²	1,560		
• enabling One Council working	381		
• Waste strategy	150		
• programme support	340		
Total	2,647	5,300	2 to 3 years

	Forecast expenditure (2019-20) £000	Savings forecast £000	Payback period
Total transformation expenditure	5,339	5,300	2 to 3 years

Impact on affordability of Prudential Borrowing

The capital receipts the County Council intends to use towards funding its transformation programme are in excess of those included in its Medium Term Financial Strategy. Therefore, as it had not planned to use them to fund the capital programme, there will be no impact on the Council's budgeted prudential borrowing for the years 2019/20 to 2021/22 and the associated Prudential Indicators. Nor is there any impact on the Council's budgeted capital financing costs. Based on the current forecast outturn, the Council's overall capital expenditure will however increase by £5.3m, so the Capital Expenditure Prudential Indicator will increase accordingly.

² Improving the customer experience budget includes £2,889,000 for improving the digital customer interface and £1,243,000 for improving customer-facing work processes

Notice of Motion on Small Schools Federations

- 1 The Chairman of the County Council referred the motion on small schools federations, submitted to the County Council on 19 July, to the Cabinet Member for Education and Skills for consideration. The Cabinet Member met Dr O'Kelly on 11 September to discuss the motion.
- 2 The County Council's [School Effectiveness Strategy 2018-22](#) describes the need for a diverse supply of strong schools across the county. It sets out the objectives for school organisation and the criteria against which schools should be assessed in order to meet these objectives. Implementation of the Strategy will help ensure that in West Sussex:

"Primary schools will be of a sufficient size to be viable in the future, offer a high quality and broad curriculum, attract pupils from the local community and provide strong outcomes for children".

- 3 The Strategy highlights that where schools are identified as being at risk, in terms of their viability to provide an effective and financially sustainable educational provision, options for change need to be considered. These options could include:
 - amalgamating or merging two or more schools to become an all-through primary school
 - expanding the age range of a group of schools so each becomes an all-through primary school
 - federating two or more schools
 - finally, consulting on closing a school
- 4 The Strategy also recognises that due to the diverse nature of schools within West Sussex the governing body of the school will have the most comprehensive knowledge of the school and how it operates. Therefore, they are best placed to lead on considering what option for change would work for their school. The benefits of federation are described in the Strategy along with the commitment that the County Council will support and challenge governors who wish to move towards federation or any of the other options for change.
- 5 Over the last year the County Council has been engaging with governing bodies and headteachers about the need for change. In October 2018, an engagement event with headteachers and chairs of governors of schools across the Rother Valley and Chichester area took place where concerns were shared about declining pupil numbers at a number of small, rural schools. Attendees at these events were encouraged to have conversations about potential federation opportunities. Some governing bodies had successfully explored this, whilst others were unable to find suitable partnering schools and regrettably others chose not to take action in this regard. The County Council has also been proactive in improving understanding of federation and other options for change by responding to governing bodies' requests to discuss federation, producing draft guidance for school governing bodies on federation and the process involved in getting there. Particular visits have taken place to a number of schools to discuss potential future options for schools and to explore broader consultation. Such visits and discussions have also involved the Church of England Diocese where relevant. The County Council is planning a conference to take place in the spring of 2020 focused on federations with case studies, workshops and opportunities for

governors and headteachers to network with colleagues from similar schools and to have many of their questions explored.

- 6** When the County Council is approached by schools exploring federation this is followed up with meetings with governors if requested to outline the process and also to clarify questions and answers. Draft guidance is made available and also 'federation' generic job descriptions and associated paperwork where requested. Suggestions are made as to schools that the governing bodies may wish to contact. However, the responsibility for making such contact remains with governors. Where the County Council has significant concerns relating to school performance and governance, through the Schools Causing Concern protocol, it can intervene to require governing bodies to enter into a partnership which may include federation. However, such intervention would only be used in exceptional circumstances. Schools can seek additional School Effectiveness visits through the County Council's traded offer to obtain support around federation if required.
- 7** In relation to the fourth requested resolution in the motion, due to specific circumstances relating to five schools the Cabinet Member took a decision (ES2(19/20) refers) on 25 September to approve the commencement of a consultation in relation to proposals for change at these five schools. Further information about these specific circumstances and [details of the decision](#) can be found on the County Council's website.
- 8** The Cabinet Member has considered the motion. Taking into account the support already provided to small schools and the offer available to purchase further officer support where required, the Cabinet Member is minded to propose an amendment to the motion at the County Council meeting on 18 October. The Cabinet Member's decision on this matter was published via the Executive Decision Database on 8 October.

Richard Burrett

Cabinet Member for Education and Skills

Contact Officer: Wendy Saunders, 033 022 22553

Background papers

None

Governance Committee: Notice of Motion - System of Council Governance

Background and Context

- 1** Dr Walsh submitted a notice of motion on the governance system of the County Council. At its meeting on 19 July 2019, the Council agreed to refer the motion to the Governance Committee for consideration, before debating the motion in October. The Committee considered the motion on 9 September 2019. Dr Walsh is a member of the Committee and spoke to the item.
- 2** The committee system is a method of decision-making where a collective group of elected members meet, debate proposals and make decisions, usually in the public domain. Committees are usually politically proportionate. The Chairman of a committee would usually oversee the business of the committee, lead on agenda planning and would have a second or casting vote to resolve tied voting. Committees meet around every two months with published agendas and reports containing recommendations. This method of governance was the predominant method in local government for many years.
- 3** The Local Government Act 2000 introduced new systems of governance, including the Leader and Cabinet model for executive decision-making, which was adopted by the County Council and most other local authorities. The committee system was abolished for all but the smallest local authorities. The main aims of the new approach were to speed up decision-making and to identify individual accountable elected members for areas of responsibility and to make the system more easily understood by the public.
- 4** The County Council implemented the executive and scrutiny model in 2000 and adopted individual decision-making by the Leader and Cabinet Members, making full use of the flexibilities of the Act. The County Council also implemented a proactive scrutiny function of politically proportionate scrutiny committees to sit alongside cabinet member decision-making and provide public scrutiny of major decisions prior to their determination by a cabinet member in addition to the facility to 'call-in' decisions that had not been previously scrutinised.
- 5** The Localism Act 2011 amended the Local Government Act 2000 to enable local authorities to revert to the committee system, either if the council itself agreed this, or if a petition of at least 5% of the electorate of West Sussex was received asking the Council to change its governance arrangements. The Governance Committee considered governance options in January 2012 and was of the view that the cabinet system had a number of advantages over the previous committee system, as an efficient, fast decision-making process with clear lines of accountability that could be easily understood and that the scrutiny arrangements provided an effective mechanism for holding the executive to account and enabling all members to influence decisions as they developed.
- 6** The Leader and Cabinet executive model is still the most common governance arrangement in local government. Of the 26 two-tier county councils, two operate the committee system. Norfolk County Council went back to the committee system but has since reverted to the Leader and Cabinet executive model. One neighbouring unitary authority, Brighton and Hove City Council, uses the Committee system.

Committee discussion

- 7** In discussing the motion the Governance Committee considered a range of views on the pros and cons of the two systems. Some members felt that, while the cabinet system streamlined decision-making, Cabinet Members too often ignored the comments of select committees and Business Planning Groups rejected too many call-in requests.
- 8** Other members felt that, under the old committee system, it had often taken a long time to take decisions and there had been negotiation behind the scenes before meetings. There was also a risk with the committee system of working in silos without the benefit of cross-portfolio thinking. With the cabinet system there is a high degree of visibility provided by a combination of the Forward Plan of key decisions, which had not existed under the committee system, task and finish groups, select committee preview and decision call-in.
- 9** The majority view of the Committee was that reverting to the committee system would be a retrograde step and that it would be distracting, given other priorities, to undertake the disruption of reverting to the old system. Instead the Council should concentrate on the current review of scrutiny, to improve its effectiveness, making best use of the Forward Plan to enable an earlier preview of decisions which would improve the transparency of decision-making.

