# West Sussex County Council – Ordinary Meeting

# 14 February 2020

At the Ordinary Meeting of the County Council held at 10.30 am on Friday, 14 February 2020, at the County Hall, Chichester, the members present being:

Mrs Duncton (Chairman)

Mrs Arculus Mr Acraman Lt Cdr Atkins Mr Baldwin Mr Barling Mr Barnard Mr Barrett-Miles Mrs Bennett Mr Boram Mr Bradbury Mr Bradford Mr Buckland Mrs Burgess Mr Burrett Mr Catchpole Mr Crow Dr Dennis Mr Edwards Mr Elkins Mr Fitzjohn Ms Goldsmith Mrs Hall Mr High Mr Hillier Mr Hunt Mrs Jones Mr Jones Mrs Jupp Mr Jupp Ms Kennard

Mrs Kitchen Mr Lanzer Mr Lea Ms Lord Mr Markwell Mr Marshall Mr McDonald Mrs Millson Mr Mitchell Mr Montyn Mr R J Oakley Mr S J Oakley Dr O'Kelly Mr Oppler Mr Oxlade Mr Patel **Mrs Pendleton** Mr Purchese Mrs Purnell Mr Quinn Mrs Russell Mr Smytherman Mrs Sparkes Ms Sudan Mr Turner Mrs Urguhart Mr Waight Dr Walsh Mr Whittington Mr Wickremaratchi

# 90 Apologies for Absence

- 90.1 Apologies were received from Lt Col Barton, Mrs Bridges, Mrs Brunsdon, Mr Cloake, Mrs Dennis, Mrs Flynn, Mr Magill and Mr Simmons.
- 90.2 Mrs Smith was absent.
- 90.3 Apologies for the afternoon session were received from Mrs Arculus and Mrs Burgess.

90.4 Mr Markwell was absent for the afternoon session. Mr Baldwin, Mrs Jones, Ms Lord and Mr R J Oakley left at 3.55 p.m.

# 91 Members' Interests

91.1 Members declared interests as set out at Appendix 1.

## 92 Minutes

92.1 It was agreed that the minutes of the Ordinary Meeting of the County Council held on 17 December 2019 (pages 5 to 40) be approved as a correct record.

# 93 Review of Proportionality

- 93.1 Following the decision of the Council at its last meeting to establish a Fire & Rescue Service Scrutiny Committee, the Council was asked to review the proportionality on its committees. A paper on the application of the proportionality rules and how they were applied, together with a table showing the number of seats on committees, was set out on pages 41 and 42.
- 93.2 Resolved -

That the proportionality on committees be agreed.

# 94 Appointments

94.1 The Council approved appointments as set out below.

Committee	Change
Environment and Communities Scrutiny Committee	Mr Baldwin to fill vacancy Ms Goldsmith in place of Mrs Bridges Mr Quinn in place of Mr Jones Mr Jones as substitute in place of Mr Quinn Mrs Millson to fill vacancy as substitute
Health and Adult Social Care Scrutiny Committee	Ms Sudan in place of Mrs Smith Mr Jones in place of Ms Sudan as substitute
Fire & Rescue Service Scrutiny Committee	Mrs Arculus Mr Barnard (Vice-Chairman) Mr Edwards Mr Jones Mrs Pendleton Mr Smytherman

Committee	Change
	Mr Waight (Chairman)
	Mr Barrett-Miles as substitute
	Mr Oxlade as substitute
	Dr Walsh as substitute
Performance and Finance Scrutiny Committee	Mr Bradford to fill vacancy
Planning Committee	Mr Burrett and Mr Montyn to fill vacancies
	Mrs Millson to fill vacancy
	Ms Lord as substitute
Rights of Way Committee	Mrs Brunsdon to fill vacancy
Corporate Parenting Panel	Mrs Jones to fill vacancy

# 95 Address by a Cabinet Member

- 95.1 Members asked questions of the Cabinet Member for Children and Young People on the Council's Children First Improvement Plan.
- 95.2 In response to a question from Dr Walsh about the placing of West Sussex children out of county, the Cabinet Member agreed to discuss with the team the reasons for it not being suitable for particular children to be placed closer to West Sussex and to report back to Dr Walsh.

## 96 Revenue Budget 2020/21, Capital Strategy 2020-25 and Treasury Management Strategy Statement 2020/21

- 96.1 The Cabinet Member for Finance moved the report on the Revenue Budget 2020/21, Capital Strategy 2020-25 and Treasury Management Strategy Statement 2020/21.
- 96.2 An amendment was moved by Dr Walsh and seconded by Ms Lord.

Changes to the Revenue Budget	2020/21	2020/21	2021/22	2021/22
	Growth £m	Reduction £m	Growth £m	Reduction £m
Ongoing changes				
Reverse the proposed cut to the post-16 support service that provides	0.100			

# **`Revenue Budget 2020/21**

Changes to the Revenue Budget	2020/21	2020/21	2021/22	2021/22
	Growth £m	Reduction £m	Growth £m	Reduction £m
interventions and careers guidance for young people Not in Education, Employment or Training (NEETs).				
Continue the ESIF funding for the post-16 support service that ceases on 31 December 2020.	0.057		0.173	
Reverse Local Assistance Network (LAN) budget cut agreed by Cabinet at its meeting in December 2019 (decision report CAB05 (19/20)).	0.100			
Fund two additional posts to accelerate progress to tackle the climate change emergency: Climate Change Emergency Lead Officer at around £75-80k pa on- costed, to coordinate the corporate response to the climate change emergency, internally and develop joint working with others, especially districts and boroughs. Data & Information Officer at around	0.120			

Changes to the Revenue Budget	2020/21	2020/21	2021/22	2021/22
	Growth £m	Reduction £m	Growth £m	Reduction £m
£40-45k pa on- costed, reporting to Climate Change Lead Officer.				
Fund two additional officer posts and consultancy support to explore opportunities for improvements in sustainable travel. One post to work on Enhanced Bus Quality Partnerships and with the Transport for South East on regional franchising and another post to drive forward work on new cycling schemes to include the feasibility of delivering a mini Holland concept in West Sussex.	0.150			
Reduce the Communications budget by 35% in 2020/21 and a further 11% in 2021/22 (Communications 2020/21 net budget is £1.519m).		0.527		0.173
Total ongoing changes	0.527	0.527	0.173	0.173
Total changes	0.527	0.527	0.173	0.173

96.3 The amendment was put to a recorded vote under Standing Order 3.36.

(a) For the amendment – 13

Mr Buckland, Dr Dennis, Mr Jones, Ms Lord, Mrs Millson, Dr O'Kelly Mr Oppler, Mr Oxlade, Mr Purchese, Mr Quinn, Mr Smytherman, Ms Sudan and Dr Walsh.

