

To all Members of the County Council

An ordinary meeting of the County Council will be held at **10.30 am** on **Friday, 17 December 2021** at **County Hall, Chichester PO19 1RQ**.

Note: Any members unable to attend the meeting due to public health concerns can participate remotely but not in any item of business leading to a vote.

There will be limited public access to the meeting. Admission is by ticket only, bookable in advance via: democratic.services@westsussex.gov.uk.

The meeting will be available to watch live via the Internet at this address:

<http://www.westsussex.public-i.tv/core/portal/home>

Agenda

1. **Appointment of Vice-Chairman for the meeting**

To appoint a vice-chairman for the meeting.

2. **Apologies for Absence**

3. **Members' Interests**

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

4. **Minutes** (Pages 5 - 26)

The Council is asked to confirm the minutes of the ordinary meeting of the County Council held on 22 October 2021.

5. **Result of By-election** (Pages 27 - 28)

To receive the County Returning Officer's return of the by-election held on 4 November 2021 for the county councillor for the Bourne electoral division.

6. **Review of Proportionality** (Pages 29 - 30)

The County Council has a statutory duty, following a by-election, to review the proportionality on its committees.

A brief explanation of the proportionality rules and how they are applied is set out in the attached report together with a table showing the number of seats on committees.

7. **Appointments**

Following the by-election, to consider proposed changes to appointments. Proposals will be circulated. Changes will take effect from the end of the meeting.

8. **Address by a Cabinet Member**

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

9. **Governance Committee: Changes to Council Procedures**
(Pages 31 - 42)

The Council is asked to consider changes to Council procedures, in the light of a report by the Governance Committee.

10. **Governance Committee: Minor changes to the Constitution, including Regulation, Audit and Accounts Committee Terms of Reference** (Pages 43 - 50)

The Council is asked to consider minor changes to the Constitution including changes to the terms of reference of the Regulation, Audit and Accounts Committee, in the light of a report by the Governance Committee.

11. **Regulation, Audit and Accounts Committee: Arrangements for appointment of an External Auditor** (Pages 51 - 54)

The Council is asked to consider the appointment of an external auditor for both West Sussex County Council and West Sussex Pension Fund, in the light of a report by the Regulation, Audit and Accounts Committee.

12. **Question Time** (Pages 55 - 60)

Questions to the Leader and Cabinet Members on matters contained within the Cabinet report, written questions and any other questions relevant to their portfolios. Members may also ask questions of the Leader on anything that is currently relevant to the County Council. The report covers relevant Council business or developments in respect of portfolios arising since the meeting of the Council on 22 October 2021. A supplementary report may be published.

(2 hours is allocated for Question Time)

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

13. Notices of Motion

(a) Motion on Food Waste Collection

To debate the following motion, submitted by Cllr McGregor, notice of which was given on 30 November 2021.

'This Council welcomes the new duty in the Environment Act 2021 for local authorities to collect and process food waste separately from other waste. This mandate, if implemented within an appropriate overall collection and disposal system, will reduce overall emissions and is crucial in our fight to keep within the Climate Change 1.5 degree target.

This measure also benefits household budgets. Evidence from areas that already have separate food waste collections shows that many residents change their purchasing and cooking habits when they see how much they throw away. This saves them money as well as avoiding the carbon and water resource impacts of producing and transporting food which would have previously been wasted.

We acknowledge the good partnership working arrangements with our district and boroughs with Arun District Council already running a '123' trial and Mid Sussex District Council considering a similar trial in the spring.

As such, this council calls on the Cabinet Member for Environment and Climate Change to:

- (1) Urge the Government to clarify the 'implement by' date as soon as possible and to fully fund the transition costs for both the collection and disposal authorities, as well as additional on-going costs due to these new burdens; and
- (2) Ask the Government to ensure that councils who wish to introduce the measures ahead of the mandated timeframe do not lose out on funding so that the county can see these emission reductions and household benefits without unnecessary delay.'

(b) Motion on 20mph Speed Limits (Pages 61 - 62)

To debate the following motion, submitted by Cllr O'Kelly, which was referred to the Cabinet Member for Highways and Transport at the meeting of the Council on 16 July 2021.

Note: Following the meeting between Cllr O'Kelly and the Cabinet Member, the Chairman has agreed that a revised version of the motion can be debated as set out below.

'This Council believes that promoting active travel and improved road safety is a priority.

This Council therefore calls upon the Cabinet Member for Highways and Transport to introduce a more flexible policy on speed reduction including the 20mph limit and other measures such as quiet lanes all of which have the potential to improve road safety, air quality, and to encourage active travel.'

and the report of the Cabinet Member for Highways and Transport.

14. **Report of Urgent Action** (Pages 63 - 64)

To note urgent action taken under regulation 11 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

County Council concludes

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

Director of Law and Assurance
8 December 2021

Webcasting

Please note: this meeting is being filmed for live and subsequent broadcast via the County Council's website on the internet. The images and sound recording may be used for training purposes by the Council.

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

West Sussex County Council – Ordinary Meeting

22 October 2021

At the Ordinary Meeting of the County Council held at 10.30 am on Friday, 22 October 2021, at County Hall, Chichester PO19 1RQ, the members present being:

Cllr Bradbury (Chairman)

Cllr Albury	Cllr A Jupp
Cllr Ali	Cllr N Jupp
Cllr Atkins, RD	Cllr Kenyon
Cllr Baldwin	Cllr Lanzer
Cllr Baxter	Cllr Lord
Cllr Bence	Cllr Markwell
Cllr Bennett	Cllr Marshall
Cllr Boram	Cllr McDonald
Cllr Britton	Cllr McGregor
Cllr Burgess	Cllr Milne
Cllr Burrett	Cllr Mitchell
Cllr Charles	Cllr Montyn
Cllr Cherry	Cllr Nagel
Cllr Chowdhury	Cllr Oakley
Cllr Condie	Cllr O'Kelly
Cllr A Cooper	Cllr Oppler
Cllr Cornell	Cllr Oxlade
Cllr Crow	Cllr Patel
Cllr J Dennis	Cllr Pudaloff
Cllr Duncton	Cllr Quinn
Cllr Dunn	Cllr Richardson
Cllr Elkins	Cllr Russell
Cllr Evans	Cllr Sharp
Cllr Forbes	Cllr Smith
Cllr Gibson	Cllr Sparkes
Cllr Greenway	Cllr Urquhart
Cllr Hall	Cllr Waight
Cllr Hillier	Cllr Wall
Cllr Hunt	Cllr Walsh, KStJ, RD
Cllr Johnson	Cllr Wickremaratchi
Cllr Joy	

27 Death of Sir David Amess

- 27.1 The Chairman led a minute's silence in memory of Sir David Amess, MP who had been killed in a terror attack.

