

## West Sussex County Council – Ordinary Meeting

**11 December 2020**

At the virtual Ordinary Meeting of the County Council held at 10.30 am on Friday, 11 December 2020, the members present being:

Cllr Duncton (Chairman)

Cllr Arculus	Cllr Kitchen
Cllr Acraman	Cllr Lanzer
Cllr Atkins	Cllr Lea
Cllr Baldwin	Cllr Lord
Cllr Barnard	Cllr Magill
Cllr Barrett-Miles	Cllr Markwell
Cllr Bennett	Cllr Marshall
Cllr Boram	Cllr McDonald
Cllr Bradbury	Cllr Millson
Cllr Bradford	Cllr Mitchell
Cllr Bridges	Cllr Montyn
Cllr Brunsdon	Cllr R Oakley
Cllr Buckland	Cllr S Oakley
Cllr Burgess	Cllr O'Kelly
Cllr Burrett	Cllr Oppler
Cllr Catchpole	Cllr Oxlade
Cllr Cloake	Cllr Patel
Cllr Crow	Cllr Pendleton
Cllr J Dennis	Cllr Purchase
Cllr N Dennis	Cllr Purnell
Cllr Edwards	Cllr Quinn
Cllr Elkins	Cllr Russell
Cllr Fitzjohn	Cllr Smith
Cllr Goldsmith	Cllr Smytherman
Cllr Hall	Cllr Sparkes
Cllr High	Cllr Sudan
Cllr Hillier	Cllr Turner
Cllr Hunt	Cllr Urquhart
Cllr A Jones	Cllr Waight
Cllr M Jones	Cllr Walsh
Cllr A Jupp	Cllr Whittington
Cllr N Jupp	Cllr Wickremaratchi
Cllr Kennard	

### **51 Award for Member Development**

- 51.1 The Chairman reported that South East Employers (SEE) had awarded the County Council the Charter for Member Development. She congratulated Cllr Kennard and the Member Development Group on an excellent achievement.

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51.2 Cllr Burrett, Chairman of South East Employers, offered congratulations to the Council on behalf of SEE.

## **52 Executive Director Adults and Health**

52.1 The Chairman welcomed Keith Hinkley, the new Executive Director Adults and Health, to his first Council meeting.

## **53 Apologies for Absence**

53.1 Apologies were received from Cllr Barling, Cllr Barton and Cllr Simmons. Cllr Hall was absent.

53.2 Apologies for the morning session were received from Cllr Purchase who joined the meeting at 2.15 pm. Apologies for the afternoon session were received from Cllr Cloake who left the meeting at 12.50 pm and from Cllr Lea.

53.3 Cllr Millson joined the morning session at 11.00 am. Cllr Purnell joined the meeting at 12.50 pm, having given her apologies for late arrival. Cllr Markwell joined the afternoon session at 3.25 pm. Cllr Smith left the meeting at 2.50 pm, Cllr Goldsmith at 3.35 pm, Cllr Buckland at 4.10 pm.

## **54 Members' Interests**

54.1 Members declared interests as set out at Appendix 1.

## **55 Minutes**

55.1 It was agreed that the minutes of the Ordinary Meeting of the County Council held on 6 November (pages 7 to 36) be approved as a correct record.

## **56 Appointments**

56.1 The Council approved appointments as set out below.

<b>Committee</b>	<b>Change</b>
Performance and Finance Scrutiny Committee	Cllr Montyn as Vice-Chairman in place of Cllr Catchpole
Corporate Parenting Panel	Cllr Burgess in place of Cllr Baldwin

## **57 Address on Children First Improvement Plan**

57.1 Members received an address by the Leader and the Cabinet Member for Children and Young People on the Council's Children First Improvement Plan.

## **58 Address on Fire & Rescue Service Improvement**

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58.1 Members received an address by the Cabinet Member for Fire & Rescue and Communities on Fire & Rescue Service improvement.

58.2 In response to a question from Cllr Smytherman, the Cabinet Member agreed to provide an update on the investigation by the Information Commissioner's Officer on the joint control centre.

## **59 West Sussex County Council Reset Plan**

59.1 The Leader moved the report on the latest draft of the West Sussex County Council Reset Plan (pages 41 to 54).

59.2 Resolved –

That the first iteration of the Reset Plan be noted.

## **60 Motion on Hidden Disability**

60.1 At the County Council meeting on 6 November 2020 the following motion was moved by Cllr Edwards, seconded by Cllr Pendleton, and referred to the Cabinet Member for Adults and Health for consideration. A report by the Cabinet Member was included with the agenda (pages 55 and 56).

'Many businesses, emergency services and local authorities have recognised the Hidden Disabilities Lanyard and West Sussex County Council should embrace this too. Anyone with a hidden disability which does not have physical signs, including learning disabilities, lung conditions and chronic illnesses can opt to wear a Hidden Disability Sunflower to show they may require additional help, understanding or extra time to carry out an action. This symbol allows us to give them the help and understanding they may need in their day-to-day lives. This Council calls on the Cabinet Member for Adults and Health to support the following commitments;

- (1) To officially recognise the Hidden Disabilities Sunflower.
- (2) To officially promote what it stands for and its importance in breaking stigma.
- (3) To help promote Hidden Disabilities Sunflower to local businesses and encourage them to formally look at recognising it.
- (4) To promote that the council offices are Hidden Disability friendly and promote the Sunflower on its buildings so people can identify the Council as Hidden Disability friendly.
- (5) To actively promote and encourage local district and borough councils, and town and parish councils to recognise the scheme.'