(b) Against the amendment - 41

Mr Acraman, Lt Cdr Atkins, Mr Baldwin, Mr Barling, Mr Barnard, Mr Barrett-Miles, Mrs Bennett, Mr Boram, Mr Bradbury, Mr Bradford, Mr Burrett, Mr Catchpole, Mr Crow, Mr Edwards, Mr Elkins, Mr Fitzjohn, Ms Goldsmith, Mrs Hall, Mr High, Mr Hillier, Mr Hunt, Mrs Jupp, Mr Jupp, Ms Kennard, Mr Lanzer, Mr Lea, Mr Marshall, Mr McDonald, Mr Mitchell, Mr Montyn, Mr R J Oakley, Mr S J Oakley, Mr Patel, Mrs Pendleton, Mrs Purnell, Mrs Russell, Mrs Sparkes, Mrs Urquhart, Mr Waight, Mr Whittington and Mr Wickremaratchi.

(c) Abstentions – 3

Mrs Jones, Mrs Kitchen and Mr Turner.

- 96.4 The amendment was lost.
- 96.5 The Labour amendment 1 was moved by Mr Jones and seconded by Mr Oxlade.

Proposed changes to the Revenue Budget	Growth £m	Reduction £m
Ongoing changes to the Revenue Budget		
Reverse Local Assistance Network (LAN) budget cut agreed by Cabinet at its meeting in December 2019 (decision report CAB05 (19/20)).	0.100	
Reverse proposed cut to post-16 support service that provides interventions and careers guidance for young people Not in Education, Employment or Training (NEETs).	0.100	
Reverse proposed reduction to library opening hours at seven libraries to close at 6pm instead of 7pm (decision report CAB04(19/20)).	0.070	
Fund an additional post to increase participation with home library direct and digital library plus.	0.035	

# **'Revenue Budget 2020/21**

Proposed changes to the Revenue Budget	Growth £m	Reduction £m
Pilot the partial opening of Crawley and Burgess Hill libraries on 50 Sundays from 10am-2pm.	0.085	
Reinstate urban grass cutting from five up to seven cuts per year at £55,000 per cut.	0.110	
Provide additional resource within highways repairing road signs (around 30 jobs per month /360 per year), as well as additional resource to refresh line-painting on around 50km of the network.	0.235	
Funding for a dual diagnosis link worker (1fte post) to take a lead on the high-level findings of the Drug Death Audit specifically in relation to supporting adults with co-existing substance misuse and mental health needs.	0.060	
Funding to increase the capacity of therapist time to support children of alcohol dependant parents to meet the demand currently not being met.	0.050	
Climate Change Lead Officer to coordinate the corporate response to Climate Change, internally and develop joint working, especially with districts and boroughs.	0.080	
49% reduction in the Communications budget		0.749
50% reduction in the Lieutenancy budget		0.035
50% reduction in the Policy budget		0.141
Total ongoing changes to the Revenue Budget	0.925	0.925
One-off changes to the Revenue Budget		
Funding to boost the night-time economy in town centres by supporting feasibility work, further development work where this has been completed or building partnerships to develop and manage night-time economy activities. Subject to equivalent match funding by districts and boroughs, this would provide a maximum of £40,000 available to spend on jointly agreed priorities in each district or borough area.	0.140	
Reprioritise drawdown from the Economic Growth Reserve, which is ' <i>Held to deliver the Economic Growth Plan 2018-2023.</i> '		0.140

Proposed changes to the Revenue Budget	Growth £m	Reduction £m
<ul> <li>Projected balance as 1 April 2020 is £1.297m.</li> <li>The reserve is committed to programmes of work to achieve priorities such as:</li> <li>mature workforce programme;</li> <li>creative digital sector growth programme for coastal towns;</li> <li>economy, business and skills benefits from digital infrastructure investment activities working with the districts and boroughs;</li> <li>growth of the low carbon economy in support of the Council's Climate Pledge, including match funding for a significant external funding bid; and</li> <li>boosting research, development and innovation in West Sussex businesses to address productivity and growth challenges, including match funding bid.</li> <li>Allocations against other priorities from within this reserve could put achievement of these priorities at risk.</li> </ul>		
Total one-off changes to the Revenue Budget	0.140	0.140
Total changes to the Revenue Budget	1.065	1.065

# **Capital Programme**

Changes to the Capital Programme	Growth £m	Reduction £m
Invest in road safety to deliver a reduction in the number of people killed and seriously injured on West Sussex roads.	5.000	
Increase Investment Property Fund.	7.000	
Reallocation of corporate funding for A29 realignment.		12.000
This will mean not completing the A29 realignment works. Delivery of the A29 southern extension is a firm commitment within the Arun local plan. The site for the housing associated with the road has been allocated as has the line of the road.		
Total changes to the Capital Programme	12.000	12.000

- 96.6 The revenue proposals in the Labour amendment 1 were put to a recorded vote under Standing Order 3.36.
  - (a) For the amendment 12

Dr Dennis, Mr Jones, Ms Lord, Mrs Millson, Dr O'Kelly Mr Oppler, Mr Oxlade, Mr Purchese, Mr Quinn, Mr Smytherman, Ms Sudan and Dr Walsh.

(b) Against the amendment - 42

Mr Acraman, Lt Cdr Atkins, Mr Baldwin, Mr Barling, Mr Barnard, Mr Barrett-Miles, Mrs Bennett, Mr Boram, Mr Bradbury, Mr Bradford, Mr Burrett, Mr Catchpole, Mr Crow, Mr Edwards, Mr Elkins, Mr Fitzjohn, Ms Goldsmith, Mrs Hall, Mr High, Mr Hillier, Mr Hunt, Mrs Jones, Mrs Jupp, Mr Jupp, Mrs Kitchen, Mr Lanzer, Mr Lea, Mr Marshall, Mr McDonald, Mr Mitchell, Mr Montyn, Mr R J Oakley, Mr S J Oakley, Mr Patel, Mrs Pendleton, Mrs Purnell, Mrs Russell, Mrs Sparkes, Mrs Urquhart, Mr Waight, Mr Whittington and Mr Wickremaratchi.