28 Format of meeting

- 28.1 The Chairman reminded the Council that members participating remotely would not be able to take part in any items for decision as

the law requires members to be physically present in the chamber in order to participate and vote.

29 Deaths of former members

29.1 The Chairman reported the deaths of four former members of the Council: Mrs Sally Greenwell, who had represented the Petworth division from 1985 to 1993 and from 1997 to 2005, Mr Mike Hall, who had represented the Chichester East and later Chichester North division, serving on the Council from 1998 to 2013, Mr Peter Jones, who had represented Selsey from 2009 to 2013 and Cllr David Simmons, who had represented the Sompting & North Lancing division from 2009 to 2013 and then Southwick division from 2017 to 2021.

29.2 Members held a minute's silence.

30 Attendance and Apologies for Absence

Attendance

30.1 The following members attended the meeting virtually and therefore did not take part in or vote on items requiring a decision.

Cllr Bennett, Cllr Britton (afternoon session from 2.25 pm) Cllr Evans, Cllr Hall, Cllr Hillier, Cllr Joy (morning session), Cllr Kenyon and Cllr Nagel.

Apologies

30.2 Apologies were received from Cllr B Cooper, Cllr N Dennis, Cllr Linehan, Cllr Mercer, Cllr Payne, Cllr Pendleton and Cllr Turley.

30.3 Apologies for the afternoon session were received from Cllr Joy.

31 Members' Interests

31.1 Members declared interests as set out at Appendix 1.

32 Minutes

32.1 It was agreed that the minutes of the Ordinary Meeting of the County Council held on 16 July 2021 (pages 7 to 30) be approved as a correct record.

33 Appointments

33.1 The Council approved appointments as set out below which took effect from the end of the meeting.

Committee	Change
Communities, Highways and Environment Scrutiny Committee	Cllr Ali and Cllr Patel to replace Cllr Markwell and to fill vacancy respectively
Performance and Finance Scrutiny Committee	Cllr Linehan to fill vacancy
Foster Panel (additional member at the request of the Fostering Service)	Cllr Hall

34 Governance Committee: Use of hybrid technology for meetings

34.1 The Council considered a proposal for the use of hybrid technology for meetings in some circumstances, in the light of a report by the Governance Committee (pages 31 to 34).

34.2 Resolved –

That the proposed changes to Standing Orders, as set out at Appendix 1 to the report, be approved.

35 Address by a Cabinet Member

35.1 Members received an address by the Cabinet Member for Children and Young People on the recent Ofsted monitoring visit. The Cabinet Member answered questions from members on the matter.

36 Governance Committee: Terms of Reference of the Corporate Parenting Panel and the Member Development Group

36.1 The Council considered changes to the terms of reference of the Corporate Parenting Panel and the Member Development Group in the light of a report from the Governance Committee (pages 35 to 42).

36.2 In response to a suggestion from Cllr Pudaloff that it would be helpful to have someone with lived experience of disabilities on the group to feed into the process, the Chairman said that Cllr Wickremaratchi, Chairman of the Member Development Group, would contact her for a discussion.

36.3 Resolved –

(1) That the revised terms of reference for the Corporate Parenting Panel, as set out in Appendix 1 to the report, be approved; and

- (2) That the proposed amendment to the terms of reference of the Member Development Group, as set out in Appendix 2 to the report, be approved.

37 Question Time

- 37.1 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 43 to 48) and a supplementary report (supplement page 1) and written questions and answers pursuant to Standing Order 2.38 (set out at Appendix 2).

38 Motion on Gatwick Airport Runway Capacity (for debate)

- 38.1 The following motion was moved by Cllr Wall and seconded by Cllr Duncton.

'West Sussex County Council is a statutory consultee in the Development Consent Order process with regard to the proposal by Gatwick Airport Ltd (GAL) to bring the Northern/Emergency runway into routine use (for departures only). This Council notes the proposed economic benefits and likely adverse social and environmental impacts of GAL's Northern Runway Project.

This Council resolves to ask the Cabinet to seek evidence and assurance from GAL that it will mitigate the following key impacts as part of the proposed development:

- (1) Any increase in aircraft noise levels/noise distribution pattern.
- (2) Any adverse traffic and surface access impacts (forecasting, transport assessment methodology, modal shift).
- (3) Any additional social and environmental impacts, including on health and well-being, air quality and carbon reduction targets.
- (4) Any increase in the need for new homes (supply/demand from anticipated additional workforce) and supporting infrastructure, including County Council services.

In addition, whilst not part of the formal consultation, the safeguarded land allocation to the south of the existing runway for an additional runway should be reviewed and recommendations as to its future use should be made by the Cabinet to Her Majesty's Government.'

- 38.2 An amendment was proposed by Cllr Lord and seconded by Cllr Condie as set out below.

'West Sussex County Council is a statutory consultee in the Development Consent Order process with regard to the proposal by Gatwick Airport Ltd (GAL) to bring the Northern/Emergency runway into routine use (for departures only). This Council notes the proposed economic benefits and likely adverse social and environmental impacts of GAL's Northern Runway Project.

This Council resolves to ask the Cabinet to seek **and be satisfied by** evidence and assurance from GAL that it will mitigate the following key impacts as part of the proposed development **before any final position on the proposal can be taken by the Council:**

- (1) Any increase in aircraft noise levels/noise distribution pattern.
- (2) Any adverse traffic and surface access impacts (forecasting, transport assessment methodology, modal shift).
- (3) Any additional social and environmental impacts, including on health and well-being, air quality and carbon reduction targets.
- (4) Any increase in the need for new homes (supply/demand from anticipated additional workforce) and supporting infrastructure, including County Council services.