Conclusion

- 10** Having debated the motion the Committee resolved that it does not support a return to the committee system.

Janet Duncton

Chairman of the Governance Committee

Contact: Clare Jones 033 022 22526

Background Papers

None

Adoption of the Shoreham Harbour Joint Area Action Plan

1. Background and Context

- 1.1 The Shoreham Harbour Joint Area Action Plan (JAAP) has been prepared jointly by the County Council, Adur District Council and Brighton & Hove City Council for an area that stretches from the Adur Ferry Bridge in the west through to Hove Lagoon (in Brighton & Hove) in the east.
- 1.2 On 20 October 2017, the County Council approved the publication of the draft JAAP and the subsequent submission of the plan to the Secretary of State. Publication and consultation took place between in November and December 2017 prior to submission of the JAAP in May 2018.
- 1.3 A Government-appointed Planning Inspector conducted the examination of the submitted JAAP to determine whether it was 'sound'. The examination hearings took place in September 2018.
- 1.4 During the hearings, the approach taken by the councils was debated and a number of potential modifications were discussed. Following the hearing sessions, the Inspector indicated that changes needed to be made to the submitted Plan to make it 'sound' and legally compliant. Main Modifications to the plan were proposed in response to representations received at publication stage, and the matters, issues and questions raised by the Inspector during the examination.
- 1.5 Following the hearings, the councils prepared schedules of the proposed modifications and carried out sustainability appraisal of them. In some cases, the Inspector added consequential modifications and recommended their inclusion in the Plan. As part of the examination of the JAAP, the councils undertook public consultation on the Main Modifications in January and February 2019.
- 1.6 After considering all the representations made in response to the consultation, the Inspector issued her report in July 2019 together with a schedule of Main Modifications (**published separately as Appendix A1**), which all concern matters that were discussed at the hearings. The report (**published separately as Appendix A**) has been published for public inspection and is available to view on the County Council's website.
- 1.7 The main recommendations in the Report are as follows:
 - clarification of the approach required for decentralised and renewable energy, with clear and specific guidance, including in relation to the Shoreham Heat Network and its potential impact on sites within the regeneration area;
 - more robust support for identified protected employment areas;
 - clarity on the required approach to flood risk assessment on non-allocated 'windfall' sites, a requirement to consider the most up-to-date flood risk evidence, and strengthened consequential protection for the environment and sites elsewhere;

- a requirement for the provision of up-to-date ecological information for all development applications, and clear guidance on the need for like-for-like compensatory habitats;
 - identification of the need for air quality impact assessments for development proposals;
 - clarification of the approach to public open space and green infrastructure, including that provided by the proposed segregated cycle route along the A259 corridor;
 - amendments to the requirements for the assessment of the design of development proposals, including the provision of public art, and the impact of proposals on existing living conditions of neighbouring occupiers and those of potential future occupiers;
 - identifying the need to consider the navigational safety of vessels in the harbour mouth; and
 - the provision of a robust monitoring mechanism to support the delivery of the Plan.
- 1.8 Overall, the Inspector has found the JAAP to be legally compliant and sound, subject to modification. Other minor changes are also required prior to adoption. The JAAP, incorporating the main and minor modifications, is **published separately as Appendix B** to this report and the monitoring framework has been **published separately as Appendix B1**.
- 1.9 The councils can now move forward to adoption, when the JAAP will become part of the statutory development plan for the Shoreham Harbour area and used for the determination of planning applications.

2. Issues for consideration

- 2.1 The key issue for the County Council, as Mineral Planning Authority/Waste Planning Authority, is the presence of active minerals wharves and waste management facilities in the area, which has been carefully considered through the preparation of the draft JAAP and the West Sussex Joint Minerals Local Plan 2018 (JMLP). These sites are safeguarded by Policy M10 of the JMLP and Policy W2 of the West Sussex Waste Local Plan. Paragraph 143 of the National Planning Policy Framework (NPPF) also requires local planning authorities to safeguard existing, planned and potential wharfage for bulk transport of minerals.
- 2.2 The JAAP envisages that the regeneration project will eventually bring forward proposals for alternative land uses on sites currently used for minerals and waste, particularly in the Western Harbour Arm Riverside area where mixed use development is proposed. The approach is to safeguard sufficient mineral wharf capacity at Shoreham to cater for future demand in line with sales over the previous 10 years and release some currently used wharves for redevelopment. This approach is likely to require the relocation of the existing businesses on these sites.
- 2.3 The approach in the JAAP has been supported by the County Council as it is in line with the NPPF and consistent with the JMLP. The Inspector has not

proposed any modifications to the approach taken in the submitted JAAP to such matters.

- 2.4 With regard to other County Council functions, there are modifications related to flooding and clarification of the approach taken to public open space and green infrastructure (see paragraph 1.7).
- 2.5 Accordingly, it is recommended that the JAAP, as modified, is adopted by the County Council on 18 October 2019, which will be followed by a six-week period for legal challenge. Adoption of the Plan will be considered by Brighton and Hove City Council on 24 October 2019 and Adur District Council on 31 October 2019.

3. Factors taken into account

Consultation

- 3.1 Several stages of consultation have been undertaken during the preparation of the JAAP. Representations made during the consultation period helped the Inspector determine whether the submitted Plan, subject to modifications, was legally compliant and 'sound'.
- 3.2 During the public hearings, modifications were discussed and refined. Participants had the opportunity to comment on the proposed modifications and to suggest alternatives. During the examination, modifications can only be made where the Inspector considers this necessary for the soundness of the plan.
- 3.3 The modifications were developed jointly by the partner councils and in consultation with other interested parties, such as the Environment Agency and Sussex Wildlife Trust.
- 3.4 Consultation on the proposed modifications took place between 11 January 2019 and 22 February 2019, in accordance with the councils' Statements of Community Involvement and the relevant legislation and regulation.

Financial (revenue and capital) and Resource Implications

- 3.5 The cost of preparing and publishing the JAAP will be met by provision within the base budget. The JAAP will have no resource implications on future revenue or capital budgets.

The effect of the proposal

- 3.6 Adoption of the JAAP will support the wider regeneration of the Shoreham Harbour area. It is recommended that the three councils adopt the Shoreham Harbour Joint Area Action Plan and it becomes part of the statutory development plan for the area.

Legal Implications

- 3.7 The Shoreham Harbour Joint Area Action Plan was prepared and submitted in accordance with the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Planning) (England) Regulations 2012.

- 3.8 The Inspector was requested to recommend Main Modifications to make the Plan sound and legally compliant and capable of adoption. The Inspector concluded that with the recommended main modifications set out in the Appendix to her report, the JAAP satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

Risk Implications and Mitigations

Risk	Mitigating Action (in place or planned)
Absence of a robust planning policy framework for the Shoreham Harbour area – risk to the regeneration project, which may fail to gather sufficient momentum and may result in key sites failing to come forward for redevelopment. This would fail to support local aspirations for economic growth.	<p>The JAAP, once adopted, will become part of the statutory development plan for the area and used for the determination of planning applications.</p> <p>If not adopted the JAAP will not be a material consideration in determination of planning applications. Wider policies in other adopted documents such as the Adur Local Plan, Joint Minerals Local Plan and West Sussex Waste Local Plan alongside the NPPF will be used to determine applications.</p>

Other Options Considered

- 3.9 Alternative development options for the JAAP plan area have been considered at the various stages of the preparation of the JAAP. The JAAP has been found to be sound and legally compliant subject to the main modifications required by the Inspector. As provided by s23(4) of the Planning and Compulsory Purchase Act 2004 the County Council cannot adopt a Plan that is materially different from that recommended by the Planning Inspector; the County Council cannot choose to accept some of the modifications and not others. The only options available to the County Council at this stage are to either adopt the Plan in its entirety, with all of the Main Modifications required by the Inspector, or to not adopt the Plan at all.