(c) Abstentions – 1

Mr Turner.

- 96.7 The amendment was lost.
- 96.8 The capital proposals in the Labour amendment 1 were put to a recorded vote under Standing Order 3.36.
  - (a) For the amendment 5

Mr Buckland, Mr Jones, Mr Oxlade, Mr Quinn and Ms Sudan.

(b) Against the amendment - 44

Mr Acraman, Lt Cdr Atkins, Mr Baldwin, Mr Barling, Mr Barnard, Mr Barrett-Miles, Mrs Bennett, Mr Boram, Mr Bradbury, Mr Burrett, Mr Catchpole, Mr Crow, Dr Dennis, Mr Edwards, Mr Elkins, Ms Goldsmith, Mr High, Mr Hillier, Mr Hunt, Mrs Jupp, Mr Jupp, Ms Kennard, Mrs Kitchen, Mr Lanzer, Mr Lea, Ms Lord, Mr Marshall, Mr McDonald, Mrs Millson, Mr Mitchell, Mr Montyn, Mr R J Oakley, Mr S J Oakley, Mr Patel, Mrs Pendleton, Mrs Purnell, Mrs Russell, Mr Smytherman, Mrs Sparkes, Mrs Urquhart, Mr Waight, Dr Walsh, Mr Whittington and Mr Wickremaratchi.

(c) Abstentions – 4

Mr Fitzjohn, Dr O'Kelly, Mr Oppler and Mr Purchese.

96.9 The amendment was lost.

96.10 The Labour amendment 2 was moved by Mr Jones and seconded by Mr Oxlade.

#### **`Capital Programme**

	2020/21	2020/21	2021/22	2021/22
Changes to the Capital Programme	Growth £m	Reduction £m	Growth £m	Reduction £m
Increase funding to ensure the re-build of Woodlands Meed is delivered by September 2022.	8.500		4.100	
(Total cost of £18.6m, takes account of £1.0m in the programme for 2020/21 and £5m for 2021/22)				
Total changes to the Capital Programme	8.500		4.100	

# **Revenue impact of the changes to the Capital programme**

Accelerating the capital programme for Woodlands Meed increases revenue costs by about £0.7m in 2021/22, £0.8m in 2022/23 and  $\pm$ 0.6m in 2023/24. Thereafter, the capital programme already provides for the cost of Woodlands Meed.

**Note:** The Director of Finance and Support Services had been advised of the proposed amendment and had indicated that it could not have her endorsement as the change to the capital profiling would be misleading to the public by giving an impression that a capital project would be delivered within a set timescale whereas that can only be determined by the project plan for the scheme which, in this instance, has not been developed.

- 96.11 The Labour amendment 2 was put to a recorded vote under Standing Order 3.36.
  - (a) For the amendment 13

Dr Dennis, Mr Jones, Mr Lea, Ms Lord, Mrs Millson, Dr O'Kelly, Mr Oppler, Mr Oxlade, Mr Purchese, Mr Quinn, Mr Smytherman, Ms Sudan and Dr Walsh.

(b) Against the amendment - 41

Mr Acraman, Lt Cdr Atkins, Mr Baldwin, Mr Barling, Mr Barnard, Mr Barrett-Miles, Mrs Bennett, Mr Boram, Mr Bradbury, Mr Bradford, Mr Burrett, Mr Catchpole, Mr Crow, Mr Edwards, Mr Elkins, Ms Goldsmith, Mrs Hall, Mr High, Mr Hillier, Mr Hunt, Mrs Jones, Mrs Jupp, Mr Jupp, Ms Kennard, Mrs Kitchen, Mr Lanzer, Mr Marshall, Mr McDonald, Mr Mitchell, Mr Montyn, Mr R J Oakley, Mr S J Oakley, Mr Patel, Mrs Pendleton, Mrs Purnell, Mrs Russell, Mrs Sparkes, Mrs Urquhart, Mr Waight, Mr Whittington and Mr Wickremaratchi.

(c) Abstentions – 2

Mr Buckland and Mr Fitzjohn.

- 96.12 The amendment was lost.
- 96.13 The recommendations were put to a recorded vote under Standing Order 3.36.
  - (a) (a) For the recommendations 43

Mr Acraman, Lt Cdr Atkins, Mr Baldwin, Mr Barling, Mr Barnard, Mr Barrett-Miles, Mrs Bennett, Mr Boram, Mr Bradbury, Mr Bradford, Mr Burrett, Mr Catchpole, Mr Crow, Mr Edwards, Mr Elkins, Ms Goldsmith, Mrs Hall, Mr High, Mr Hillier, Mr Hunt, Mrs Jones, Mrs Jupp, Mr Jupp, Ms Kennard, Mrs Kitchen, Mr Lanzer, Mr Lea, Mr Marshall, Mr McDonald, Mr Mitchell, Mr Montyn, Mr R J Oakley, Mr S J Oakley, Mr Patel, Mrs Pendleton, Mrs Purnell, Mrs Russell, Mrs Sparkes, Mr Turner, Mrs Urquhart, Mr Waight, Mr Whittington and Mr Wickremaratchi.

- (b) Against the recommendations 0
- (c) Abstentions 14

Mr Buckland, Dr Dennis, Mr Fitzjohn, Mr Jones, Ms Lord, Mrs Millson, Dr O'Kelly, Mr Oppler, Mr Oxlade, Mr Purchese, Mr Quinn, Mr Smytherman, Ms Sudan and Dr Walsh.