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60.2 An amendment was moved by Cllr A Jupp, seconded by Cllr Kennard and accepted by Cllr Edwards, as set out below:

'Many businesses, emergency services and local authorities have recognised the Hidden Disabilities Lanyard and **it would be good if** West Sussex County Council ~~should embrace this~~ **could do so** too. Anyone with a hidden disability which does not have physical signs, including learning disabilities, lung conditions and chronic illnesses can opt to wear a Hidden Disability Sunflower **if they so wish** to show **that** they may require additional help, understanding or extra time to carry out an action. This symbol ~~allows us to~~ gives them the **opportunity to show that they may need extra** help and understanding they may need in their day-to-day lives. This Council calls on the Cabinet Member for Adults and Health to support the following commitments;

- (1) To ~~officially~~ recognise the Hidden Disabilities Sunflower.
- (2) **Where possible, to** ~~officially~~ promote what it stands for and its importance in breaking stigma.
- (3) To ~~help promote Hidden Disabilities Sunflower to~~ **encourage** local businesses **to recognise it where possible for example by displaying posters** and ~~encourage them to formally look at recognising it.~~
- (4) To ~~promote that the~~ **explore displaying posters and details of the sunflower in our** council offices are Hidden Disability friendly and ~~promote the Sunflower on its buildings so people can identify the Council as Hidden Disability friendly.~~
- (5) To ~~actively promote and encourage~~ **our partners in** local district and borough councils, and town and parish councils to recognise the scheme.'

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

'Many businesses, emergency services and local authorities have recognised the Hidden Disabilities Lanyard and it would be good if West Sussex County Council could do so too. Anyone with a hidden disability which does not have physical signs, including learning disabilities, lung conditions and chronic illnesses can opt to wear a Hidden Disability Sunflower if they so wish to show that they may require additional help, understanding or extra time to carry out an action. This symbol gives them the opportunity to show that they may need extra help and understanding they may need in their day-to-day lives. This Council calls on the Cabinet Member for Adults and Health to support the following commitments;

- (1) To recognise the Hidden Disabilities Sunflower.

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- (2) Where possible, to promote what it stands for and its importance in breaking stigma.
  - (3) To encourage local businesses to recognise it where possible for example by displaying posters.
  - (4) To explore displaying posters and details of the sunflower in our council offices so people can identify the Council as Hidden Disability friendly.
  - (5) To encourage our partners in local district and borough councils, and town and parish councils to recognise the scheme.'

## **61 Motion on Council Investments**

61.1 At the County Council meeting on 6 November 2020 the following motion had been moved by Cllr Millson, seconded by Cllr Walsh, and referred to the Cabinet Member for Finance for consideration. A report by the Cabinet Member was included with the agenda (pages 57 and 58).

'This Council welcomes the fact that the Pensions Committee's investment managers have signed up to the United Nations Principles of Responsible Investment which has been set up by the United Nations Environment Programme Finance Initiative (UNEP FI) to encourage asset owners and asset managers to:

- incorporate environmental, social and governance (ESG) issues into investment analysis and decision making;
- be active owners;
- seek disclosure of ESG issues; and
- promote the principles within the industry.

This Council therefore calls on the Cabinet Member for Finance to follow the lead of the Pensions Committee and to ask the Council's investment advisers to ensure they follow the United Nations Principles of Responsible Investment for all of the Council's investments. This will ensure that West Sussex County Council achieves a more ethical investment policy by incorporating matters like human rights and environmental issues, such as reducing reliance on fossil fuels (in line with the Council's Climate Change Strategy), into its investment decisions.'

61.2 The motion, as set out in minute 61.1 above, was agreed.

## **62 Motion on Milk at School Break Time**

62.1 At the County Council meeting on 6 November 2020 the following motion had been moved by Cllr M Jones, seconded by Cllr Walsh, and referred to the Cabinet Member for Education and Skills for consideration. A report by the Cabinet Member was included with the agenda (pages 59 and 60).

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'This Council notes that the number of families relying on support from food banks in some parts of the county has increased by as much as 80% in the last 12 months and that there has been a county-wide increase in applications for free school meals over the last six months compared to last year.

This Council also believes the provision of school milk provides a nutritional boost and keeps children hydrated between breakfast and lunch, helping them to concentrate and learn.

This Council therefore calls on the Cabinet Member for Education and Skills to work with the Cabinet to provide funding to enable the reversal of the decision to cease providing morning break time school milk for the over 5s for 2020/21 with effect from September 2020. It calls on him to utilise the savings achieved over the past six months as a result of members not having to travel to meetings to meet the cost.'

62.2 The motion, as set out in minute 62.1, was lost.

### **63 Motion on provision of Free School Meals in School Holidays**

63.1 At the County Council meeting on 6 November 2020 the following motion had been moved by Cllr M Jones, seconded by Cllr Walsh, and referred to the Cabinet for consideration. A report by the Cabinet was included with the agenda (pages 61 and 62).