Equality and Human Rights Assessment

- 3.10 An Equality Impact Report was prepared, for the Submission stage of the plan, based on the Health and Equalities Impact Assessment (EIR) undertaken for the revised draft Adur Local Plan (2016) and is detailed below.
- 3.11 The JAAP is expected to have overall positive impact on identifiable groups as a result of the policies it seeks to introduce. In particular, the EIR outlined that the JAAP is expected to have a positive impact on those who are young, old, living with disabilities or on low incomes through provision of housing, infrastructure and creation of employment opportunities.
- 3.12 At the modifications stage, the modifications were minor for the County Council and so a further assessment was not considered necessary.

Recommended

That the Shoreham Harbour Joint Area Action Plan, incorporating the main and minor modifications, as set out at Appendix B, be adopted.

Deborah Urquhart

Cabinet Member for Environment

Contact Officer: Caroline West, Planning Policy and Infrastructure Team
Manager, 033 022 25225

Appendices

Appendices A and A1 – Planning Inspector’s Report and Main Modifications
Appendices B and B1 – Shoreham JAAP, including main and minor
modifications, and Monitoring Framework

Background papers

None

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Approval of the Proposed Submission Draft Soft Sand Review (Regulation 19 stage) of the West Sussex Joint Minerals Local Plan

1 Background and Context

- 1.1 The [West Sussex Joint Minerals Local Plan](#) (JMLP) was prepared in partnership by West Sussex County Council and the South Downs National Park Authority (the 'Authorities'). The JMLP was adopted in July 2018, following examination hearings in September 2017. During the examination hearings, the Planning Inspector raised concerns about the approach taken to soft sand supply.
- 1.2 The Inspector suggested modifications: to delete references to planning for a declining amount of sand extraction from within the National Park; to replace Policy M2 with new wording; and to remove the proposed Ham Farm allocation from Policy M11 (Ham Farm was removed due to the Inspector's conclusion that the proposed strategy for soft sand was unsound. The Inspector did not conclude whether Ham Farm was acceptable in principle for allocation. However, he concluded that "the methodology and criteria is justified, effective and consistent with national policy.."). Accordingly, there is a requirement set out in Policy M2 of the adopted JMLP that the Authorities undertake a single-issue Soft Sand Review.
- 1.3 The Review is required to address the shortfall in soft sand to the end of the JMLP plan period (2033). It considers the strategy for how the shortfall of soft sand will be met. The review is not considering any other parts of the JMLP.
- 1.4 The timetable for the review is set out within the [West Sussex Minerals and Waste Development Scheme 2019-22 \(MWDS\)](#). The review is programmed to be adopted by the end of December 2020, and must be undertaken in accordance with relevant legislation, including the Planning and Compulsory Purchase Act 2004 Regulations.
- 1.5 In line with the approved MWDS, informal public consultation on 'Issues and Options' was undertaken in January to March 2019 under Regulation 18. This covered three key issues and options for soft sand supply, as follows;
 - (1) The amount of sand needed during the plan period (to 2033);
 - (2) The strategy for soft sand supply, namely the options that can, either singularly or in combination, be used to meet any identified shortfalls; and
 - (3) The identification of potential sites, and approach to site selection.
- 1.6 The results of the informal consultation (**published separately as Appendix B**) and further technical work have informed the preparation of the Proposed Submission Draft Soft Sand Review (**published separately as Appendix A**) which identifies proposed changes to the JMLP. These include a revised strategy for the supply of soft sand, changes to two policies, and the allocation of three sites; extensions to West Heath Common, Rogate; Chantry Lane, Storrington, and a new site at Ham Farm near Steyning. Subject to approval by the County Council (and the SDNPA), the Proposed Submission Draft will be published for a ten-week period for formal representations on 'soundness' and legal and procedural compliance between November 2019 and March 2020 under Regulations 19 and 20.

- 1.7 Representations made during the representations period will help an independent Government-appointed Inspector to determine whether any modifications to the proposed changes are necessary prior to adoption by both authorities, when they will be incorporated into the JMLP.

2 Proposal Details

Outcomes of informal consultation

- 2.1 The consultation process involved the following:
- approximately 3,000 individuals and organisations were notified about the consultation either by email or letter;
 - hard copy documentation and notices were made available for inspection at council offices and libraries;
 - publication of the consultation on the County Council Minerals and Have Your Say Consultation webpages;
 - media coverage by press, TV and radio; and
 - engagement with members.
- 2.2 A total of 804 responses were received during the consultation with the following breakdown:
- 716 responses submitted by individuals (including parish councillors, local businesses, and from residents/members of the public); and
 - 88 by organisations (minerals industry, county, district & borough and parish councils, government bodies, community and environmental organisations).
- 2.3 Appendix B sets out the summary of comments received to the consultation, summarised under three issues:
- amount of soft sand needed to 2033;
 - strategy for soft sand supply;
 - identification of potential sites, and approach to site selection; and
 - the accompanying Sustainability Appraisal
- 2.4 A full report on the outcomes of the consultation, including responses from the Authorities, will be published alongside the Proposed Submission Draft Review. The outcomes of the Issues and Options consultation, and further technical work, have informed the preparation of the Proposed Submission Draft Review, which address the three main issues.

Proposed Submission Draft Review

Issue 1: The amount of sand needed

- 2.5 The amount of sand that needs to be planned for (to 2033) is set out in the Authorities' [Local Aggregates Assessment \(LAA\)](#). The LAA is produced annually and sets out the picture of supply and demand of aggregates in West Sussex. The LAA considers historic sales, and other relevant local information, including

planned housing development. The latest LAA sets out that the shortfall of soft sand, taking account of existing reserves, could range between 1.66 and 2.83 million tonnes (mt) over the period to 2033.

- 2.6 The approach taken to calculating the demand for soft sand has not changed since the examination of the JMLP, which was considered to be 'sound' by the Planning Inspector and has been subject to consideration by the South East England Aggregate Working Party.
- 2.7 The Authorities have sought to ensure that, should the highest level of projected demand become a reality (requiring the shortfall of 2.83mt to be met), sufficient provision will be available through the proposed strategy (including allocations) during the plan period, ensuring the amended Plan is positively prepared, and flexible.

Issue 2: The strategy for soft sand supply

- 2.8 The only source of land-won soft sand in West Sussex is from the Folkstone Formation, which is largely contained within the South Downs National Park (which has the highest level of protection in planning terms). The Authorities are required to plan for a steady and adequate supply of sand. Consideration needs to be given to strategy options that provide the sand needed to the end of the plan period, but also those that protect the National Park.
- 2.9 The following options were consulted upon, as considered to be the 'reasonable alternatives' to meeting the identified need for soft sand:
 - **Option A:** Supply from sites within West Sussex but outside of the National Park;
 - **Option B:** Supply from sites within West Sussex, including within the National Park;
 - **Option C:** Supply from areas outside West Sussex;
 - **Option D:** Supply from alternative sources including marine-dredged material; and
 - **Option E:** A combination of the above options.
- 2.10 Following consultation, and further work to understand how demand can be met through the plan period, the Authorities have concluded that Option E would be the most reasonable to take forward. This is because Option A would not provide enough resource, Option B does not take account of the material that may be available in other areas or alternative materials, and Options C and D would not provide enough certainty of supply.
- 2.11 The preferred option (Option E) has been assessed through the Sustainability Appraisal and informs the identification of the site allocations. The strategy is set out in changes to Policies M2 and M11 of the JMLP. Table 1 below sets out how Option E is made up to form the strategy for soft sand supply.