In addition, whilst not part of the formal consultation, the safeguarded land allocation to the south of the existing runway for an additional runway should be reviewed and recommendations as to its future use **in line with the Council's Climate Change Strategy** should be made by the Cabinet to Her Majesty's Government.'

38.3 The amendment was lost.

38.4 The motion was carried.

39 Motion on Land Use (for debate)

39.1 At the County Council meeting on 16 July 2021 the following motion had been moved by Cllr Milne, seconded by Cllr Mercer, and referred to the Cabinet Member for Finance and Property for consideration. A report by the Cabinet Member was included with the agenda (pages 40 and 50).

'This Council calls upon the Cabinet Member for Finance and Property to put in place a clear process, such that any currently-owned Council land will always be first considered for possible social, community or environmental use, particularly where this complements the Council's ambitions relating to climate change, prior to deeming it surplus to requirements, which could see it allocated for development within West Sussex County Council's Joint Venture development company.'

- 39.2 An amendment was moved by Cllr Duncton and seconded by Cllr Elkins as set out below.

'This Council **confirms that** ~~calls upon~~ the Cabinet Member for Finance and Property **has to** put in place a clear process, such that any currently-owned Council land **is** ~~will~~ always be first considered for possible social, community or environmental use, particularly where this **could** complements the Council's ambitions relating to climate change, prior to deeming it surplus to requirements, **one of** which **options** could **be** ~~see it allocated~~ for development ~~within West Sussex~~ **by the** County Council's Joint Venture development company.'

- 39.3 The amendment was carried.

- 39.4 The motion, as amended and set out below, was carried.

'This Council confirms that the Cabinet Member for Finance and Property has put in place a clear process, such that any currently-owned Council land is always first considered for possible social, community or environmental use, particularly where this could complements the Council's ambitions relating to climate change, prior to deeming it surplus to requirements, one of which options could be for development by the County Council's Joint Venture development company.'

40 Motion on Male Violence (not for debate)

- 40.1 The following motion was moved by Cllr Lord and seconded by Cllr Cherry:

'Recent news reports have highlighted the impact of male violence in the UK, including in West Sussex. This Council believes that:

- (a) Victims of male violence are never to blame.
- (b) Significantly reducing male violence will make women and men safer and lessen the suspicion that groups of young men and single men in particular face.
- (c) Alongside enhancing services for victims, agencies should focus their efforts on preventing male violence rather than asking innocent people to modify their behaviour.
- (d) The causes of male violence are complex and often start in early life.
- (e) Solutions cannot be created by agencies and voluntary organisations working in isolation.

This Council therefore calls on the Cabinet Member for Community Support, Fire and Rescue to convene a cross-agency group

(including but not limited to the police, health services, county, district and borough councils, and voluntary organisations) with the remit to:

- (1) Understand the extent and nature of male violence in West Sussex;
- (2) Assess the effectiveness of the programmes currently in place;
- (3) Identify gaps in provision with reference to national and international best practice; and

Report back to this Council within six months with details of a comprehensive and ambitious plan to ultimately end male violence in West Sussex, including details of the resources and timelines required.'

40.2 The motion was referred to the Cabinet Member for Community Support, Fire and Rescue for consideration.

41 Motion on Adult Social Care Charges (not for debate)

41.1 The following motion was moved by Cllr Milne and seconded by Cllr Walsh:

'Recent increases in Adult Social Care charges are causing severe distress to vulnerable individuals and their families, who are being asked to fund charge increases of as much as 400% overnight.

While we recognise the enormous stress on the County Council's budget caused by a decade of government cuts to local authority funding, this is clearly too much of an increase, too fast.

This Council therefore resolves to ask the Cabinet Member for Adults Services to:

- (1) Reconsider the issue of Adult Social Care charges in West Sussex;
- (2) Look at alternative methods of funding and examine ways to reduce the impact on the public; and

Agree a cap on annual charge increases, such that no individual's bill can rise by more than a fixed maximum percentage in a single year (unless there has been a material change in their service provision).'

41.2 The motion was referred to the Cabinet Member for Adults Services for consideration.

Chairman

The Council rose at 3.53 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
6 – Cabinet Member Address	Cllr Oppler	Foster carer
8 – Question Time, Written Question Number 9	Cllr Atkins	Governor of Durrington Infant and Junior Federated Schools
8 – Question Time	Cllr Boram	Executive Member for Health and Well-being at Adur District Council
8 – Question Time	Cllr Sharp	Member of Chichester City Council
8 – Question Time (economic recovery in Worthing)	Cllr Sparkes	Member of Worthing Borough Council
8 – Question Time (economic recovery in Worthing)	Cllr Waight	Member of Worthing Borough Council
9(a) – Motion on Gatwick Airport	Cllr Ali	Member of Crawley Borough Council
9(a) – Motion on Gatwick Airport	Cllr Burrett	Member of Crawley Borough Council
9(a) – Motion on Gatwick Airport	Cllr Burgess	Member of Crawley Borough Council
9(a) – Motion on Gatwick Airport	Cllr Gibson	Member of Mid Sussex District Council
9(a) – Motion on Gatwick Airport	Cllr Hillier	Cabinet Member for Economic Growth at Mid Sussex District Council
9(a) – Motion on Gatwick Airport	Cllr Lanzer	Member of Crawley Borough Council
9(a) – Motion on Gatwick Airport	Cllr Mitchell	Member of Horsham District Council

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Written Questions: 22 October 2021

1. Written question from **Cllr Beccy Cooper** for reply by **Cabinet Member for Adults Services**

Question

- (a) How many complaints are currently being processed with regards to the increase in Care Charges?
- (b) What is the maximum waiting time currently for these complaints to be processed?
- (c) Of the complaints that have been processed, how many have resulted in a reduction in the increased charges?