'This Council expresses disappointment that the Government has voted against providing free meals for children entitled to free school meals in the October 2020 half term and during future school holidays. This Council also expresses disappointment that none of the West Sussex Members of Parliament who took part in the Parliamentary vote supported the proposal to provide meals during future school holidays, with seven of the eight actively voting against.

This Council recognises that the on-going pandemic is causing hardship and poverty for many families within West Sussex and calls on the Cabinet to follow the example of other councils around the country to step in and provide free meals for children entitled to free school meals during future school holidays during the current pandemic.'

63.2 The Chairman informed the Council that following the receipt of further information about the grants, Cllr Jones, with the agreement of the seconder Cllr Walsh, had agreed to withdraw the motion.

### **64 Governance Committee: Report of the Independent Remuneration Panel**

64.1 The Council considered the report of the Independent Remuneration Panel and recommendations for the scheme of allowances and

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expenses from May 2021, in the light of a report from the Governance Committee (pages 63 to 96).

- 64.2 An amendment was moved by Cllr M Jones and seconded by Cllr Walsh.

'The Labour Group and the Liberal Democrat Group generally welcomes the report of the Panel and thanks the Panel for its work during its review of the Member Allowance Scheme. The Labour Group and the Liberal Democrat Group support the Panel's recommendations about sustainability as a move to reducing the County Council's carbon footprint, to support our climate change emergency.

The Labour Group and the Liberal Democrat Group welcomes the IRP's recommendation to freeze allowances in 2021/22 in view of the 'present economic environment in which Council services are being increasingly severely restricted, and constituents are suffering with furlough, loss of business income and possible looming unemployment' (paragraph 31). This is further re-enforced by the decision by the Government to impose a public sector pay freeze for public sector workers which includes all of the workers in services that the county council employs.

In light of this, the Labour Group and the Liberal Democrat Group recognises that recommendations (m) and (p) in the Panel's report may lead to reductions in the special responsibility allowance paid to some future postholders in the roles of senior advisers to cabinet members and minority group leaders.

However, the Labour Group and the Liberal Democrat Group have become concerned that there is an overall lack of consistency in the report relating to the treatment of special responsibility allowances. If it is appropriate to reduce the aforementioned allowances, then it believes it is also appropriate to apply a similar reduction by the same effective amount.

The Labour Group and the Liberal Democrat Group therefore puts forward the following amendment to the Governance Committee's recommendation, in the light of the severe financial pressures and in order to ensure consistency with all special responsibility allowances for councillors, which could save £88,290 compared to the current cost of special responsibility allowances. Combined with the potential reductions in minority group leader of £4,285 and senior adviser to cabinet members' allowances of £7,324, this could total £99,809.

'That the Independent Remuneration Panel's report and recommendations be approved, **but the Council agrees to go further than the IRP's recommended approach to freeze allowances and thereby agrees to reduce the special responsibility allowances paid to the Chairman, Vice-Chairman, Leader, Cabinet Members, Committee Chairmen**

**and Foster Panel members by 25% in May 2021. This would have consequential amendments to the IRP's recommendations (g)-(k).'**

An extract from Schedule 1 of the Member Allowance Scheme is shown below, illustrating the effect of the proposed amendment.

### **Schedule 1**

#### **Special Responsibility Allowances**

<b>Appointment</b>	<b>Allowance per member £ per annum</b>
Chairman of the County Council	<b>16,247</b> 21,663
Leader of the Council	<b>25,387</b> 33,849
Vice-Chairman of the County Council	<b>6,462</b> 8,616
Cabinet Member (and Deputy Leader)	<b>18,278</b> 24,371
Cabinet Member for Adults and Health	<b>16,247</b> 21,663
Cabinet Member for Children and Young People	<b>16,247</b> 21,663
Cabinet Member for Economy and Corporate Resources	<b>16,247</b> 21,663
Cabinet Member for Education and Skills	<b>16,247</b> 21,663
Cabinet Member for Environment	<b>16,247</b> 21,663
Cabinet Member for Finance	<b>16,247</b> 21,663
Cabinet Member for Fire & Rescue and Communities	<b>16,247</b> 21,663
Cabinet Member for Highways and Infrastructure	<b>16,247</b> 21,663
<b>Leaders of Minority Parties with at least three members**</b>	<b>£5,000</b>
Leaders of Large Minority Parties with at least 15 members*	12,995
Leaders of Medium Minority Parties (five to 14 members)*	10,640
Leaders of Small Minority Parties (three to four members)*	4,236
Chairman of the Performance and Finance Scrutiny Committee	<b>7,164</b> 9,552
Chairman of the Children and Young People's Services Scrutiny Committee	<b>7,164</b> 9,552
Chairman of the Environment and Communities Scrutiny Committee	<b>7,164</b> 9,552



<b>Appointment</b>	<b>Allowance per member £ per annum</b>
Chairman of the Fire & Rescue Service Scrutiny Committee	<b>7,164</b> 9,552
Chairman of the Health and Adult Social Care Scrutiny Committee	<b>7,164</b> 9,552
Chairman of the Planning and Rights of Way Committee	<b>7,164</b> 9,552
Chairman of the Regulation, Audit and Accounts Committee	<b>7,164</b> 9,552
Senior Adviser to a Cabinet Member	5,658
Adviser to a Cabinet Member*	<b>4,397</b> 3,640
Member of the Fostering Panel	<b>2,730</b> 3,640

\* and \*\* reflect the IRP's recommended levels.'