96.14 The recommendations were carried.

96.15 Resolved -

That, taking account of the priorities contained in the approved West Sussex Plan, the Medium Term Financial Strategy, the Provisional Local Government Finance Settlement and the results of internal and external consultation, the following items be approved:

- (1) An increase in council tax in 2020/21 comprising:
  - 2.00% for Adults' Social Care, plus
  - 1.99% to support other General Fund services
  - making a total increase of 3.99%

- (2) Net revenue expenditure in 2020/21 of £593.857m (as set out in paragraph 5.1 and Appendix 1).
- (3) (a) Capital Strategy, setting out capital expenditure and proposed method of financing for the core programme and the income generating initiatives (which will be subject to their own business cases) for the period 2020/21 to 2024/25, as set out in Annex 2(a).
  - (b) Flexible Use of Capital Receipts Strategy, outlining how the Council proposes to use the flexibility to apply capital receipts to fund transformation projects, as set out within the Capital Strategy, Annex 2(a), section 7.
  - (c) Treasury Management Strategy Statement 2020/21, as set out in Annex 2(b).
  - (d) Prudential Indicators, as set out in Annex 2(c).
- (4) The Director of Finance and Support Services' assessment of the robustness of estimates and adequacy of reserves (Section 7).
- (5) The following amounts be approved for the financial year 2020/21 in accordance with Section 42A of the Local Government Finance Act 1992:
  - (a) That the budget requirement to meet net expenditure of the County Council for the financial year 2020/21 is £593.857m, and the council tax requirement for 2020/21 is £485.691m.
  - (b) That the following sums be payable for the year into the County Council's revenue fund:

Business Rates Retention Scheme	£85.110m
New Homes Bonus Grant	£3.713m
Social Care Support Grant	£17.343m
Net surplus from District and Borough Collection Funds	£2.000m

- (c) The council tax base for the year 2020/21 is the aggregate amount calculated by the billing authorities to which the County Council issues precepts totalling 337,580.90 Band D equivalents.
- (d) The amount of council tax being the budget requirement at 5(a) above, less the amounts receivable in 5(b) above, all divided by the council tax base at 5(c) above, shall be **£1,438.74** to the nearest penny for Band D.

(e) The amount of council tax payable for dwellings listed in a particular valuation band, calculated in accordance with the proportion set out in Section 5(1) of the Act, shall be as follows:

Band	Amount	Band	Amount
А	£959.16	E	£1,758.46
В	£1,119.02	F	£2,078.18
С	£1,278.88	G	£2,397.90
D	£1,438.74	Н	£2,877.48

(f) That the district and borough councils be requested to make payments totalling £485.691m to West Sussex County Council of sums due under precepts calculated in proportion to their council tax Band D equivalents as follows:

Adur District Council	£30,762,275.44
Arun District Council	£89,552,932.56
Chichester District Council	£77,883,744.04
Crawley Borough Council	£51,524,013.01
Horsham District Council	£90,682,343.46
Mid Sussex District Council	£88,786,947.38
Worthing Borough Council	£56,498,888.18

(g) That the district councils be required to make payments of precept by equal instalments of the above sums due on or before:

6 April 2020	5 May 2020	5 June 2020	
6 July 2020	5 August 2020	7 September 2020	
5 October 2020	5 November 2020	7 December 2020	
5 January 2021	5 February 2021	5 March 2021	

(h) Additionally, it is noted that payments be made by the district and borough councils (or to them) in respect of the estimated surplus/(deficit) on their collection funds on 31 March 2020:

Council	Business
Tax *	Rates *

Adur District Council

Arun District Council

**Chichester District Council** 

Crawley Borough Council

Horsham District Council

Mid Sussex District Council

Worthing Borough Council

(\*Figures from districts and borough councils being verified)

- (6) The delegation to the Director of Finance and Support Services of authority to make changes to the report on net revenue expenditure or to the precepts required:
  - as a result of a change in the council tax base notified by the district and borough councils;
  - arising from updated information from the district and borough councils to the council tax collection funds and business rates forecast and collection funds; or
  - arising from any funding announcements from central government.

All such changes of funding (positive or negative) to be applied through the Budget Management Reserve.

# 97 Pay Policy Statement 2020/21

- 97.1 The Council considered changes to the Pay Policy Statement 2020/21 in the light of a report from the Governance Committee (pages 43 to 54).
- 97.2 An amendment was moved by Mr Jones and seconded by Dr Walsh.

# **`Extract from Appendix 1, page 49**

- 10. Termination of Employment
- 10.1 The County Council has determined that a vote by the Council on severance payments above **£100,000** a defined threshold is not required **unless agreed otherwise by the Chairman and group leaders**. This is due to the fact that the Governance Committee determines all pay policies including those affecting severance payments.'
- 97.3 The amendment was lost.
- 97.4 Resolved -

That the proposed revisions to the Pay Policy Statement, as set out in Appendix 1 to the report, be approved.

## 98 Question Time

98.1 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 55 to 58) and written questions and answers pursuant to Standing Order 2.38 (set out at Appendix 2).

## 99 Governance Committee: Minor changes to Council procedures, Pensions delegations, authority to effect constitutional changes arising from withdrawal from the EU and establishment of a Joint Waste Committee

- 99.1 The Council considered minor changes to Council procedures, Pensions delegations, authority to affect constitutional changes arising from withdrawal from the EU and the establishment of a Joint Committee for work on recycling projects, in the light of a report from the Governance Committee (pages 59 to 68).
- 99.2 In relation to the changes to the Pensions Panel terms of reference set out in Appendix 2 to the report, the Chairman informed members that following further advice from the Director of Finance and Support Services, in paragraph (3) that the words after the word 'strategy' should be deleted as they were superfluous.
- 99.3 Resolved -
  - (1) That the proposed minor changes to Council procedures set out above and in Appendix 1 to the report be agreed;
  - (2) That the changes to Part 3 of the Constitution, as set out at Appendix 2 to the report, subject to the further amendment set out in minute 99.2, be approved;
  - (3) That paragraph 12 be deleted from the Performance and Finance Scrutiny Committee's terms of reference;
  - (4) That delegation of authority to the Director of Law and Assurance to make any changes to the Council's Constitution, policies and guidance documents to reflect changes in legislation arising from the UK's withdrawal from the EU and to agree and settle changes to any other affected legal instrument or agreement to which the County Council is or will become a party be confirmed;
  - (5) That the constitution and terms of reference for a joint executive committee between the County Council and one or more district and borough councils for use in connection with

inter-authority partnership work on recycling projects, as set out at Appendix 3 to the report, be approved; and

(6) That should any minor amendments be required following consultation with Mid Sussex District Council, the Director of Law and Assurance be authorised to make the changes in consultation with the Chairman.