Answer

- (a) There are 74 complaints that are currently in process that are related to the increase in care charges with 41 of these having the increase as the main issue. However currently approximately 10 of the complaints are duplicated (a customer has complained both directly to the council and also via a councillor or an MP).
- (b) The maximum waiting time currently is just over three months, but the oldest cases are complex cases that require specialist knowledge to ensure that the response is informative and complete. Further engagement has been required with the customer or their financial representative and a full review is completed on previous calculations which can take some time. These cases also have multiple questions that cut across a number of services and require a co-ordinated approach. Complaints that require further information from the customer are common and are shared with the specialist assessors to follow up more quickly and these are now being answered in less than six weeks and additional resource and support that has been secured with reduce this time very shortly. It is the case that some of the complaints that are about a specific issue are dealt with within the published timeframes. Often an officer will call the customer first to explain the position so that the customer is informed but the formal response follows at a later date.
- (c) The work in responding to the complaints is focussed on ensuring that the financial assessment for each customer is correct and addressing any issues in that context. Outcomes on contributions are not specifically recorded separately as in many of the current cases the financial assessment is correct, and the response is primarily explaining the calculation and any other related facts that have led to the increase.

2. Written question from **Cllr Pudaloff** for reply by **Cabinet Member for Adults Services**

Question

The Forward Plan contains details of a proposed decision to extend the Direct Payment Service Contract before the current contract expires in February 2022.

- (a) Can the Cabinet Member please inform me as to whether there are any changes planned to the terms and conditions affecting service users?
- (b) What will be the relationship between those delivering the Direct Payments Service Contract and those conducting financial assessments to ensure a service user's whole circumstances will be taken into account, and enable service users to fully understand the relationship between the support they receive and the contributions they make?

Answer

- (a) Under the provisions of the current contract Adult Social Care is requesting the extension of the contract, in this case there are no changes to the terms and conditions of the contract.
- (b) A direct payment is a method of providing a customer money to enable them to organise and pay for their own care. The amount of the payment is based on their care and support plan which identifies how they propose to provide their care.

The customer can choose to use what is called a pre-paid card, where the Council provide the amount of funds and effectively place funds into an account which can be accessed using the card. The card is provided by the firm who has been awarded the direct payment services contract. Customers are financially assessed to identify if they contribute to their care, based on their individual circumstances. When customers opt to receive funding through a direct payment then a contract is signed by the customer where they agree that any contribution to care will be made by them and placed into the direct payment account and this will then be added to the Council funding and be accessed by the pre-paid card. The total of the funding paid by the Council and the individual customer is the total funding for their care. Customers are informed of both the money provided by the Council and their contribution, from this the customer is informed of both elements.

3. Written question from Cllr Sharp for reply by Cabinet Member for Environment and Climate Change

Question

On 5 October, the Cabinet Member for Environment and Climate Change wrote to the Rt Hon Alok Sharma MP, President of COP26, to highlight that the Council is striving to achieve net zero and to push for the creation of a national and local taskforce to tackle climate change with easier funding arrangements and nationally set targets. This was published in the Bulletin on 13 October 2021. The letter was along similar lines to a motion that, by coincidence, I had been working on so I am very pleased that we are working collaboratively with the LGA, ADEPT and National Audit Office.

- (a) Will the Cabinet Member agree to publish the response from the Government when it is received, or at least share it with all members of the Council?
- (b) The letter calls on the Government to provide long-term sustainable funding for local authorities to help them to work towards net Zero. What amount does the Cabinet Member believe would be adequate from the Government? Does the

Cabinet Member agree that funding for net zero should form part of the local government spending review?

- (c) What are the Cabinet's big ideas to bring real change in tackling climate change, if this funding is provided?

Answer

- (a) Yes
- (b)
- (i) This cannot be quantified at this time but see (c) below
- (ii) Yes
- (c) The Council's Climate Change Strategy was approved in July 2020 since then substantial new resources have been applied to initiatives aiming to decarbonise the council estate, generate more renewable energy and raise awareness of the climate change challenge amongst council staff. Having completed a full year of delivery, appointed new team members and with the expectation of new enabling legislation shortly, the first major review of the Climate Change Strategy is in underway. It seeks to learn from the initial mobilisation and aims to identify options for how the council could transform its impact against the Climate Change Strategy.

The review will clarify the gaps in data, resources and technology as well as addressing the cultural changes we will need to implement across the whole council in order to make inroads into the 2030 net zero target and achieve the wider range of environmental targets set out in the council's business plan and economic reset plan. The revised strategy will be taken through internal governance processes early in 2022 and member input into the process will be welcome. The key areas will continue to include decarbonisation of the estate, travel and procurement whilst also examining the options to deliver against emerging duties in relation to biodiversity net gain and natural capital (all driven by national legislation in particular the Environment Bill). The council has made a good start on its journey towards responding to the climate change emergency and is taking responsible steps to optimise outcomes while ensuring it continues to successfully deliver for its residents and wider community.

4. Written question from Cllr Beccy Cooper for reply by Cabinet Member for Finance and Property

Question

Please provide an update on assessing County assets that are surplus to the County portfolio.

- (a) How many assets do you anticipate will be sold in 21/22 and 22/23 and what will that raise for the County?
- (b) How will those additional funds be utilised?

Answer

- (a) So far in 2021/22 the County Council has sold seven assets and achieved a capital receipt of £2,910,000. It is anticipated a further six assets may be sold this year bringing in additional receipts. The target capital receipt for 2021/22 is £5,300,000 and it is expected this will be achieved.

A further 10 assets have been identified for disposal next year but the final value of which will be determined by a number of factors including the outcome of planning applications, developer progress and interest in the market.

The above figures do not include those sites optioned to the Joint Venture. The actual disposal of these sites will be dependent upon the programme for development and viability testing.

- (b) Capital receipts are used either to fund the capital programme or to support service transformation projects as enabled by the Secretary of State's Direction and outlined in the Government's Statutory Guidance on the flexible use of capital receipts.

5. Written question from Cllr Baxter for reply by Cabinet Member for Highways and Transport

Question

The Conservative manifesto of 2019 promised £2bn of funding for the 'biggest ever pothole-filling programme' the country has ever seen. The Government has just announced that local councils will receive £1.2m of further cuts to local road maintenance budgets for 2022/23. What assurances can the Cabinet Member provide to drivers, cyclists and those who use mobility vehicles regarding the state of the roads?