64.3 The amendment was put to a recorded vote under Standing Order 35.5.

(a) For the amendment – 11

Cllr Buckland, Cllr N Dennis, Cllr M Jones, Cllr Lord, Cllr Millson, Cllr O'Kelly, Cllr Oppler, Cllr Oxlade, Cllr Purchase, Cllr Quinn and Cllr Smytherman.

(b) Against the amendment – 40

Cllr Acraman, Cllr Atkins, Cllr Baldwin, Cllr Barnard, Cllr Barrett-Miles, Cllr Bennett, Cllr Boram, Cllr Bradbury, Cllr Burrett, Cllr Catchpole, Cllr Crow, Cllr J Dennis, Cllr Duncton, Cllr Elkins, Cllr Hillier, Cllr Hunt, Cllr A Jones, Cllr A Jupp, Cllr N Jupp, Cllr Kennard, Cllr Kitchen, Cllr Lanzer, Cllr Magill, Cllr Markwell, Cllr Marshall, Cllr McDonald, Cllr Mitchell, Cllr Montyn, Cllr R J Oakley, Cllr S J Oakley, Cllr Patel, Cllr Pendleton, Cllr Purnell, Cllr Russell, Cllr Sparkes, Cllr Turner, Cllr Urquhart, Cllr Waight, Cllr Whittington and Cllr Wickremaratchi.

(c) Abstentions – 8

Cllr Arculus, Cllr Bradford, Cllr Bridges, Cllr Brunson, Cllr Burgess, Cllr Edwards, Cllr Fitzjohn and Cllr Sudan.

Cllr Barling, Cllr Barton, Cllr Cloake, Cllr Goldsmith, Cllr Hall, Cllr High, Cllr Lea, Cllr Smith, Cllr Simmons and Cllr Walsh were absent for the vote.

64.4 The amendment was lost.

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64.5 Resolved –

That the Independent Remuneration Panel's report and recommendations, as set out at Appendix 1 to the report, be approved.

## **65 Governance Committee: Minor Change to Scrutiny Arrangements**

65.1 The Council considered a minor change to the arrangements for scrutiny, in the light of a report from the Governance Committee (pages 97 and 98).

65.2 Resolved –

That the Constitution be amended to provide that scrutiny of the Drug and Alcohol Action Team is by the Health and Adult Social Care Scrutiny Committee rather than the Environment and Communities Scrutiny Committee.

## **66 Standards Committee: Member Officer Relations Protocol**

66.1 The Council considered proposed revisions to the Code of Conduct Section 2, Member Officer Relations Protocol, in the light of a report from the Standards Committee (pages 99 to 110).

66.2 Resolved -

That the revised protocol, as set out at Appendix 1, be approved for inclusion in the Code of Conduct section of the Constitution.

## **67 Standards Committee Annual Report**

67.1 The Council noted a report from the Standards Committee on its activities for the period from May 2019 to April 2020 (pages 111 and 112).

67.2 Resolved -

That the report be noted.

## **68 Report of Urgent Action**

68.1 The report of urgent action taken under regulation 11 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 (pages 113 and 114) was noted.

## **69 Question Time**

69.1 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 (page 115 to 118) and a

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supplementary report (supplement pages 1 and 2) and written questions and answers pursuant to Standing Order 2.38 (set out at Appendix 2).

Chairman

The Council rose at 4.30 pm

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## Interests

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

<b>Item</b>	<b>Member</b>	<b>Nature of Interest</b>
Item 6 – West Sussex County Council Reset Plan	Cllr Boram	Member of Adur District Council
Item 6 – West Sussex County Council Reset Plan	Cllr N Jupp	Member of Horsham District Council
Item 6 – West Sussex County Council Reset Plan	Cllr Lanzer	Member of Crawley Borough Council
Item 6 – West Sussex County Council Reset Plan	Cllr Walsh	Member of Arun District Council
Item 7(a) – Notice of Motion on Hidden Disabilities	Cllr O’Kelly	Member of Chichester District Council
Item 7(a) – Notice of Motion on Hidden Disabilities	Cllr Smytherman	Chairman of Dementia Friendly Worthing, President of Sight Support Worthing & Trustee of West Sussex Mind
Item 7(b) – Notice of Motion on Council Investments	Cllr Burrett	Deferred member of the Local Government Pension Scheme
Item 7(c) – Notice of Motion on Milk at School Break Time	Cllr Smytherman	Foundation Governor of St Mary’s Catholic Primary School & Chairman of Governors of West Sussex Alternative Provision College
Item 13 – Question Time	Cllr Brunsdon	Employee of British Airways PLC
Item 13 – Question Time	Cllr Burrett	Deferred member of the Local Government Pension Scheme
Item 13 – Question Time	Cllr Lanzer	Member of the Local Government Pension Scheme
Item 13 – QT paragraph on Food Waste Trial with Arun District Council	Cllr Walsh	Leader of Arun District Council
Item 13 – Question Time – written question 1	Cllr Atkins	Local Authority Governor of Durrington First and Junior Federated Schools

<b>Item</b>	<b>Member</b>	<b>Nature of Interest</b>
Item 13 – Question Time – written question 4	Cllr Hunt	Chairman of Chichester Harbour Conservancy

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**Written Questions: 11 December 2020****1. Written question from Cllr Noel Atkins for reply by the Cabinet Member for Education and Skills****Question**

As a local authority governor of Durrington First and Junior Federated Schools (for which I wish to express a personal interest).