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 - Revenue Budget, Capital Strategy and Treasury Management Strategy Statement	Mr Barrett-Miles	Lives next to Woodlands Meed School
	Mr Boram	Member of Adur District Council
	Mr Bradbury	Member of Mid Sussex District Council
	Mrs Bridges	Member of Adur District Council and Lancing Parish Council
	Mr Jones	Chairman Crawley Borough Council Licensing Committee
	Mr Lea	Member of Mid Sussex District Council
	Mr Purchese	Cabinet Member of Arun District Council
	Mr Smytherman	Member of Worthing Borough Council
	Mrs Sparkes	Cabinet Member for Finance and Resources at Worthing Borough Council
Item 9 – QT	Mr Bradbury	Member of Mid Sussex District Council
	Mr Hillier	Cabinet Member of Mid Sussex District Council
Item 10 – Governance Committee: Pensions Delegations	Mr Burrett	Deferred member of Local Government Pension Scheme
	Mr Lanzer	Deferred member of Local Government Pension Scheme

This page is intentionally left blank

# Written Questions: 14 February 2020

## 1 Written question from **Dr Walsh** for reply by **the Leader**

## Question

Now that the BBC has made public that the former Chief Executive was paid  $\pounds$ 265,000 as a severance payment, will the Leader:

- (a) Confirm this figure, and on what it was based?
- (b) Confirm that legal advice over his departure cost the council £35,000?
- (c) Advise if any additional pension enhancement payments were made, or are to be made?
- (d) Confirm that the former CEO remained on full pay while he was 'away from his duties' for a period of two months?
- (e) Does he understand that apparently signing a 'non-disclosure agreement' with Mr Elvery over the reasons for his leaving, and over the financial terms only adds to the public and press suspicion of a 'cover-up', and the more so when it purported to bind councillors who had not been consulted?
- (f) Will he support the Council adopting into its pay policy the Government guidance that any severance payments over £100,000 should be voted on by councillors, and not be part of a confidential deal?
- (g) Will he further list the severance payments made over the last 10 years to four previous Chief Executive Officers/Chief Operating officers, and indicate for each one who took the decision?

#### Answer

- (a) The member has previously been advised of the information and has confirmed his agreement to abide by the terms on which it was provided.
- (b) The various actions and arrangements related to the departure of the former Chief Executive required the assistance of external legal advisers and the cost of those services was £35,000.
- (c) The terms of any agreement are confidential. Such agreements by the County Council provide for contractual entitlements and these do not include enhanced pension benefits.
- (d) Whilst complying with a request to remain away from duties an officer in the role of head of paid service is contractually entitled to remain on full pay.
- (e) The matter was resolved on the basis of contractual obligations upon the Council.
- (f) As a member of the Governance Committee the member is aware that this proposal was discussed at the last meeting of the Committee and a decision was taken to seek a review of the policy and the implications of a possible

change in relation to the responsibility for agreeing severance terms. It would be reasonable to await that report before reaching a position.

(g) Since 2010 there have been two officers in the post Of Chief Executive and one in the post of Chief Operating Officer, prior to the appointment of the former Chief Executive in 2016. In 2010 the Chief Executive left through a mutual agreement. A severance payment was agreed by the then Chairman and Council Leader. The amount paid was  $\pounds$ 140,000 and this payment was published in the Council's accounts.

In 2013 the post of Chief Executive was deleted with the approval of the Council's Governance Committee and full Council. The incumbent was made redundant. The redundancy payment of £119,488 was based on contractual entitlement and was published in the Council's accounts.

In 2016 the Chief Operating Officer's contract came to an end on the basis of its fixed term and the final payment to the post holder was in accordance with the terms of the contract, including a final payment of £37,000.

# 2 Written question from Mrs Sudan for reply by Cabinet Member for Children and Young People

# Question

The proposed budget includes a proposed saving of  $\pm 1$ m in 2020/21 within early help and a  $\pm 0.9$ m saving in 2021/22. It is understood that there is currently a scoping exercise taking place to ascertain the best use of Children and Family centres.

Can the Cabinet Member please tell me:

- (a) How much of the £1.9m proposed saving identified for 2020/21 to 2021/22 is it intended would be met as a result of savings from changes to the arrangements at children and family centres?
- (b) Whether there will be an opportunity for service users to comment on the current service provision?
- (c) What the timescale for this programme of work is including plans for staff consultation and opportunities for member oversight?

#### Answer

- (a) To meet a proportion of the savings target there will be some rationalisation of the buildings that the service operates from, as well as a corresponding reduction in staff numbers. We are not able to provide figures against this at this time, further analysis is underway.
- (b) There will be a public consultation which will include service users.
- (c) Work is underway to develop a project plan that outlines a range of tasks necessary to deliver the decision. There will be opportunities for member oversight.

## **3** Written question from **Ms Sudan** for reply by **Cabinet Member for Children and Young People**

# Question

Recent figures from the National Day Nurseries Association (NDNA) suggest that many councils are re-directing money intended to pay for free childcare often using it to plug gaps in education funding elsewhere. West Sussex County Council is understood to have had the highest underspend in the Country in 2018/19, having failed to spend £979,000 of Government funding set aside to fund free nursery places for three and four-year-olds.

A spokesperson has said that the money was used to benefit the education of children across the county with the remaining money used to support children with special needs and disabilities (SEND).

Can the Cabinet Member please:

- (a) Confirm how much funding for free nursery places three and four-year-olds was provided by the Government in 2018/19 and from this how many nursery places were funded?
- (b) Confirm how much of the funding provided was underspent and provide a breakdown of how that underspend was re-directed?
- (c) Confirm how much of the underspend benefitted children in an early years setting or helped nursery settings support children with SEND?
- (d) Confirm what support and funding is available to nursery settings that need additional support for children with SEND?