Table 1: Preferred Option E (combination of A-E)

Option	Description
Option A	The allocation of Ham Farm - see below.
Option B	The allocation of Chantry Lane Extension and East of West Heath Common (Extension) – see below.
Option C	Work has been undertaken with other Mineral Planning Authorities (MPAs) in the South East, in accordance with the 'Duty to Cooperate', to understand supply issues; this has resulted in the production of a joint Position Statement for Soft Sand. Further work has been undertaken with Kent County Council, Brighton & Hove City Council and East Sussex County Council, resulting in a Statement of Common Ground (SoCG). The SoCG states that the Authorities will work together and that if any surplus of material (max. 1m tonnes) is available in Kent, then it could travel within the wider region to make up a shortfall of material elsewhere.
Option D	The Authorities have investigated the potential for marine won and alternative sources of soft sand to substitute for land won material. At this time, there is no suitable or reliable alternative supply of material in the South East; this situation will continue to be monitored.

- 2.12 Changes have been made to Policy M2 (Soft Sand) to deliver the revised strategy. The policy sets out when permission will be granted for soft sand proposals on both allocated and unallocated sites. For proposals on unallocated sites, there is a requirement for demonstration that the allocated sites cannot meet the demand for soft sand.
- 2.13 Due to the constrained nature of soft sand in West Sussex, and the high bar set by national policy for planning in national parks, amended Policy M2 requires that proposals for soft sand outside the SDNP must not adversely impact on its setting. Proposals within the SDNP, that constitute major development, will be refused other than in exceptional circumstances and where it can be demonstrated to be in the public interest.

Issue 3: Potential sites and site selection

- 2.14 Mineral Planning Authorities should plan for a steady and adequate supply of minerals by, amongst other things, identifying specific sites. Therefore, consideration has been given to allocating sites for soft sand extraction to meet identified shortfalls over the plan period.
- 2.15 The approach to site identification was subject to discussion at the examination hearings of the JMLP. The Planning Inspector concluded that the site selection methodology and its application, including the RAG (Red, Amber, Green) traffic light system of assessment, were robust and sound. Accordingly, the Authorities have applied the same site assessment methodology, having first reviewed it with technical specialists to ensure it is up to date.

- 2.16 A 'Call for Sites' was undertaken during August–September 2018. The sites submitted, along with all previously considered sites, made up a 'long list' of 21 sites. All of these sites were reviewed and 12 were ruled out as they were considered to be unsuitable for further consideration (due to either availability or viability). Therefore, nine were shortlisted (two outside the SDNP, and seven within), which are set out in Table 2 below.
- 2.17 The nine shortlisted sites were included in the Issues and Options Consultation, with the aim of seeking views from stakeholders on the accuracy of the information held on each site and providing the opportunity to submit further evidence on the sites.
- 2.18 Following consultation, further technical assessments (below) have been undertaken, and the outcomes have informed the RAG assessment of the sites, to assess whether they are 'acceptable in principle' and, therefore, suitable for allocation (see Table 2 below). The RAG assessments are set out within an updated Soft Sand Site Selection Report (4SR), which takes account of the further assessments undertaken, and will be published alongside the Proposed Submission Draft Review:
- Transport Assessment
 - Habitats Regulations Assessment
 - Landscape and Visual Impact Assessment
 - Strategic Flood Risk Assessment
 - Sustainability Appraisal
 - Scoping whether the sites within the SDNP would constitute major development

Table 2: Shortlisted soft sand sites and outcome of RAG assessment

Site Name	Parish	Site (Ha)	Yield (tonnes)	In SDNP?	Extension to existing site?	Acceptable in Principle
Bunton Manor Farm	Washington and Wiston	23	1,000,000	No	No	No
Chantry Lane (Extension)	Storrington and Sullington	2.5	1,000,000	Yes	Yes	Yes
Coopers Moor (Extension)	Duncton	5.7	500,000	Yes	Yes	No
Duncton Common (Extension)	Duncton and Petworth	28.5	1,800,000	Yes	Yes	No
East of West Heath Common (Extension)	Harting	14	950,000	Yes	Yes	Yes

Site Name	Parish	Site (Ha)	Yield (tonnes)	In SDNP?	Extension to existing site?	Acceptable in Principle
Ham Farm	Steyning and Wiston	8	725,000	No	No	Yes
Minsted West (Extension)	Stedham with Iping	11	2,000,000	Yes	Yes	Yes
Severals East/ Severals West	Woolbeding with Redford	20/ 55	1,700,000	Yes	No	Yes
Severals West	Woolbeding with Redford	55				

Note: Severals East and Severals West are being considered as a single site.

2.19 Through the RAG assessments, a number of the sites were considered to be 'acceptable in principle' for site allocation. In order to inform which sites should be allocated, in accordance with the preferred strategy, the following guiding principles have been applied;

- **First principle:** Places where there are opportunities to restore land beneficially
- **Second principle:** Places without a sensitive natural or built environment and away from communities, in order to protect the amenity of businesses, residents and visitors to West Sussex
- **Third principle:** Sites that have good access to the Lorry Route Network (LRN)
- **Fourth principle:** The need to conserve and enhance, where possible, protected landscapes in the plan area
- **Fifth principle:** A preference for extensions to existing sites rather than new sites, subject to cumulative impact assessments
- **Sixth principle:** The need to avoid the needless sterilisation of minerals by other forms of development

2.20 The outcomes of the site selection process and application of the above principles has resulted in the following sites being taken forward for allocation via the Proposed Submission Draft Review.

Sites	Allocation	Site ruled out
Outside of the SDNP	<ul style="list-style-type: none"> • Ham Farm 	<ul style="list-style-type: none"> • Buncton Manor
Inside the SDNP	<ul style="list-style-type: none"> • East of West Heath Common (Extension) • Chantry Lane (Extension) 	<ul style="list-style-type: none"> • Minsted West (Extension) • Coopers Moor (Extension) • Duncton Common (Extension) • Severals East and West

- 2.21 As set out in paragraph 2.8, the shortfall required to meet demands to 2033 is 2.83mt. The proposed allocations could provide a total of 2.68mt, leaving a remaining shortfall of 150,000 tonnes, which is around half a year's supply (based on current 10-year averages). The Authorities will continue to monitor the supply and demand of soft sand and the requirement to review the JMLP every five years will ensure that any changes in circumstances can be addressed in the future.
- 2.22 The allocations are set out in amended Policy M11. Development principles for the three sites have been established, which identify specific issues that will need to be addressed at the planning application stage, as and when proposals come forward.

South Downs National Park Authority Approval

- 2.23 The Proposed Submission Draft Soft Sand Review was subject to consideration at the South Downs National Park Planning Committee on 12 September 2019, which recommended approval to the SDNPA full Authority meeting. The SDNPA approved the Proposed Submission Draft Soft Sand Review for publication at its full Authority meeting on 1 October 2019.