The Department for Education (DfE) asked the school how many laptops the school required for disadvantaged children. The school responded by asking for 50 laptops, the DfE then promised them 44 Laptops, which the school had to accept. Then over half term this figure was reduced from 44 laptops to nine laptops without reason. However, to date no laptops have even been received.

Please can the Cabinet Member kindly investigate this situation and also see if it is possible to source some of these laptops through the Council as this is an urgent requirement which is probably affecting all local authority schools in West Sussex.

**Answer**

At the beginning of the autumn term 2020, the Government announced an extension to the 'Access to technology scheme'. During this period additional laptops would be made available to schools should they face a period of closure. At the beginning of September, the local authority registered a nominated member of staff for each school with the Department of Education (DfE) in order to ensure that schools would be able to access the laptops in an efficient manner.

The allocation of laptops for each school is based on the number of children in the identified year groups of 3 to 11 and the number of children in receipt of free school meals as per the last census. Based on the above criteria, Durrington infants does not have an allocation and the junior school has an allocation of nine laptops.

The school will be invited to order as and when the attendance data submitted to the DfE shows the closure of a bubble or year group due to COVID-19. It is not possible to order the devices in advance of this situation occurring. At present the schools have not been invited to order.

It is possible for the school to query the allocation of devices and in order to do so must provide the DfE with clear evidence that they have more children in need than the data has historically identified. The nominated member of staff has access to the portal and will be able to submit the request and evidence. However, even if these additional devices are agreed by the DfE, they will not be made available until a closure is reported.

For information, during the summer term, the local authority, had an allocation of 1,600 laptops to distribute to disadvantaged students. Three children at Durrington infants/juniors received devices through this scheme as they were identified by their social workers as being in need. Schools were invited to request devices for their disadvantaged children and neither Durrington infants nor Juniors took advantage of this offer.

**2. Written question from Cllr Chris Oxlade for reply by the Cabinet Member for Education and Skills**

**Question**

I would be grateful if the Cabinet Member could provide me with a breakdown of information in respect of regarding Education, Health and Care Plans (EHCP) for children in West Sussex for each of the last three full years and 2020 as far as possible:

For each year please confirm:

- (a) How many children applied for an Education, Health and Care Plan (EHCP);
- (b) Of these, how many children were:
  - (i) granted an EHCP; and
  - (ii) were refused an EHCP;
- (c) How many appeals to the SEND Tribunal involving the County Council have there been;
- (d) In respect of the figures provided at (c) above:
  - (i) how many of the cases were successfully overturned as a result of the appeal resulting in the provision of an EHCP; and
  - (ii) how many of the decisions by the County Council not to grant an EHCP were upheld on appeal; and
- (e) How much the County Council has spent on legal fees and costs directly relating to SEND Tribunal appeals?

**Answer**

- (a) It is important to explain that the process of securing an EHCP has two distinct sections and that the initial application is for consideration of whether an EHC needs assessment (EHCNA) might be suitable and not to 'get' an EHCP. This data shows how many formal requests for EHC needs assessment we received each academic year. These requests must be considered within six weeks and a decision as to whether to assess or not must be made.

The second row in Table 1, below, shows how many were agreed and the third row shows how many were refused.

**Table 1 - EHCNA Requests**

	<b>Sept 17 to Aug 18</b>	<b>Sept 18 to Aug 19</b>	<b>Sept 19 to Aug 20</b>	<b>Sept 20 to current (Dec 20)</b>
No. of EHCNA requests received that year	785	741	790	102
No. of EHCNA requests that proceed to EHCNA	405	392	411	55



	<b>Sept 17 to Aug 18</b>	<b>Sept 18 to Aug 19</b>	<b>Sept 19 to Aug 20</b>	<b>Sept 20 to current (Dec 20)</b>
No. of EHCNA refused	380	349	379	43

As context, West Sussex has a high level of refusal in comparison to the national picture. Our percentage of learners with EHCPs as proportion of the whole pupil population has traditionally been slightly above the national picture (0.1%) and is now in line with the national picture. This indicates the challenge for West Sussex is the receipt of appropriate requests rather than 'refusing too many'. This has led to the extensive focused work on the support available in schools without an EHC needs assessment (i.e. support for children with Special Educational Needs and Disabilities). This is with a view to supporting schools to meet the needs of learners from the resources ordinarily available to the school, without recourse to an EHCP. EHCP learners make up 3.1% of the whole school population and it is important that the process of assessment and issue of an EHCP is only required for the most complex learners with long term needs and who require something over and above that ordinarily available at school.

(b) (i) and (ii)

The decision as to whether to issue an EHCP happens at the end of the EHC needs assessment. The table below shows the number where at the end of the assessment we agreed to issue an EHCP. Our database does not report on the number where an EHCP was not issued however the number is very small (less than 10 a year). The number of agreed EHCPs is higher than the number of agreed EHC needs assessments because we also have a referral process of early years pupils that may result in EHC needs assessment.