Answer

The cuts recently announced in the media refer to this financial year 2021/22 and are being highlighted by the Local Government Association ahead of the government's spending review announcement on 27 October 2021.

The decision to reduce road maintenance funding from the previous year was made during the Covid-19 pandemic at the governments one year spending review in October 2020. The reduction in funding followed the highest levels of funding received by local authorities in 2020/21.

Local road maintenance remains a priority for the County Council and in recognition of this importance the County Council provided an additional £12m at the February 2020 Full Council budget meeting. This money is being invested into our road network over the next three years and will complement the governments grant funding to ensure our roads remain safe.

6. Written question from **Cllr Sharp** for reply by **Cabinet Member for Highways and Transport**

Question

In the government policy document, '[Decarbonising Transport: A Better, Greener Britain](#)', the Secretary of State for Transport says that Local Transport Plans will "need to set out how local areas will deliver ambitious quantifiable carbon reductions in transport. This will need to be in line with carbon budgets and net zero". He also says, "We will drive decarbonisation and transport improvements at a local level by making quantifiable carbon reductions a fundamental part of local transport planning and funding."

- (a) Our draft Local Transport Plan (LTP) does not provide any quantifiable targets or milestones for carbon reduction. Can these targets be added before the final publication of the document?
- (b) Is the Cabinet Member satisfied that this Plan provides a credible route to achieving the government's targets of net zero greenhouse gas emissions by 2050 or the interim reductions of 68% on 1990 levels by 2030 (the UK's Nationally Determined Contribution) and 78% by 2035 (to meet the 6th carbon budget)?

The Government stipulates that changes we make to our roads should '**not be a barrier to the zero-emission transition**' and the Surface Transport section of the Government's [Sixth Carbon Budget report](#) (PDF, 1.2MB) says that car mileage will need to be reduced by 9% by 2035 and by 17% by 2050 in order to reach net zero, even with the transition to electric vehicles.

Our LTP's infrastructure commitments predominantly comprise considerable major road schemes alongside an objective of maintaining 'static' levels of traffic.

- (c) Considering the very likely traffic increases generated by increased road capacity, is the Cabinet Member satisfied that a Plan heavily based on road expansion, without measures for traffic reduction, will not be a barrier to the zero-emission transition?
- (d) And is the Cabinet Member concerned that the continued car focus of the LTP will be a barrier to the shift to shared and active travel that the Plan itself recognises is needed not only to enable West Sussex to reach net zero but also to achieve the air quality, health, and social benefits we sorely need?

Answer

- (a) The Government's Transport Decarbonisation Plan (TDP) was published just as the Draft West Sussex Transport Plan (WSTP) was being published for consultation, so its contents could not be taken into account. However, the TDP and its request for local transport authorities to set quantifiable carbon targets, will be taken into account when the Plan is revised following the recent consultation and prior to adoption.
- (b) The WSTP, particularly the initiatives within it to increase walking, cycling, rail and shared transport use, will help the Government's targets to be achieved. However, success in achieving the targets will depend on securing the

necessary funding, public acceptance of the initiatives, and changes in travel behaviour, matters that are largely outside the County Council's control.

- (c) The road network improvements included in the Draft WSTP have been identified to address the transport challenges facing the County, primarily those associated with the scale and location of planned residential and other development. The improvements are part of a package that is also intended to increase walking, cycling, rail and shared transport use. The Road Network Strategy in the Draft WSTP states that major improvements and technology upgrades being delivered by the County Council will also need to provide facilities for active travel and shared transport to ensure the improvements also help to facilitate the transition to net zero.
- (d) The Draft WSTP is a plan for all modes of surface transport and seeks to balance environmental, social, and economic objectives through a wide range of initiatives targeting different modes of transport. Therefore, the Plan should not be a barrier to the transition to net zero. The Road Network Strategy states that major road network improvements are not expected in the long term, which reflects the strategic 'shift' in the WSTP to investment in sustainable modes of transport. However, to a large extent, achieving this change will depend on future decisions about the scale and location of planned development, matters that are outside the County Council's control.

7. Written question from Cllr Smith for reply by Cabinet Member for Highways and Transport

Question

Can the Cabinet Member please tell me to what extent pavements affected by root heave are proactively inspected by the County Council?

Root heave can impact pavements through being damaged or broken, so how can we ensure the safety of our residents who have accessibility needs, such as people with disabilities who may use support equipment when walking, or those using a disability scooter or wheelchair on the damaged pavements?

Answer

All parts of the publicly maintainable highway are inspected using the Highway Inspection Manual. One of the considerations for footways is root heave. Some roots may cause an abrupt level difference while others create heave in the footway. The minimum investigatory level for either if these is 20mm.

When root heave is identified it is not always possible to cut the root in order to make the footway level. We do, in certain situations, arrange for one of our arboriculturists to attend site to assess but more often than not by the time a root is large enough to cause an issue it is unable to be cut for fear of killing the tree. The other major problem is that the majority of trees have Tree Preservation Orders on them. This makes it legally impossible to do any work on the tree without proper authority. In most cases, for the reasons previously mentioned, this means we are unable to damage the root system.

Invariably the method for dealing with root heave is to form a ramp over the roots in order to ease passing pedestrians. Unfortunately, in urban settings, this can make the footway appear uneven.

We also undertake large-scale footway repairs as part of our annual delivery programme. Sites included in this programme are prioritised based largely on their condition, and damage to the surface caused by tree roots can be a significant contributor to the condition. The method used in our large-scale works to correct this damage is largely the same as that described above.

8. Written question from Cllr Quinn for reply by Cabinet Member for Highways and Transport

Question

Can the Cabinet Member confirm if she is confident there is sufficient staffing capacity to deliver the highway service effectively?

Answer

A wholesale review of the structure of the Highways Transport and Planning Directorate was undertaken in 2019. On the basis of that a new structure was implemented in 2020.

The director and his management team regularly review the workload within the directorate and the capacity of the team to deliver that. There are a very small number of posts that are difficult to recruit to as suitable candidates are in short supply nationally. In these instances, we do draw upon the resources available to us from our term consultants.