Next Steps

- 2.24 Subject to approval by full Council, the approved Proposed Submission Draft will be published for a period of 10 weeks between November 2019 and March 2020, to allow representations to be made about (a) whether it has been prepared in accordance with all legal and procedural requirements, and (b) whether its contents are 'sound'. The period of representations will be undertaken in accordance with both Authorities' Statements of Community Involvement; hence a longer 10-week period is proposed than the statutory six-week period.
- 2.25 Following consideration of the representations received, minor amendments may be made to the Proposed Submission Draft, and it will be formally submitted to the Secretary of State for independent examination.
- 2.26 An independent Inspector appointed by the Government will consider the representations made and examine whether the Proposed Submission Draft is legally and procedurally compliant and 'sound'.
- 2.27 As part of the examination, the Inspector may indicate that modifications are required to make the proposed changes to the JMLP 'sound' and suitable for adoption. The Authorities will then consult on any modifications before submitting them to the Inspector. Following the examination, the Inspector will report on whether they are 'sound' and, if they are, the proposed changes (as modified) will be adopted by both Authorities and incorporated into JMLP.

3 Factors taken into account

Consultation

- 3.1 The preparation of the Proposed Submission Draft Review has taken account of the results of the Issues and Options consultation undertaken earlier this year, and also included internal consultations with relevant specialist officers of both authorities (e.g. highways, landscape, ecology etc).

Resource Implications

- 3.2 The cost of preparing and publishing the Soft Sand Review will be met by the base budget.

Legal Implications

- 3.3 Policy M2 of the JMLP requires that the Soft Sand Review be completed within a set timescale, otherwise the Plan will be deemed to be out of date. It is a legal requirement for the County Council to plan for a steady and adequate supply of soft sand (NPPF). It is also a legal requirement to carry out consultation on planning policies, as required by The Town and Country Planning (Local Planning) (England) Regulations.

Risk Assessment Implications and Mitigations

- 3.4 A lack of soft sand allocations for mineral development generates uncertainty for communities and the minerals industry about the acceptability 'in principle' of sites and creates more pressure on the planning application process. As mineral planning authorities, the Authorities have to plan for a steady and adequate supply of soft sand, in line with national policy. Therefore, allocating sites will help ensure that the identified need for soft sand is met.

Risk	Mitigating Action (in place or planned)
Having an out of date soft sand strategy, and failing to meet the requirements of Policy M2 of the adopted JMLP	Preparing the Soft Sand Review of the JMLP as required by Policy M2 will help to ensure the Authorities have an up-to-date strategy for soft sand supply in West Sussex through the Plan period.
Absence of a robust planning policy framework for soft sand – risk therefore of speculative planning applications and loss of control over soft sand development in West Sussex.	Preparing the Soft Sand Review of the JMLP will help to ensure the Authorities have appropriate control over soft sand development in West Sussex.

Recommended

- (1) That the Proposed Submission Draft Soft Sand Review of the West Sussex Joint Minerals Local Plan (Appendix A) is approved for publication, consultation on legal and procedural compliance and soundness, and, provided that no substantive changes are required, submission to the Secretary of State in accordance with Regulations 19, 20 and 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended);
- (2) That authority is delegated to the Director of Highways, Transport and Planning, in consultation with the Cabinet Member for Environment, to authorise, in agreement with the South Downs National Park Authority, any non-substantive changes that are necessary to make the Joint Minerals Local Plan sound and suitable for adoption; and

- (3) That if substantive changes are required to the Submission Draft Soft Sand Review of the West Sussex Joint Minerals Local Plan, a further public consultation and decision by the County Council may be required.

Deborah Urquhart

Cabinet Member for Environment

Contact Officer: Rupy Sandhu, Planning Services 033 022 26454

Appendices

Appendix A – Proposed Submission Draft Review (Regulation 19)

Appendix B – Summary of responses to Regulation 18 Issues and Options Consultation

Background Papers

None

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Governance Committee: West Sussex Health and Wellbeing Board Terms of Reference and discontinuance of the Orbis Public Law Joint Committee

West Sussex Health and Wellbeing Board Terms of Reference

Background and Context

- 1** The Health and Wellbeing Board has reviewed its Joint Health and Wellbeing Strategy. Following the adoption of the new strategy, the Board has reviewed its terms of reference (last updated in 2014) to align them with new working arrangements. Proposed amendments **are set out at Appendix 1**.

Proposal

- 2** The Board paid particular attention to representation from the voluntary sector. Representation on the Board for the sector was increased from two to three full voting members, consisting of a representative from defined representative groups plus an 'open seat' to give subject specialist advice to the two core members as and when required. The Board's accountability has also been made clearer. Other changes to note are:
 - The West Sussex Health Inequalities Network no longer exists and therefore representation from this organisation has been removed.
 - The Surrey and Sussex Area Team of NHS England withdrew their membership and so representation from them has been removed. They continue to receive papers and to be consulted with when required.

Recommended

- (1) That the revised terms of reference for the West Sussex Health and Wellbeing Board, as set out in Appendix 1, be approved for inclusion in the County Council's Constitution; and

Discontinuance of the Orbis Public Law Joint Committee

Background and Context

- 3** West Sussex County Council, Brighton & Hove City Council, East Sussex County Council and Surrey County Council agreed in March 2016 to develop a single legal service to provide legal services to each of the four constituent authorities and the wider public sector.
- 4** All four authorities faced similar issues and individually have limited resilience and capacity for specialist advice and support. It was planned that an integrated service across the four councils would build resilience and save external costs.
- 5** The proposals for a formal partnership were scrutinised by Performance and Finance Select Committee and received full support. Teams were to be integrated and the work of the four authorities distributed across the single service, aligning recruitment of staff, ways of working and service systems and standards. The staffing and resource budgets were to be pooled.
- 6** A joint committee made up of the responsible lead members of each authority was established to oversee the work of the partnership. It met three times each year to track the implementation of the business plan and to monitor the

realisation of benefits. It met as a public joint committee in accordance with terms of reference approved by each of the four councils. The partners had agreed that April 2019 would be the date for the start of the pooled budget arrangement and a plan for the implementation of service integration was also agreed.

- 7 In April 2019 Surrey County Council indicated that, due to comprehensive internal service reviews, Surrey's commitment to the joint legal services project would need to be paused for at least one year. A high level assessment of the viability of the integration plan and the savings based on a three authority model showed that the savings could not be realised and that the costs and disruption associated with the integration plan could lead to an adverse position for each authority.

Proposal

- 8 It was agreed between the three other lead officers that a less structured partnership arrangement should be maintained but that full integration and the pooling of service budgets is not likely to provide the full benefits planned for the larger partnership. The partnership will maintain the practical benefits to date:
- A common case management system
 - A jointly managed framework for external legal services
 - A shared training and cpd programme
 - Links between teams to share knowledge and expertise
 - Sharing costs of common pieces of work
 - Sharing other resources when viable to do so
 - The 'caselines' system for web-based proceedings through the Brighton Care Centre for child protection proceedings
- 9 It was also decided that the joint committee could no longer serve a useful purpose. It had been established to provide political oversight of the integrated service and of the pooled budget. The proposal is therefore to discontinue the joint committee. Joint working arrangements will be managed through established operational discussions between the lead officers. The Cabinet Member will be briefed on any developments of any significance.

Recommended

- (2) That the Orbis Public Law Joint Committee be discontinued and be removed from the scheme of delegation in the Constitution.

Janet Duncton

Chairman of the Governance Committee

Contact: Clare Jones 033 022 22526

Background papers

None

West Sussex Health and Wellbeing Board

(Proposed additions are set out in bold, italic text with deletions struck through)

Purpose of the West Sussex Health and Wellbeing Board

Health and Wellbeing Boards are central to the objective of an integrated approach to health and social care.