The process of EHC needs assessment takes up to 20 weeks and so some requests made will feature in one academic year and the decision in the following year.

**Table 2 - Number of EHCPs Issued**

	<b>Sept 17 to Aug 18</b>	<b>Sept 18 to Aug 19</b>	<b>Sept 19 to Aug 20</b>	<b>Sept 20 to current (Dec 20)</b>
Total no. of new EHCPs issued	616	763	650	187

(c) **Table 3 – SEND Tribunals**

	<b>Sept 17 to Aug 18</b>	<b>Sept 18 to Aug 19</b>	<b>Sept 19 to Aug 20</b>	<b>Sept 20 to current (Dec 20)</b>
Total no. of appeals registered	90	99	141	32
No. conceded by Local Authority	32	32	22	11
No. withdrawn by family	17	7	5	1
No. upheld	5	21	32	0
No. not upheld/ dismissed	2 (+ 18 Order by Consent)	6 (+ 31 Order by Consent + 2 Struck Out	4 (+ 30 Order by Consent + 1 Struck Out)	0

## (d)

- (i) SEN and Disability Tribunals deal with a range matters associated with the EHC needs assessment process and so not all are related to the issue or not of an EHCP.

Rows 3, 4, 5 and 6 in Table 3, above, show the various outcomes of all our appeals.

- (ii) Table 4, below, shows the number of appeals associated with the decision not to issue an EHCP and the outcome of these appeals.

**Table 4 - EHCP appeals associated with the decision not to issue an EHCP**

	<b>Sept 17 to Aug 18</b>	<b>Sept 18 to Aug 19</b>	<b>Sept 19 to Aug 20</b>	<b>Sept 20 to current (Dec 20)</b>
No. of appeals that were against refusal to issue an EHCP (also included in total numbers above)	2	4	8	0
No. of refusal to issue conceded by Local Authority	1	1	3	0
No. of refusal to issue withdrawn by family	0	0	0	0
No. of refusal to issue upheld	0	0	1	0
No. of refusal to issue not upheld/ dismissed	1	3 (2 Order by Consent, 1 dismissed)	1 Order by Consent	0

- (e) Officer time relating to work undertaken by the Special Educational Needs Team (SENAT) is part of the Authority's business as usual and officers in that team do not operate a time/cost recording system.

Legal officers do record time spent on individual cases, but that time is not converted to costs.

The Local Authority has spent the following resources on Legal Counsel for a SEN Tribunal matter for each year:

**Table 5 - SEN Tribunal Costs: Legal Counsel**

	<b>Sept 17 to Aug 18</b>	<b>Sept 18 to Aug 19</b>	<b>Sept 19 to Aug 20</b>	<b>Sept 20 onwards</b>
Expenditure on Legal Counsel	£5,514.80	£7,980	£6,490	£2,205

However, Counsel is only sought for the most complex of appeals, therefore not those registered against the decision not to assess or not to issue an EHCP.

**3. Written question from Cllr Brian Quinn for reply by the Cabinet Member for Environment**

**Question**

I understand that the Ramblers' 'Don't Lose Your Way' campaign have searched maps covering England and Wales and found 852 miles of rights of way in West Sussex which were missed off the record of rights of way when local authorities drew it up in the 1950s and 1960s and therefore remain unrecorded. I understand that unless they are registered by the Government's deadline of 1 January 2026, they will not be protected as public rights of way.

The ability to connect with nature and explore the countryside and open spaces around us has taken on greater significance of late in view of the restrictions imposed because of the pandemic. This coupled with the increasing need to deliver 1000s of houses in West Sussex means it is more important than ever to ensure we create and protect better walking routes to enable everyone to explore the countryside and our towns and cities on foot.

Does the Cabinet Member agree with me that we should do all we can to support this campaign and will she, therefore, write to the Government and ask if they will extend the 2026 deadline for registering historic paths by at least five years?

**Answer**

The County Council is responsible for the formal registration of public rights of way – referred to as the definitive map. The deadline for applying to add to or amend the map based on historic evidence is currently 1 January 2026. The purpose of introducing a cut-off date was to provide a level of certainty to landowners.

There is provision within the legislation which allows for the 2026 cut-off date to be extended to 2031. Various stakeholder groups are campaigning for the extension to

be made. The legislation also allows for the making of regulations to cater for applications that have been submitted to the County Council before the cut-off date but not yet investigated and decided.

It is not known how many paths may potentially be subject to applications before the deadline. There are approximately 2,500 miles of public rights of way in West Sussex, so an addition of up to 852 miles would mean an increase of around 30%. The County Council currently has a waiting list of applications to add paths to the definitive map – at present there are 12 applications that rely on historic evidence. More applications are expected in the run up to 1 January 2026.

The investigation and decision making for an application is a lengthy and resource intensive process. Investigations can take many years due to the strict legal requirements that must be met and the need for a public inquiry if objections are received to an order or an appeal is lodged.

Any increase and enhancement to the network is to be welcomed in terms of public access to the countryside but this would also lead to a corresponding increase in pressure on Council resources to process applications and manage the network.