9. Written question from Cllr Atkins for reply by Cabinet Member for Learning and Skills

Question

There has been a recent statistic in the UK that a considerable number of children have recently not returned to school for the autumn term and may have effectively gone missing.

- (a) Can the Cabinet Member please let me know how many children from West Sussex schools may have not returned to their schools and may have effectively gone missing?
- (b) If this is the case in West Sussex, what can be done to alleviate the situation?

Answer

The Education Act 1996 requires all schools to have an attendance register that holds the details of all children on the school roll.

Schools have a duty to monitor the attendance of the children on their roll, identifying those children missing education through non-attendance and take action to address this.

If, through their actions, the school have not been able to make contact with the young person or their family, they are able to make a Missing Pupil Referral to the Pupil Entitlement Investigation team (PEI).

- (a) Since 1 September 2021 – 15 October 2021 the PEI team have received 22 missing pupil referrals. This is compared to the same period in 2020 and 2019 where the number was 30 and 29 respectively.
- (b) The PEI team will carry out enquires to identify the whereabouts of the family. If they are unable to locate the family the child is removed from the roll of the schools and the case is passed to the Children Missing Education Team (CME).

Of the 22 missing pupil referrals received this academic year:

- 6 have been confirmed to have moved abroad
- 2 have been passed to out of county CME teams
- 4 were found and are now back in their original school
- 1 is now in a new school out of county
- 1 is now in a new school within West Sussex
- 1 has been passed to the County Council CME team for further investigation.

The remaining seven cases were received by the PEI team in the last three weeks and are still under initial investigation.

Question Time: 22 October 2021

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 noted.

Leader

The Leader answered questions on Afghan nationals arriving in the UK, from Cllr Burgess, Cllr Chowdhury and Cllr O'Kelly.

Cabinet Member for Adults Services

The Cabinet Member answered questions on the following matters:

Shortfall in intermediate care beds and closure of Marjorie Cobby House, from Cllr Johnson and Cllr O'Kelly.

Changing futures initiative, from Cllr Albury.

Social care levy, from Cllr Wall.

Cabinet Member for Children and Young People

The Cabinet Member answered questions the following matters:

Early help redesign, from Cllr Baxter.

Impact of the pandemic on children and young people's mental health, from Cllr Cherry, Cllr Hillier and Cllr O'Kelly.

The refurbishment of the High Trees and Teasel Close children's homes in Crawley, from Cllr Quinn.

In response to a question about and where the children will be accommodated whilst the work is carried out, the Cabinet Member said she would write to Cllr Quinn.

Foster carers, from Cllr A Cooper.

Cabinet Member for Learning and Skills

The Cabinet Member answered a question on the following matters:

Free school meals and school holidays, from Cllr Dunton.

Woodlands Meed School, from Cllr Cherry.

Impact of Covid on schools, from Cllr Lord and Cllr Smith.

In response to a question from Cllr Lord about measures to control Covid-19 within schools, the Cabinet Member said he would send her a copy of a recent circular to headteachers.

In response to a question from Cllr Smith about support in schools for children and staff with long Covid, the Cabinet Member said he would respond to her.

Cabinet Member for Communities, Fire and Rescue

The Cabinet Member answered questions on Afghan nationals arriving in the UK, from Cllr Burgess and Cllr O'Kelly.

Cabinet Member for Environment and Climate Change

The Cabinet Member answered questions on the following matters:

Sale of Council assets and climate change, from Cllr Lord and Cllr Joy.

EV charging points, from Cllr Ali, Cllr Burgess, Cllr Cornell, Cllr O'Kelly and Cllr Sharp.

Solar Together, from Cllr Burgess, Cllr Cherry, Cllr Condie, Cllr Greenway and Cllr Lord.

In relation to applications to Solar Together, Cllr Lord asked for clarification as to whether, if residents pay a deposit to receive further information and then wish to withdraw from the scheme, they would get their deposit back. The Cabinet Member for Environment and Climate Change said she would find out and respond to Cllr Lord.

Cabinet Member for Finance and Property

The Cabinet Member answered questions on the following matters:

As Chairman of the Pensions Committee on Pension Fund investment policy and climate change, from Cllr Condie and Cllr Oakley.

Sale of Council assets and climate change, from Cllr Lord and Cllr Joy.

Cabinet Member for Highways and Transport

The Cabinet Member answered questions on the following matters:

Cycle paths, from Cllr Boram and Cllr Markwell.

Congestion at junction of A264 and A22, from Cllr Gibson.

In response to request from Cllr Gibson for there to be discussions with Surrey County Council about viable ways of relieving the traffic congestion on the A264/A22 junction and related local road network, the Cabinet Member said she would include the issue on the agenda for a forthcoming meeting. The Cabinet Member also accepted an invitation from Cllr Gibson to visit the junction with him.

A285 repairs at Duncton, from Cllr Oakley, Cllr Richardson and Cllr Sharp.

Cabinet Member for Public Health and Wellbeing

The Cabinet Member answered questions on the following matters:

Vaccination boosters and pressure on health services, from Cllr A Cooper, Cllr Cornell and Cllr Walsh.

In response to a request from Cllr Cornell for an update on the current pressure within the NHS across West Sussex due to Covid-19, the Cabinet Member said he would respond to her.

In response to the news that just over 9,000 children aged 12 to 15 years in West Sussex had received a first Covid-19 vaccination, Cllr Walsh asked about the size of that cohort of children and the Cabinet Member said he would let him know.

Access to health services and NHS dentistry, from Cllr Lord and Cllr Pudaloff.

On access to NHS dentistry, in response to a request from Cllr Lord, the Cabinet Member said he would look at the issue of the lack of NHS services available in West Sussex.

In response to a question from Cllr Pudaloff about problems with access to GPs and NHS dentistry and help available from the County Council to find pathways to services, the Cabinet Member said he would respond to her. He also agreed to respond with the measures being taken to assist digital inclusion.

Cabinet Member for Support Services and Economic Development

The Cabinet Member answered a question on economic recovery in Worthing, from Cllr Sparkes.