#### Answer

- (a) The County Council received an Early Years Dedicated Schools Grant (DSG) allocation of £43.739m in 2018/19 for three and four-year-olds. This was used to support 22,034 nursery places.
- (b) The County Council received a total Early Years allocation of  $\pounds$ 49.252m in 2018/19, of which  $\pounds$ 1.244m was underspent. A breakdown of this underspend is set out below:
  - Two-year-old entitlement £0.261m
  - Three and four-year-old entitlement £0.012m
  - Inclusion fund £0.133m
  - Unspent contingency held within central share £0.501m
  - Additional DSG funds received after year end due to updated January 2019 census data - £0.603m

Of this total underspend,  $\pounds$ 0.979m was transferred to the DSG General Reserve, and currently these funds remain unspent. The balance in DSG reserves currently stands at  $\pounds$ 3.892m.

However, the total DSG budget in 2019/20 is projected to be £4.481m overspent largely due to pressures within the DSG High Needs block due to increasing numbers of young people with an Education, Health and Care Plan.

It is, therefore, expected that all the funds currently sat in DSG reserves (including the  $\pounds 0.979m$ ) will be required to offset this overspend at year end.

- (c) The remaining £0.265m of the 2018/19 underspend was paid to Early Years providers in November 2019 in order to honour the 95% passport requirement as set out in the Department of Education Early Years guidance notes for three and four-year-old funding.
- (d) There is a Disability Access Fund and for 2018/19 the expenditure was  $\pm 0.157m$ .

Early Years and Childcare Advisors provide guidance and strategies to support inclusive practice in nursery settings. This includes support in identifying all children with vulnerabilities as well as support to access the Early Years Inclusion fund. In 2018/19, Inclusion Fund expenditure was £0.843m supporting 459 children.

#### 4 Written question from **Mr Jones** for reply by **Cabinet Member for Economy** and **Corporate Resources**

# Question

A recent article in the national press has revealed that over 400 local authorities let at least one third-party company track individuals who visit their sites to realise a profit. In some instances this included searches of sensitive areas of the website such as financial support or support for substance abuse.

Can the Cabinet Member tell me:

- (a) Whether the County Council currently sells data to third-parties or has done so in the past?
- (b) If so, please provide me with details of each year that data has been sold, the name of the third-party company it was sold to, the nature of the data and how much it was sold for?

West Sussex Fire & Rescue Service also collects sensitive and personal data for control room purposes, so the recent transfer of the control room function to Surrey Fire & Rescue Service is an added concern. Can the Cabinet Member confirm the following:

- (c) Was consent sought for sensitive and personal data to be shared with Surrey Fire & Rescue Service?
- (d) Was consent sought for sensitive and personal data to be shared with companies involved with moving, managing, or storing that data?
- (e) How does West Sussex County Council ensure that data, for which they have legal responsibility under GDPR and any other regulations, is properly maintained and cannot be misused by any third party?
- (f) Is that data stored and backed up at West Sussex County Council, Surrey County Council or commercially-owned facilities?

## Answer

- (a) The Council does not sell data to third parties and has not done so in the past.
- (b) Not applicable.
- (c) The lawful basis for sharing personal data is the discharge of the duty placed upon West Sussex Fire & Service under the Fire & Rescue Act Services 2004 to ensure compliance with fire statutory response requirements in emergency situations in the substantial public interest. Therefore, consent was not required.
- (d) Consent was not sought.
- (e) The Council complies with its Data Protection Policy (DPP) and Data Protection Impact Assessment Policy (DPIA). The DPP mentions third parties who the County Council shares data with: third parties such as partners, public and private organisations or contractors with whom the Council shares personal data or who hold data on the Council's behalf will be expected to enter into and adhere to formal agreements or contractual obligations with the Council incorporating the principles of this policy and the requirements of the Act. Such agreements or contracts must define the purposes for which personal data is supplied to or held by the other party and require contractors to have in place appropriate organisational and technical measures to protect the data and processes to enable the exercising of the rights of individuals.

Periodic audits of DPP and DPIA compliance are mandated as control measures both through the Corporate and Directorate risk registers and under the Council's audit framework.

(f) Data is stored and backed up on West Sussex County Council, Surrey County Council and commercially owned premises:

Data held by West Sussex County Council is stored on servers in Chichester and Horsham. Data held by Surrey County Council is stored at their premises in Salfords and Guildford.

Data is stored on commercial premises for the following reasons:

- Hosted where the Council's bespoke system is hosted at the software vendor's own premises or third-party premises (e.g. Cloud provider – Microsoft, Amazon, etc.).
- IaaS Infrastructure as a Service where the Council buys compute and storage capacity from a mainstream Cloud provider and manages these applications directly.
- SaaS Software as a Service where the Council buys an end user solution

   with operation, maintenance, storage and support of a software solution
   handled directly by the vendor the Council consumes resources provided as
   a service (SmartCore Enterprise Resource Planning (ERP) replacement
   project is proposing to procure through this model).

# 5 Written question from **Mr Jones** for reply by **Chairman of the Pensions Panel**

# Question

The Cabinet Member recently chaired a meeting of the Pension Panel that considered a motion submitted by Adur & Worthing Borough Councils calling on West Sussex County Council to divest all funds currently invested in fossil fuel companies and instead invest in renewable sources. Please can he advise:

- (a) Has the amount of members' and employers' money invested in fossil fuels gone up or down over the past few years, both in real terms and as a percentage value of the total fund?
- (b) Are employers and scheme members, including pensioners, being kept fully informed about fossil fuel investment? Are they informed of climate change risk, both financial and environmental, associated with these unsustainable investments?
- (c) Has any major fossil fuel company, in which the Pension Fund is invested, started to downsize their non-renewable energy operations? Has any major fossil fuel company, in which the pension fund is invested, established and floated a separate renewable energy enterprise, into which the fund has invested or has considered investing, provided it with any risk reduced dividend income?
- (d) Though the Pension Fund may not be legally obliged to consult members and take into account their views on fossil fuel investments, does the Cabinet Member not agree that were a growing majority of those members to wish such holdings to be divested, continued resistance by the fund's Trustees to meet the aspirations of most members would come to be seen as unethical and, eventually, in a free democratic society, as intolerable?
- (e) Finally, does the Cabinet Member agree that although West Sussex County Council claims to accept that we need to respond to the climate emergency, by continually failing to act to change the investment policy of the Fund in this important way, it is not taking the practical action needed to make this happen? Why are he and his Trustee colleagues failing to recognise the gravity of the situation we all face, and the responsibility personally and collectively, to urgently take measures to remove fossil fuel investments from the Pension Fund?