The uncertainty around the cut-off date is not helpful for user groups or the County Council. It would, therefore, be helpful for the County Council to seek assurance from the Secretary of State on the position with regard to an extension of the cut-off date and associated regulations. The stakeholder groups are engaging fully with the public and government on the matter of an extension to the cut-off date. As the County Council is the decision maker on applications a neutral stance in relation to this point is recommended.

**4. Written question from Cllr Michael Jones for reply by the Cabinet Member for Finance**

**Question**

I understand the County Council is proposing to utilise land in Chichester that it owns to facilitate the proposed upgrade to the A27 and Stockbridge Link Road which resulted in a legal process. Please could the Cabinet Member confirm this and summarise the Council's intentions regarding the land. Furthermore, can he tell me the outcome of the legal process and provide a breakdown of all costs including any legal costs and any direction to pay costs.

**Answer**

The County Council has an obligation to advise and co-operate with all district and borough councils in the preparation of their local development plans. This is the case with Chichester District Council which has asked the County Council to consider the potential allocation of land under its control for the District Council's plan and a possible option to develop a link road to the A27 from the south at Stockbridge. The County Council's consideration of options is still at a very early stage and its intentions are, therefore, not decided.

No legal process has arisen in relation to the actions and discussions in connection with the District Council's local plan.

A separate dispute arose some time ago between the County Council and a tenant on part of the land now under consideration as set out above. If this is the 'legal process' being referred to I will arrange for the member to receive such information about the costs arising from that process as are available.

**5. Written question from Cllr Michael Jones for reply by the Cabinet Member for Fire & Rescue and Communities**

**Question**

I have a number of concerns relating to the West Sussex Fire & Rescue Service and would be grateful if the Cabinet Member could:

- (a) Explain why the Statement of Assurance and Annual Report shows 9,522 incidents attended in West Sussex in 2019/20, but the national incident recording system shows 9,620 incidents attended in West Sussex;
- (b) Confirm the proposed establishment for wholetime and on-call firefighters at the new Horsham fire station, and what the minimum wholetime strength on duty will be at the new station; and
- (c) Explain why in the first quarter of this financial year response times for areas of the County classed as 'high risk' were the worst they have been since 2015/16 with targets not met in respect of 20% of calls, and furthermore can he outline what steps are being taken to improve the situation.

**Answer**

- (a) As our Statement of Assurance and Annual Report articulates our performance in line with our Integrated Risk Management Plan, it is West Sussex specific. Therefore we report only on incidents within the West Sussex boundary in the Statement of Assurance and Annual Report. West Sussex Fire & Rescue Service (WSFRS) **attended** 9,522 incidents **in West Sussex** in 19/20. There was a **total** of 9,582 incidents within West Sussex, made up of those attended by WSFRS (9,522) and those attended solely by other fire and rescue services (60). We attended 234 incidents in other fire and rescue services, outside of the borders of West Sussex, although we were not necessarily the only fire and rescue service that attended.

The Home Office counts the entire number of Incident Records we submit i.e. for West Sussex incidents we attend plus any incidents over the border where the other Fire & Rescue Service did not attend. The **98 incidents** are incidents outside West Sussex (therefore, outside of the scope of the Annual Report and Statement of Assurance) where we were the **only fire and rescue service** that attended.

- (c) The establishment for the on-call and whole-time for Horsham is not set to change following the development of the new Fire Station and training centre.
- (d) Each year we re-calculate the high, medium and low risk areas in the critical fire risk map, using various data including the occurrence of fires in the last three years. Areas can change from high to medium risk and vice versa dependent on the changing risk in the area. Therefore, direct comparisons cannot be made between High Risk Areas from one year to the next, as they

may relate to different locations and therefore subject to different travel times and conditions.

The service is committed to improving operational resilience and has taken steps to improve the way that operational resources are managed to maximise the availability of fire engines. We are also taking steps to improve the availability of retained fire engines, which will further improve response times.

**6. Written question from Cllr Chris Oxlade for reply by the Cabinet Member for Fire & Rescue and Communities**

**Question**

I would be grateful if the Cabinet Member could:

- (a) Confirm that currently the Fire Control Centre in Surrey is the most inadequately staffed fire and rescue service control room in the UK given that it is having to manage over 230% more calls than the former West Sussex Fire Control whilst still operating with the same maximum of six staff per shift.

And given that there is likely to be an even greater increase in workload when East Sussex begin to use the same Fire Control Centre, can the Cabinet Member also tell me:

- (b) What level of staffing increase he considers adequate to ensure West Sussex emergencies will still be managed quickly and effectively and explain his rationale;
- (c) When '999' operators cannot get a response from Surrey Fire Control which other Fire & Rescue Service Control(s) they are instructed to connect the caller to;
- (d) How long '999' operators are required to wait before connecting West Sussex callers to another Fire & Rescue Service Control;
- (e) Which other Fire & Rescue Service Control Centre has access to details of West Sussex addresses and live availability of West Sussex Fire & Rescue Service resources, and whether they also have the ability to mobilise those resources without first contacting Surrey Fire Control; and
- (f) Set out what potential risks had been identified prior to the switch to the new control centre in December 2019, and in respect of each of them confirm whether those risks have subsequently materialised and also indicate which of those risks have been addressed and which of those risks have yet to be overcome and represent an on-going risk that is being taken.