Established and hosted by local authorities, health and wellbeing boards bring together the NHS, Public Health, Adult Social Care and Children's Services, other partners, including elected representatives and Local Healthwatch to plan how best to meet the health and wellbeing needs of their local population and tackle local inequalities in health.

The West Sussex Health and Wellbeing Board (HWB) established under the Health and Social Care Act 2012 is a strategic board which brings together elected members, leaders from the NHS, local authorities, Voluntary Sector and other partners to work together to:

- ***Improve the health and wellbeing of the residents of West Sussex***
- ***Reduce health inequalities of the residents of West Sussex***
- ***Promote the integration of services in West Sussex***

Constitution

~~The West Sussex Health and Wellbeing Board includes representation from all bodies in West Sussex with major responsibilities for commissioning health services, public health or social care. The quorum is a quarter of the members of the Board.~~

Members:

West Sussex County Council

- Cabinet Members whose portfolio responsibilities include:
 - Community ***Development*** ~~Wellbeing~~
 - Health and Adults' Services
 - Children and Families

Note: the relevant Senior Adviser may attend in place of the Cabinet Member

- Directors with ***commissioning*** responsibility for:
 - Public Health
 - ~~Commissioning Health and Social Care~~
 - Adults' Services
 - Children's Services
 - ***Communities and Public Protection***

West Sussex District and Borough Councils:

Three ~~Two~~ representatives, ***elected members or council officers***, from different ***district and borough councils*** ~~authorities if possible from the north and south of the county (representing both urban and rural areas)~~ ***nominated by the districts and boroughs.***

- ~~Two elected members or~~

- ~~• One elected member and one chief executive~~

~~West Sussex Health Inequalities Network~~

- ~~• One representative~~

~~Surrey and Sussex Area Team of NHS England:~~

- ~~• One representative, to be drawn from the following:~~
- ~~• Director, Nursing and Quality and Medical Director~~

~~West Sussex Clinical Commissioning Groups (CCGs):~~

One senior clinical and one non-clinical representative from each of:

- NHS Coastal West Sussex CCG**
- NHS Crawley CCG**
- NHS Horsham and Mid Sussex CCG**
- ~~• Coastal West Sussex Clinical Commissioning Group: Three representatives: Clinical Chief Officer, Chairman and Chief Executive~~
- ~~• Crawley Clinical Commissioning Group: Two representatives: Clinical Chief Officer and Chairman~~
- ~~• Horsham and Mid Sussex Clinical Commissioning Group: Two representatives, to be drawn from: Clinical Chief Officer and Clinical Leader and Chairman~~

~~Voluntary Sector:~~

- *Three* Two representatives **from the Voluntary Sector** nominated by the Voluntary Sector **through arrangements made by relevant organisations across the county, consisting of two voting representatives plus a non-voting 'open seat' to give expert / subject specialist advice to the two core members, as and when required.****

~~Healthwatch~~

- ~~• One representative~~

NHS Providers one representative from each of:

- NHS Sussex Partnership Foundation Trust**
- NHS Sussex Community Trust**

Observers with speaking rights (Non-Voting) one from each of:

- West Sussex Health and Adult Social Care Select Committee**
- Sussex Police and Crime Commissioner or nominated representative**
- Chairman of Safeguarding Adults Board (SAB)**
- Chairman of Local Safeguarding Children's Partnership (LSCP)**

~~Such additional non-voting members from relevant agencies and user groups as are agreed by the Board to assist in achieving the Board's objectives.~~

Notes

~~The Chairman of the Health and Wellbeing Board will be one of the County Council Cabinet Members, to be appointed by the County Council. The Board will elect a Vice-Chairman annually.~~

~~In any circumstance where a decision is required, the Chairman shall strive to ensure a consensus is achieved. If a vote has to be taken, in the event of an equality of votes, the Chairman shall have a second or casting vote. All members of the Health and Wellbeing Board will be entitled to vote.~~

~~The Health and Wellbeing Board meetings will be held in public.~~

Terms of Reference

- 1. To provide strategic, system-wide Leadership to promote health and wellbeing and reduce health inequalities in West Sussex.**
- ~~21.~~ To provide a forum for local democratic and public accountability of the NHS, **Public Health**, social care for adults and children and other commissioned services that the Health and Wellbeing Board agrees are directly related to **improving** improved health and wellbeing and **reducing** health **inequalities** equality outcomes in West Sussex.
- ~~32.~~ To promote integration, trust and partnership working between the NHS and local government **and other local partners through**, as well as promoting joint working with commissioners and providers of services that impact on wider health **and the wider** determinants **of health and wellbeing**.
- ~~43.~~ To **jointly develop and approve** a shared understanding of the needs of the local community through a review of the Joint Strategic Needs Assessment **(JSNA) and ensure it is a**, the key evidence base to inform **strategic decisions** the priorities of the Health and Wellbeing Board **and its constituent organisations**.
- ~~54.~~ To develop **and agree a Joint** an agreed Health and Wellbeing Strategy **(JHWS)** for West Sussex and to review the effectiveness and scope degree of integration across the health **and social care** system **in the county**.
- ~~65.~~ To establish a relationship with other partnerships such as **the parties to** Joint Commissioning Arrangements, district-level wellbeing partnerships, **Safeguarding Boards/Partnerships and the Safer West Sussex Partnership** and the Start of Life Partnership Board.
- ~~76.~~ To consider the effectiveness of health partnership arrangements so as to ensure there is no duplication of activity **in relation to areas of shared responsibility**.
- ~~87.~~ To propose recommendations regarding the work of the Health and Wellbeing Board to **constituent member organisations and those they represent**:
 - West Sussex County Council
 - West Sussex **NHS** Clinical Commissioning Groups **(CCGs)**
 - **District and Borough Councils**
 - **Voluntary Sector**
 - **NHS Providers**

98. To submit reports and information on the work of the Health and Wellbeing Board **for** to the scrutiny **by** of the County Council's Health and Adult Social Care Select Committee or other County Council Select Committees when appropriate. For some specific issues there may be opportunities for joint scrutiny with district and borough councils.
10. ***To review the commissioning plans of the West Sussex Clinical Commissioning Groups (NHS Coastal West Sussex CCG, NHS Crawley CCG and NHS Horsham and Mid Sussex CCG) and provide an opinion whether these contribute to the delivery of the Joint and Health and Wellbeing Board Strategy (JHWS).***
11. ***To provide advice, assistance or other support as the Board thinks appropriate for the purpose of encouraging the making of arrangements under Section 75 of the National Health Service Act 2006 (arrangements between NHS bodies and local authorities for joint service provision, commissioning arrangements and pooled budgets).***
12. ***To undertake and keep up to date the Pharmaceutical Needs Assessment.***
13. ***To carry out any other function that may be delegated to the County Council under section 196(2) of the Health and Social Care Act 2012.***
14. ***To provide an opinion on whether the County Council is discharging its duty to have a regard to the JSNA and the JHWS in the exercise of its functions.***
15. ***To review and approve any other plans or strategies that are required either as a matter of law or policy to be approved by the Board such as Sustainable Transformation Partnerships (STPs) and those related to the Better Care Fund.***

Accountability

- ***The Board is a committee of the local authority and for the purposes of any enactment is to be treated as if it were a committee appointed by that authority under section 102 of the Local Government Act 1972.***
- ***The work of the Board will be available for Scrutiny by the County Council's Scrutiny Committees.***

Conduct of Meetings

The Health and Wellbeing Board will meet in public and its agenda and minutes made public accordingly.