#### Answer

(a) The table below shows direct investments in fossil fuel companies over the past few years:

	Total Exposure	Total Portfolio	Fossil Fuel Exposure
	£m	£m	%
31/12/2019	116.1	4,769.7	2.4%
31/12/2018	107.4	4,045.2	2.7%
31/12/2017	111.2	4,131.5	2.7%

(b) It is important to acknowledge that member benefits are set nationally and not dependent on the investment returns of the Pension Fund.

The Pension Fund's Investment Strategy Statement and Annual Report are available to all stakeholders. These two documents set out how the Pension Fund's approach to responsible investment and consideration of environmental, social and corporate governance factors in the selection, non-selection, retention and realisation of investments and the Pension Fund's performance.

The Pension Fund has also provided a Responsible Investment Update to district and borough colleagues in response to their recent contact.

(c) Reliance Industries is an example of a company investing out of the energy sector. Reliance Industries is an Indian conglomerate, with substantial investments in refining and petrochemicals, mobile telecoms and retail. The company uses cashflow from its energy assets to fund growth in Reliance Jio, the world's largest 4G telecoms network, and its ecommerce retail platform. In recent months Reliance announced two deals that will see it commit ever greater focus to its (non-energy) operations. The first was the sale of 20% of its stake in its refining/petrochemical assets to Saudi Aramco for \$15bn. The second deal was a sale of a 49% stake in its petrol retail assets to BP. Our fund managers view Reliance as one of the most exciting businesses to invest in globally. Its decision to sell down part of its energy operations and focus on the digitisation of India only reinforces their belief in the future growth of the company. Reliance Industries is classified in the Energy sector.

Other companies held within the portfolio, including Royal Dutch Shell and Equinor are investing to maintain their current production but their directed growth is towards their renewables businesses, which will eventually become the core business.

(d) The Pension Fund has a responsibility to act in the best interest of scheme employers and scheme members. The Pensions Panel is mindful of its legal duty to obtain the best possible return on the investments of the Pension Fund it administers.

However, there is no requirement to invest in line with member views where it is not considered to be in their best interest - even if views were held by the majority. The fund managers actively engage with companies on a range of matters including climate change, financial and environmental risk factors. Investment decisions are directed towards achieving a wide variety of suitable investments and what is best for the financial position of the Fund (consistent with an appropriate risk profile), in line with the Pension Fund's fiduciary responsibility.

(e) In its role as Administering Authority the Council must maintain, administer and invest the Fund to ensure that pensions can be paid to members of the West Sussex Pension Fund when due and has a duty to both the scheme employers, scheme members and tax-payers in doing so.

Recent opinion sought by the Scheme Advisory Board confirms the position that the Administering Authority's powers of investment must be used for investment purposes, the Council's interests or views should not be placed above other employers and it should not impose its own views on the management of the Pension Fund.

As a County Council our Climate Change Advisory Group is working hard on plans to become carbon neutral by 2030 and we have already significantly cut our carbon emissions by making our buildings more energy efficient.

# 6 Written question from Mr Oxlade for reply by Cabinet Member for Fire & Rescue and Communities

# Question

I understand that the opening date of Worthing Community Hub has been moved from summer 2020 to autumn 2020 due to further surveys and investigation work being completed on the current library.

Is the Cabinet Member:

- (a) In a position to confirm the date that Worthing Library will temporarily re-locate to Richmond Road?
- (b) Can he also confirm the current cost of the project and the extent to which this remains with the previously agreed budget of  $\pm 3m$ ?

Furthermore, as it has been some time since members have been provided with an update on the wider community hubs programme which includes the following locations:

- Crawley (town centre)
- East Preston/Rustington, Arun
- Bognor Regis, Arun
- Southbourne, Chichester
- Horsham, (town centre)
- Broadfield, Crawley
- Broadwater, Worthing
- Haywards Heath, Mid Sussex
- Durrington, Worthing

Could he confirm:

- (c) Which of the above locations have completed viability studies and of these how many are indeed thought to be viable, are moving forward, and which services have been identified as being in scope in each location?
- (d) The order of priority for delivering the next phase of community hubs listed above?
- (e) Which of the above hubs being delivered by July 2021?
- (f) What plans exist to deliver a community hub within the proposed West of Ifield development which Homes England are currently consulting on (given that reference is made to a community centre and library in their consultation papers)?

## Answer

- (a) Worthing library will move to temporary accommodation at 37 Richmond Road. The light refurbishment work at this address is now complete and in the snagging phase. It is anticipated that the main library will close at 5 pm on Saturday, 28 March 2020. The library will reopen at 37 Richmond Road on Tuesday, 31 March 2020. IT installation works will need to be undertaken at 37 Richmond Road just before opening so these dates are caveated on the premise that the IT works can happen successfully and without delay.
- (b) £3.085m was allocated for the refurbishment of Worthing library in the original business case. The tender for a contractor is currently out for procurement, however, a pre-tender estimate has indicated that the works should be completed within the budget allocation. This estimate includes a provisional allocation of 10% for contingency.
- (c) Following consultation with Libraries, Early Help, Find it Out and Yes (Youth Emotional Support) Services, viability assessments have been completed for the following sites:
  - East Preston
  - Rustington
  - Southbourne
  - Bognor Regis
  - Crawley

A number of the locations identified within the initial business case have been found to be unsuitable for a bespoke community hub at this stage for a variety of reasons. Wider work is being undertaken to explore the new opportunities presented by locality focused developments in Adults' Services, in addition to the original focus on Early Help/Children's Services.

- (d) Engagement with County Council services has identified that the following three locations have potential as Community Hubs and will be pursued further, forming the next phase of priorities:
  - Petworth
  - Pulborough
  - East Preston

A Strategic Outline Business Case is currently being prepared to take these through the capital programme and to ask for the allocation of feasibility funding.

(e) The suitability of these three locations for Community Hubs will be determined after the feasibility assessments are undertaken. Following completion of feasibility assessments, works required will need to be costed and full business cases submitted through the capital programme. At this moment in time it is too early to confirm which locations may be completed by July 2021.

There remain opportunities to bring more services under one roof in both Crawley and Bognor Regis but without the level of capital investment seen in the development of Worthing. Burgess Hill library will see more County Council services move in following its completion, and recent small-scale improvements in Hurstpierpoint and Henfield now present potential for enhancing the offer to local communities.