**Answer**

West Sussex Fire & Rescue Service undertook detailed analysis in partnership with Surrey Fire & Rescue Service during 2018/19. This ensured the fire control was adequately staffed to serve the communities of Surrey and West Sussex. The staffing levels were increased when West Sussex cut over to the Joint Fire Control (JFC) proportionately and in line with the technology used within the control room. The analysis considered the technological benefits that the Joint Fire Control systems

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utilises including its automated processes. The staffing level increase and advanced technological systems allow the control staff to spend more time receiving calls for help and provide safety advice to the public where appropriate during emergencies. West Sussex Fire & Rescue Service will work with East Sussex and Surrey Fire & Rescue Services to determine the appropriate staffing requirements to meet the needs of the three services.

All fire controls hold 'buddy' arrangements with other fire and rescue control centres, in unusually high demand and spate conditions the calls for help automatically transfer to the buddy fire service who answers the call and subsequently processes the call. This ensures all emergency incidents are handled quickly and on a priority basis.

All safety critical areas were implemented prior to the cut over of West Sussex to the Joint Fire Control on 4 December 2019. All elements of the fire control business case have now been delivered.

West Sussex are committed to continuously improving our services. After cut over to the Joint Fire Control several improvements have been completed including how we manage the availability of our staff and our assets. We have seen significant improvements in the mobile communication connections to the computers in the cabs of fire engines. This provides seamless transition of safety critical data and mobilising instruction messages between fire engines and the Joint Fire Control, supporting our commitment to improve fire fighter and public safety.

We have now delivered the Dynamic Cover Tool in the Joint Fire Control enabling visual dynamic heat map of risk and resources to efficiently move our resources around the county according to risk. This capability takes West Sussex forward utilising the most up to date mobilising arrangements available.

**7. Written question from Cllr Brian Quinn for reply by the Cabinet Member for Fire & Rescue and Communities**

**Question**

In January 2019 a Cabinet Member decision was taken to allocate £5m capital funding to develop and progress a number of community hubs (formerly called 21<sup>st</sup> century libraries) in order to generate revenue savings and capital funds. I understand that good progress is being made with the Worthing Community Hub. I would be grateful if the Cabinet Member could tell me:

- (a) What progress is being made with what I understand to be around nine other potential community hub sites for which a viability study was carried out;
- (b) Whether the member project board put in place to oversee this work is still meeting (if not, when did it last meet);
- (c) How much of the £5m capital funding allocated to this project remains allocated to the community hubs project and how it is proposed it will be spent;
- (d) The extent to which the community hubs project relates to the proposal outlined at the recent cabinet meeting which could see some parish councils taking over library buildings and maintaining a small library self- service offer; and

- (e) How much in revenue savings and capital funds the community hubs project:
- (i) has already delivered; and
  - (ii) is projected to deliver?

**Answer**

- (a) Viability studies have been completed on a range of County Council assets, including libraries and Children's Services sites. Options for bringing services together under one roof must consider our current circumstances, including the Children's Services improvement work and recovery from the pandemic.

Good progress has been made in the wider strategy to bring services together, making services more accessible for residents and ensuring value for money, for example our newest library in Burgess Hill which opened a year ago this month and houses the birth and death registration service, Citizens Advice and other local community groups. This was achieved without the Council needing to draw down on the £5m Community Hubs capital budget.

- (b) The member project board was set up to guide the Hubs strategy in the development phase and no longer meets because the Worthing project moved into delivery phases. The last board to oversee the Community Hub work met on 10 July 2019.
- (c) The capital budget allocation for implementing the community hub project at Worthing Library is £2.4m, which includes all fees and associated construction/refurbishment work. The Council's capital budget will be approved in February 2021 and balance of £2.6m remaining in the capital budget will be decided then.
- (d) The community hubs project and any proposals to work with some parish councils to share library spaces share the overall objective of bringing services together under one roof, making services more accessible for residents and ensuring value for money.
- (e) Worthing Community Hub is due to open in spring 2021 and, therefore, has seen no benefits released from the original strategy.

The potential benefits are set out below, but delivery of these savings will be dependent on the wider review of County Council assets and, therefore, have not been included in any Financial Planning assumptions:

- £380,000 potential net capital receipt (asset disposal).
- £73,000 estimated in revenue savings (rates and rent savings delivered against corporate estates budget).



**Question Time: 11 December 2020**

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

**Best Start in Life****Cabinet Member for Children and Young People**

The Cabinet Member answered a question on the Exceptional People in Care Awards, from Cllr Burgess.

**A Prosperous Place****Cabinet Member for Highways and Infrastructure**

The Cabinet Member answered questions on the following matters:

Active travel fund, from Cllr O'Kelly.

Gritting the highways network, from Cllr M Jones.

**A Strong, Safe and Sustainable Place****Cabinet Member for Environment**

The Cabinet Member answered questions on the food waste trial, from Cllr Walsh.

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

The Cabinet Member answered questions on Crawley Fire Station, from Cllr Quinn.

**A Council that works for the Community****Cabinet Member for Finance**

The Cabinet Member answered questions on written question 4 from Cllr Fitzjohn, Cllr M Jones and Cllr Montyn.

Following confirmation from Cllr M Jones that his request for information did relate to the 'legal process' referred to in the last paragraph of the answer, the Cabinet Member said he would arrange for the information to be sent.

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