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County of West Sussex
By-Election of County Councillor
for the Bourne Electoral Division
4 November 2021

Return by County Returning Officer
of persons elected as County Councillors

Electoral Division	Name and Address of Person Elected	Description
Bourne	Mr Andrew Kerry-Bedell Drifters Reach Drift Lane Bosham Chichester West Sussex PO18 8PR	Liberal Democrat

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Proportionality

Background

- 1** It is the duty of the County Council, following the Bourne by-election to review the entitlement of political groups to seats on committees in line with the proportionality rules set out in the Local Government and Housing Act 1989. The rules allow adjustments to be made to make whole numbers of seats and, once the County Council has determined how adjustments should be made, appointments are made to committees on that basis.
- 2** The proportionality rules are as set out below:
 - (1) No political group can have all the places on a committee (the exception is the Cabinet).
 - (2) A group having an overall majority on the County Council is entitled to a majority of seats on each committee.
 - (3) The gross number of seats is allocated in accordance with each group's entitlement.
 - (4) The number of seats on each committee is allocated in accordance with each group's entitlement.
- 3** The application of these rules produces different figures so the figures have to be reconciled by applying the rules in descending order of importance. The critical rule is rule (2) if, as in the case of the County Council, there is an overall majority, and numbers of seats are then reconciled with rules (3) and (4). Under the rules, if there are members of the Council who do not belong to a political group (independent members) then, once the division of seats between the political groups has been made, any remaining seats are allocated to the independent members by the County Council.
- 4** A table showing the number of seats on committees using the above formula following the outcome of the Bourne by-election is set out overleaf. The Green, Local Alliance and independent members are entitled to four seats between them, and there is no change to existing arrangements in the proposed allocation below.

Committee	Places	Con	Lib Dem	Lab	Grn	LA	Ind
Performance and Finance	15	10	3	2	0	0	0
Children and Young People's Services	12(16+)	8	2	2	0	0	0
Communities, Highways and Environment	12	8	2	2	0	0	0
Fire & Rescue Service	7	5	1	1	0	0	0
Health and Adult Social Care	12(19+)	8	2	2	0	0	0
Planning and Rights of Way	13	9	1	1	1	0	1
Regulation, Audit and Accounts	7	5	1	1	0	0	0
Governance	9	6	2	1	0	0	0
Standards	9	6	1	0	0	1	1
Allocation of seats	96	65	15	12	1	1	2

Recommended

That the proportionality on committees be approved.

Tony Kershaw

Director of Law and Assurance

Contact Officer: Charles Gauntlett 033 022 22524

Background papers

None

Governance Committee: Changes to Council Procedures

Background and context

- 1** The Chairman asked officers to review Council meeting procedures with a view to making the procedures more consistent and easier to understand.
- 2** The County Council's Standing Orders are in Part 4, Section 1 of the Constitution and in Standing Orders. Section 2 deals with procedures for the meetings of the County Council. The changes proposed are detailed below and **in Appendix 1**.

Proposal details

- 3** First, it is proposed to regularise the order of the agenda so that decision-making items are first, followed by the two-hour Question Time and motions after that. This should ensure the full length of question time on most occasions.
- 4** There are two items allowing member questions – the Question Time item and the Cabinet Member address. For Question Time, a member can ask unlimited supplementary questions and there is a five-minute time limit. For the Cabinet Member address, the Cabinet Member has five minutes to speak, then 15 minutes for member questions limited to one question and one supplementary.
- 5** It is proposed to have one supplementary question per member on both items, to give a Cabinet Member up to 10 minutes to address Council on a Cabinet Member Address and to have up to 10 minutes per topic on Question Time, starting at the beginning of each topic. The Chairman will expect questions and answers to be succinct to ensure that several questions on each topic can be taken.
- 6** For written questions it is proposed to put size limits on the questions and answers – 150 words for a question with an answer limited normally to 250.
- 7** For debates on decision-making items, such as the budget, policy frameworks, Governance and Standards Committee items, there is no time limit. For items to note such as annual reports there is no limit. Notices of motion have no overall time limit but have a five-minute time limit per speech.
- 8** It is proposed to make all debate speech limits five minutes, with the exception of speeches during the annual budget debate. The Governance Committee recommends that no change should be made to the length of speeches in petition debates (three minutes) as this would reduce the number of members able to speak during the half hour debate.
- 9** Simplification of the Notice of Motion process is also proposed. The Council has already agreed a presumption that a maximum of two motions be debated at each Council meeting. It is proposed that a motion will either be selected for debate or not but that there should be two chances for it to be selected. It is proposed that the referral to Cabinet Members be removed, although Cabinet Members will still be able to contact any proposer of a motion between meetings for an informal discussion. The proposed simplified Standing Order is set out below:

The Chairman, in consultation with political group leaders, may decide that a motion shall be:

- (a) moved and debated at the next meeting (usually no more than two per meeting unless the Chairman determines otherwise); or
- (b) deferred so that it can be considered for selection to be moved and debated at the following meeting.

Any notice of motion not selected for debate after two meetings (not including the February Council meeting where the budget debate takes precedence) will fall away and cannot be resubmitted before six months from the date of the Council meeting for which it was last considered for selection.'

- 10** As a consequence of this proposal, it is recommended that the officer briefing notes currently produced for motions will only be produced for motions selected for debate at the meeting.
- 11** As these provisions cannot be applied retrospectively, motions submitted before 17 December 2021 will still be considered twice for possible debate. The six-month time limit before resubmission will start from the date of the meeting for which the motions were finally considered but not selected for debate.

Recommended

That the proposed changes to Part 4, Section 1 of the Constitution, as set out in Appendix 1, be approved.