Quorum

The Board is quorate when there are five members of the Board present and at least one representative from each of:

- ***West Sussex County Council (Elected Member, Chairman or nominated Deputy)***
- ***Clinical Commissioning Groups (CCGs)***

- **West Sussex County Council Director**

Where a meeting is inquorate those members in attendance may meet informally but any decisions shall require appropriate ratification at the next quorate board meeting before they take effect.

Chairman/Chairing the meetings

The Chairman of the Health and Wellbeing Board will be one of the County Council's Cabinet Members to be appointed by the County Council. The Board will elect a Vice-Chairman annually from the CCG representatives.

Voting

In any circumstance where a decision is required the Chairman shall strive to ensure a consensus is achieved. If a vote has to be taken, in the event of inequality of votes, the Chairman shall have a second or casting vote. All members of the Health and Wellbeing Board will be entitled to vote apart from Observers.

Terms of Reference Review

The terms of reference will be reviewed by the Board annually and when required to ensure the Board remains fit for purpose and is able to respond to changes affecting partner organisations and partnership arrangements.

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Cabinet Report: Delivering the West Sussex Plan 2017-22

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.



Best Start in Life

Cabinet Member for Children and Young People – Paul Marshall

- The County Council has been working with [Coram Voice](#) and the University of Bristol on the [Bright Spots Programme](#). This aims to capture the views of young people in care and identify where positive differences can be made to the support and services provided. The initial outcomes of this work have been shared with young people with assurances that their voices have been heard and it will lead to change.
- The [Exceptional People in Care awards event](#) has taken place to celebrate the achievements and successes of young people in care and care leavers. The annual ceremony is a positive example of partnership working with both local and national organisations providing sponsorship to fund the prizes the young people received.

Cabinet Member for Education and Skills – Richard Burrett

- Provisional **exam results** indicate that pupils in West Sussex are maintaining or improving on performance from previous years. For those who took [GCSEs](#), the proportion of West Sussex students achieving the pass level Grade 4 (equivalent of a C grade) has gone up by 0.3% from 2018. The overall pass rate for [A level](#) students was close to 97.6% which was in line with the national average. More detailed results will be released later in the year, once the final figures have been confirmed.



A Prosperous Place

Leader & Cabinet Member for Economy – Louise Goldsmith

- The **Summertime Sussex** campaign focused on encouraging families to explore the local area during the school holidays. The aim was to showcase West Sussex and point residents to [Experience West Sussex](#) for ideas and inspiration to increase visitors to the area and boost the local economy. Results show that all web pages promoted saw a significant increase in views as well as good engagement across social media. The campaign included a series of

[videos](#) involving local school children talking about their favourite things to do in West Sussex during the summer.

- On 17 September The Leader addressed the 3rd Annual **Tackling Air Pollution Forum** in London. The Leader highlighted the success of '[Breathing Better](#): a partnership approach to improving air quality in West Sussex' and also how the County Council has reduced carbon emissions by 46% by improving building management systems, improving insulation, upgraded lighting in its buildings and upgraded street lights across the county.
- The Leader, along with the Leader of East Sussex County Council, hosted a **Business Summit** on 13 September to bring local businesses and the Government together and provide an opportunity for two-way conversation. The event was well attended and feedback received has been positive. The Government has provided a [checklist for getting ready for Brexit](#) (<https://www.gov.uk/get-ready-brexit-check>). Members are asked to share this link with their residents.

Cabinet Member for Highways and Infrastructure – Roger Elkins

- The Department for Transport (DfT) recently announced two **competitive funding opportunities for local authorities** - the [Local Highways Maintenance Challenge Fund](#) and [Local Pinch Point Fund](#) for major maintenance projects that are otherwise difficult to fund, as well as for small scale improvements including road widening, junction improvements and measures to improve traffic flow. Expressions of interest are being developed in line with the DfT guidance and timescales.
- Highways England has opened a further [A27 Arundel consultation](#) about options for improving the A27 Arundel bypass scheme and reducing congestion. The deadline for submitting comments is 24 October and the new preferred route announcement is anticipated in 2020.
- **A framework for events requiring road closures** has been amended in line with recommendations made at the Environment, Communities and Fire Select Committee and published. Its operation will be monitored and further improvements made as necessary.
- [Transport for the South East](#) will be launching a 12-week consultation in October concerning a **Draft Transport Strategy for the South East**. Five drop-in information events are taking place in October and anyone interested in finding out more is encouraged to book a place at one of the events. Further details can be obtained by contacting tfse@eastsussex.gov.uk



A Strong, Safe and Sustainable Place

Cabinet Member for Environment – Deborah Urquhart

- Following a survey undertaken at the end of 2018 on what would help people make the switch to electric vehicles, an elected members' Task and Finish

Group has developed a **draft Electric Vehicle Strategy**. Public views on this strategy have been sought via a six-week [consultation](#).

- **Pagham Harbour Nature Reserve** on County Council land at Pagham Harbour is managed by the Royal Society for the Protection of Birds (RSPB). The RSPB will launch a consultation on a new draft management plan this month. The RSPB has had [great success this year with increased breeding bird numbers](#) and has recently opened improved facilities including a new bird hide where visitors can watch the wildlife in comfort. The reserve also offers excellent educational facilities for children and young people to learn about their local environment.
- **Buchan Country Park**, owned and managed the County Council, has seen two different types of investment this year that will improve visitor facilities. [New play sculptures](#) were donated by the Friends of Buchan Park volunteer group and installed in the Phil Haskell Wild Garden; the feedback has been very positive. New access improvements are also planned which will be funded by the national Local Authorities Parks Improvement Fund.
- The County Council has endorsed the [United Nations e-learning materials for teachers](#) on **Climate Change** in order to support schools to prepare for the new Ofsted Inspection Framework. The rationale and intent behind curriculum choices is an important part of the inspection process and the Education and Skills team has encouraged schools to look at important themes/ideas that reflect local need and interest such as climate protection/change. The Cabinet Member urges members to promote this to schools in their divisions.
- The County Council is fully supporting the **Inshore Fisheries and Conservation Authorities' (IFCA) restoration project** off the Sussex coast. An initial meeting with the Chief Executive of the Southern IFCA Authority discussed how the Council can assist in making this a reality. Projects include [restoring the kelp beds](#) which will work toward combatting climate change through CO₂ absorption, increasing marine biodiversity, cleaning the water and reducing wave energy, which will help to mitigate coastal erosion particularly as sea levels rise.

Cabinet Member for Fire and Rescue and Communities – Jacquie Russell

- The County Council's [Community Hub in Worthing](#) is due to open in summer 2020. Worthing Library has an exhibition space where residents can see the large-scale plans for the transformation of the library into a vibrant public space for residents enabling them to access a range of services under one roof.
- The County Council has welcomed [Dr Sabrina Cohen-Hatton](#) as the **new Chief Fire Officer** with West Sussex Fire & Rescue Service. Following the recent [inspection report](#) from Her Majesty's Inspectorate of Constabularies and Fire & Rescue Services, her initial focus will be on the service improvement plan.
- The County Council has supported a Home Office-led **County Lines Intensification**. County Lines is a term used to describe gangs and organised criminal networks using dedicated mobile phone lines to export illegal drugs out of bigger cities into smaller towns in the UK. The aim of Intensification Week is to raise awareness of how the public can help spot the signs of this criminal activity.

- The County Council has supported [Hate Crime Awareness Week](#) from 12 to 19 October with a social media campaign to ensure West Sussex remains a place where such behaviour is not tolerated and those affected can receive support.
- [UK Anti-Slavery Day](#) takes place on 18 October. The Safer West Sussex Partnership and the Office of the Sussex Police and Crime Commissioner is committed to working with partners in order to identify victims of slavery, signpost to support and disrupt and prosecute traffickers.