(f) Regarding the West of Ifield development, this proposal is at early consultation stage (due to close in December 2020) and does currently include a suggestion for a library building and community centre. Library Service officers are engaged with the proposals for this development to explore how we can ensure new residents are able to access library services and derive the benefits of having a welcoming, neutral space in their new community. Given the current stage of consultation, no decisions have been made regarding the opportunity to locate County Council services under one roof on this proposed development.

# 7 Written question from Mr Oxlade for reply by Cabinet Member for Fire & Rescue and Communities

# Question

The latest government statistics show that the trend for fire service response times in West Sussex to increase is continuing. The average time for some categories of fire, compared to the previous year, increased by more than a minute. That minute can be a life and death difference but these are average times, which means some people will be waiting even longer for help to arrive.

National figures only show the response times for the first fire engine to arrive at fires, but some life-saving actions cannot be carried out until two fire engines have arrived. Previous figures have shown that the deterioration in response times for second fire engines is even greater in West Sussex.

With more rescues carried out at road traffic collisions than at fires, the response time for the first fire engine to arrive at road traffic collisions is another essential performance indicator.

It is very concerning that details of response times for the second fire engine and for both fire engines attending fires, and for the first fire engine at road traffic collisions were removed from the council's Performance Dashboard. Previous assurances to councillors that they would be restored have not been honoured.

A lot of effort has gone in to finding ways to improve the availability of On Call crewed fire engines, but that availability data has also been removed from the Performance Dashboard. Councillors and the public need to be able to monitor this data to assess the effectiveness of new initiatives.

Can the Cabinet Member inform Council when this performance data will be restored to the Performance Dashboard and, until it is, provide updated performance data for these categories, with past data for comparison?

#### Answer

I would like to reassure the member that the data is still publicly available and is still on the West Sussex County Council's website. The data was moved from the dashboard and now sits on the West Sussex Fire & Rescue Service pages of the website. Here is the link: https://www.westsussex.gov.uk/fire-emergencies-and-crime/west-sussex-fire-and-rescue-service/performance-plans-and-reports/fire-rescue-service-reports/

This change took place in March 2019 and was made following feedback from Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services. They requested that all fire service data was placed on the fire service pages to ensure members of the public had immediate access to the information with the minimal number of click-throughs.

It also means the data is in one place, rather than two separate places.

This change was discussed at the Environment, Communities and Fire Scrutiny Committee Business Planning Group in March 2019.

I would also like to reassure you that the performance planning group will continue to receive this information and it will continue to be published by the new Fire & Rescue Service Scrutiny Committee.

# 8 Written question from **Mr Quinn** for reply by **Cabinet Member for Highways** and **Infrastructure**

#### Question

The budget pack shows that the sum of £4m has been paid from reserves to Amey in respect of the costs of the contested procurement process for the highways maintenance contract.

Can the Cabinet Member please confirm:

- (a) What the sum of £4m represented and how that figure was arrived at?
- (b) The cost of legal advice to deal with the contested case on behalf of the County Council?
- (c) The cost of the original failed procurement process?
- (d) The additional amount the County Council had to pay Balfour Beatty to run the interim contract?
- (e) The overall costs of the second procurement process to appoint new contractors (given that the lots were subsequently split)?

#### Answer

- (a) The sum is a global sum to cover all associated costs and cost avoidance related to the litigation.
- (b) The costs of the Council's legal advice totalled  $\pounds$ 679,000 which included a number of hearings in the High Court prior to the settlement.
- (c) The costs of the original procurement are difficult to quantify as they include internal and external resources over an extended period.

- (d) Whilst the Council can set out the payments made to Balfour Beatty to run the interim contract, it is not a straightforward matter to identify any 'additional' amount as the procurement was never completed, no replacement contract was let and so the final terms of the replacement contract and the costs associated with the delivery of the services under such a contract cannot be known. There is, therefore, no basis for a comparison with actual spend.
- (e) As with the answer to (c) above the costs of the procurement include a range of internal resources and officer time which is not separately quantified.

# **Question Time: 14 February 2020**

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.

## A Prosperous Place

#### **Cabinet Member for Highways and Infrastructure**

The Cabinet Member answered questions on the following matters.

Penlands Farm development, Haywards Heath, from Mr Bradbury.

In response to a request from Mr Bradbury for the Cabinet to meet stakeholders affected by a three-month road closure in connection with the development known as Penlands Farm which would close one of the major roads into Haywards Heath, the Cabinet Member said he or a senior officer from the Highways Team would make effort to have a dialogue with the residents affected.

Lewes Road, Lindfield traffic regulation order (TRO), from Mr Lea

In response to a question from Mr Lea about the TRO which was causing concern locally, the Cabinet Member said he would ask officers to look at the issue.

West of Ifield development, from Mr Oxlade.

In response to a question about whether, in view of the developments west of Ifield and at Kilnwood Vale, the Council had a view of the impact of the development, including the need for a western bypass, the Cabinet Member said he would provide details of the highways infrastructure implications to Mr Oxlade.

#### A Strong, Safe and Sustainable Place

#### **Cabinet Member for Fire & Rescue and Communities**

The Cabinet Member answered a question from Mr Boram and Mr S J Oakley on dealing with fires in vehicles with alternative fuel sources.

In response to a question from Mr Oakley about whether an assessment had been made by the Fire & Rescue Service of the additional equipment or training required to deal with fires involving electric vehicles or vehicles with alternative fuel sources, the Cabinet Member said he would respond to Mr Oakley.

#### **Cabinet Member for Environment**

The Cabinet Member answered questions on the following matters.

Food waste collection pilot, from Mr Barrett-Miles.

Disposal of electric vehicle batteries, from Mr Fitzjohn.

# Independence in Later Life

# **Cabinet Member for Adults and Health**

The Cabinet Member answered a question about the extension of the Blue Badge scheme to people with hidden disabilities, from Mr Quinn.

In response to a question from Mr Quinn about whether it had been necessary to provide additional parking bays, the Cabinet agreed to respond to him.

## A Council that works for the Community

#### Leader

The Leader answered questions on written question 1 from Mr Jones and Dr Walsh.