Independence for Later Life

Cabinet Member for Adults and Health – Amanda Jupp

- The [Blue Badge Application process](#) has been updated by the County Council in line with government legislation on [new Blue Badge Rules in England](#) that came into force on 30 August. This will make it easier for people with hidden disabilities, such as autism, to qualify.
- October marks the annual Public Health England **stop smoking challenge, Stoptober**, encouraging smokers across England to quit for good by signing up to quit smoking for 28 days on the [national Stoptober website](#). In addition, those living and working in West Sussex can now get help to stop smoking from [West Sussex Wellbeing](#).



A Council that works for the Community

Leader – Louise Goldsmith

- As part of the Council's ongoing programme of engagement between county councillors and the West Sussex Youth Cabinet to **promote local democracy**, a debate on knife crime was held on 19 September. The topic was suggested by the Youth Cabinet as an issue of key national concern and local MPs were also invited to join in this important debate in the Council Chamber. The next event, as part of the promoting local democracy campaign, is a '[Be a Councillor](#)' event at County Hall North in Horsham on 23 October, aimed at people who might want to find out more about becoming a county councillor.

Cabinet Member for Corporate Relations – Bob Lanzer

- The Cabinet Member, in partnership with local council leaders, will in the near future consider **approval of bids to the Local Enterprise Partnership** for funding to support next generation broadband. One bid for 'Converged Fibre Connectivity' will connect public sector sites in the first instance and also

provide an open access duct and/or fibre spine to connect Crawley, Horsham and Haywards Heath to the Burgess Hill Fibre Exchange and link to the Brighton Digital Exchange and the Brighton 5G fibre Ring. The Cabinet Member will also consider a further bid for 'Gigabit Coast' which aims to connect a number of council assets to create or enhance the digital public realm in Worthing.

- The **Customer Theme** of Whole Council Design work continues to progress, focusing on making more services accessible for those who wish to interact with the County Council digitally. Last month saw the launch of a new 'Contact the Council' form to help signpost customers to the right place. A combined 'Safeguarding form' was also launched for children and adults to enable concerns to be raised via an online channel. Over the coming weeks, further online forms will come on stream for reporting potholes, highways claims and for applying for a temporary traffic regulation order.
- The **Our Work Anywhere project** of Whole Council Design continues to roll out with the provision of new IT devices to staff to enable flexible working. Over 250 staff have received new laptops and new devices are being prioritised for c500 frontline social work staff in Children's Services. The new equipment will enable social workers to access and update case notes remotely, via smart phones or Wi-Fi-enabled locations in the county. The new devices also have a longer battery life and are quicker to start up, which is particularly beneficial for social workers making home visits throughout the day. The roll out is on track to be complete by March 2020.
- A renewal is underway of the County Council's **Facilities Maintenance (FM) strategy** to ensure public facing properties are in a sustainable condition for the future. Capital spend has been accelerated, particularly to address fabric and heating issues, with inspected properties such as day care centres and children's and adults' residential homes prioritised for attention. The work is supported by the FM Service Helpdesk, introduced in February, which delivers data on maintenance response times and ensures properties with persistent issues are highlighted. In addition, the recently re-let Building Services Contract includes a Computer Assisted FM System supplying data on individual asset conditions which contributes to a dynamic understanding of the County Council's estate.
- The County Council's Facilities Management teams are working closely with environmental colleagues to ensure **sustainability** is considered in their work. This is supported by the use of [Salix funding](#) for heating-related works. Teams are also supporting conservation organisations where appropriate, as demonstrated in the recent Sussex Heritage Trust Award in the Public and Community category for the work in restoring Halnaker windmill.

Cabinet Member for Finance and Resources - Jeremy Hunt

- The County Council's external auditor (EY) issued its **audit opinion on the annual Statement of Accounts** for 2018/19 for both the County Council and the Pension Fund on 29 July. This is the second year the accounts have been produced and audited in line with the new statutory deadlines of 31 May and 31 July respectively. The auditors have again given the County Council a clean bill of health on both sets of accounts. Within their value for money conclusion, EY concluded that the Council's arrangements were adequate except for concerns raised in relation to the Ofsted report on the County Council's

Children's Services. The audited version of the accounts has been published on the [County Council's website](#).

- The **2019 Government Spending Round** responded positively to a number of the County Council's key asks: additional funding for education; extra money for social care and extended funding for the Troubled Families programme for an additional year.

Contact: Helen Kenny 033 022 22532

Background papers

None

Annual Report of the Standards Committee

Introduction

- 1** This report outlines the activities of the Committee from May 2018 to April 2019 and records issues the Committee considers important for the future. In summary, the work of the Standards Committee is:
 - (1) Promoting and maintaining high standards of conduct.
 - (2) Casework conducted through Sub-Committees
 - (3) Ensuring that appropriate training is organised for members.
 - (4) Overseeing Council policies on complaints handling and whistle blowing.

Promoting and maintaining high standards of conduct

- 2** The promotion of high standards of conduct was principally demonstrated through the comprehensive training provided for members and the casework undertaken. Following the County Council elections in May 2017, a comprehensive induction programme included sessions on standards and the code of conduct, including an initial introduction for new members on 16 May 2017, then workshop training for all members during June 2017, undertaken by the Monitoring Officer and Deputy Monitoring Officer. Only one member was unable to attend a workshop and this member attended a meeting with the Monitoring Officer to undergo the training.
- 3** All members newly elected in May 2017 submitted their register of interests forms by 24 May 2017. All members have been reminded to keep their register of interests up to date and many updates have been recorded over the last year. Advice was given by the Monitoring Officer and Democratic Services staff to assist members in making complete and correct entries. The most recent reminder to all members was issued in May 2019, after the local elections in most parts of the county.

Independent Person

- 4** The role of the independent persons has been confirmed as to assist the County Council in ensuring and maintaining a high level of integrity in the conduct of the elected members of the council and in how they discharge the Council's business, through the implementation of the Member Code of Conduct and the constitutional arrangements supporting it. A major part of the role is to advise the Standards Committee's sub-committees in casework.
- 5** Mr John Donaldson and Mr Steve Cooper have undertaken the role of Independent Person over the last year, including involvement in individual casework and commenting on government consultations being considered by the Committee.

Casework

- 6** In the period 1 May 2018 – 31 April 2019 one case was considered. An Assessment Sub-Committee took place on 30 January 2019, comprising Mrs Duncton, Mr R J Oakley and Mr Smytherman. The matter concerned was determined as being of not sufficient importance to warrant further investigation and the matter was closed.

- 7** It is clear that familiarity with the Code helps members feel more confident in their role. Early discussion with the Monitoring Officer about potentially problematic situations is both encouraged and useful. The low number of cases is an indication of the effectiveness of the training and guidance given and of members' positive approach to standards of conduct.

Ethical Governance, Whistle Blowing and Complaints Handling

- 8** The Committee receives reports on any cases under the County Council's confidential reporting policy (CRP or 'whistleblowing'). The reports are helpful in indicating whether any measures are needed to address underlying problems. There have been four cases in the last year.
- 9** The Committee also receives regular reports about complaints handling across the authority. Generally, there is a positive culture within the organisation about complaints and levels of complaints were broadly stable.

Conclusion

- 10** It is clear that maintaining good standards of conduct is taken seriously in the County Council. The Standards Committee believes that this can only serve to improve public confidence.

Recommended

That the report be noted.

Janet Duncton

Chairman of the Standards Committee

Contact: Charles Gauntlett 033 022 22524

Background papers

None