Pete Bradbury

Chairman of Governance Committee

Contact Officer: Charles Gauntlett, Senior Democratic Services Officer, 033 022 22524 charles.gauntlett@westsussex.gov.uk

Appendix

- Appendix 1 – Proposed changes to Part 4, Section 1, Council Standing Orders

Background papers

None

Proposed changes to Part 4, Section 1, Council Standing Orders

(Additions are shown in bold italic text with deletions struck through)

Order of Business; Time Limits

2.23 The order of business at a meeting of the County Council shall be determined by the Chairman, in consultation with political group leaders. Items of high significance are likely to be prioritised on the agenda. Business may include any of the following, at the Chairman's discretion, and subject to any statutory requirements:

- (a) To choose a member other than a member of the Cabinet to preside if the Chairman and Vice-Chairman of the County Council are absent;
- (b) When required by statute, to elect a Chairman;
- (c) When necessary, to appoint a member of the County Council to be Vice-Chairman;
- (d) Members' interests;
- (e) To consider whether the minutes of the last meeting of the County Council are a correct record;
- (f) Where necessary to appoint a member to fill a vacancy which has arisen on any committee;
- (g) To deal with business required by statute to be done at the meeting;
- (h) To deal with business specially brought forward by the Chairman;
- (i) To receive an address from a Cabinet Member under Standing Order **2.32** ~~2.34~~;
- (j) To consider a petition in accordance with the Petitions Scheme in accordance with Standing Order 3.43(a);
- (k) To deal with business remaining from the last meeting, if any;
- ~~(l) To consider notices of motion received in accordance with Standing Order 2.45;~~
- (l) To receive for consideration or approval any matter from a non-executive committee relevant to the business of that committee.**
- (m) To receive and consider strategies or plans within the Policy Framework and any departure or variations from them, and any report of a non-Executive committee where officers' recommendations have not been accepted;
- (n) To answer questions asked pursuant to Standing Order 2.41;
- (o) To consider notices of motion received in accordance with Standing Order 2.45;**

- (p) To consider any reports from scrutiny committees pursuant to Standing Order **7.12** ~~8.14~~;
 - (q) To consider any reports from the Health and Adult Social Care Scrutiny Committee under Standing Order **7.36** ~~8.39~~;
 - (r) To receive a presentation from an external or internal speaker, followed by questions to the speaker;
 - (s) To consider any information reports, including consultation reports by cabinet members;
 - (t) To receive an annual report from the External Auditor; and
 - (u) Other business (if any) specified in the summons.
- 2.24 The agenda shall specify a maximum period of 15 minutes for items (a) to (e) inclusive, together with any announcements which the Chairman considers appropriate; **25** ~~20~~ minutes for each address including questions under (i) (Cabinet Member statement on an urgent matter); 2 hours for item (n) (members' questions); and times for adjournment at 1 p.m. and for all business to conclude at 4.15 p.m. Items not commenced by 4.15 p.m. and any unfinished business shall be deferred to the following meeting.
- 2.25 The Chairman shall terminate the item or debate and call for any summing up to ensure that the item or debate concludes at the time specified on the agenda, subject to his or her discretion in all cases.
- 2.26 Other items held over from the previous meeting or otherwise on the agenda will be given such time as the Chairman considers appropriate.

Reports to Council

- 2.27 Subject to the waiver in Standing Order 4.12, a printed copy of the plans and strategies which are proposed to that meeting for inclusion within the Policy Framework or any proposed amendments or variations to them, shall be sent to every member and, so far as possible, shall be forwarded with the summons to attend such meeting. The papers shall include any recommendations on the plan or strategy made by the Cabinet, and by a scrutiny or non-executive committee, where the recommendation has not been accepted by the Executive in whole or in part, and any recommendations made by the Governance Committee on the Constitution.
- 2.28 All recommendations which are to be submitted to the County Council, so far as practicable, shall be set out clearly in the form of resolutions to be considered by the County Council.
- 2.29 The agenda shall include:
- (a) a report from members of the Cabinet, in accordance with Standing Order **2.35** ~~2.37~~.
 - (b) any reports from a scrutiny committee for debate.

- (c) a report from a non-executive committee on any matter where officers' recommendations have not been accepted, except where the chairman of the relevant committee considers that the non-acceptance or variation of an officer's recommendations does not warrant a report to the County Council.

2.30 No minutes or reports which have not been circulated shall be considered at the meeting.

Questions

During a Debate

2.31 A member of the County Council may without notice ask the relevant Cabinet Member introducing a debate on an item within the Policy Framework, or chairman introducing the report of a non-executive committee or a scrutiny committee in pursuance of Standing Order 2.29, any question upon the matter then before the County Council if the question is asked before the debate is concluded.

Cabinet Member Address

- 2.32 A Cabinet Member may address the Council on a matter of urgency and/or significant interest to the County Council and which relates to the powers and responsibilities of the County Council or which affects the county. The Leader will settle proposals for an address with the Chairman by the end of the day before the meeting of the County Council or, in cases of greater urgency, by 9.00 a.m. on the day of the meeting.
- 2.33 Members may ask questions (limited to one question per member) of the Cabinet Member on his or her statement subject to the time limit in Standing Order 2.34. A member shall have the right to put one relevant supplementary question arising from the reply to the original question put by him or her.
- 2.34 The time taken for an address by a Cabinet Member shall be limited to **ten** five minutes. Questions by members arising from the statement shall be limited to a total of 15 minutes.

Question Time Report

- 2.35 The Director of Law and Assurance shall prepare, in consultation with the Leader and individual cabinet members, a report summarising all matters of significance arising in cabinet portfolios since the previous meeting of the County Council. The report shall not be restricted to those matters on which decisions have been proposed or made.
- 2.36 The reports referred to in **2.35** ~~2.39~~ shall be distributed to all members with the summons and agenda; they shall be supplemented by further reports prepared in the same way, summarising those matters arising between the dispatch of the summons and agenda and the meeting of the County Council. The supplementary reports shall be made available to members by 9.30 a.m. on the day of the meeting.

- 2.37 A list of proposed items to be included in the reports distributed with the agenda shall be circulated electronically to all members nine working days before the meeting of the County Council to assist the preparation of written or verbal questions to cover any matters of concern to individual members.

[N.B. This will be on the Monday of the week before the meeting, when this is held on a Friday.]

Written Questions

- 2.38 Subject to the giving of the notice required by Standing Order 2.39, a member may ask a question on any matter in relation to which the County Council has powers or duties or which affects West Sussex (including any matter considered by the Executive, a scrutiny committee or non-executive committee). The subject should not already be on the agenda for the meeting and the Chairman may rule out any questions considered to be irrelevant or inappropriate. The question will be deferred for a later reply if it involves the expenditure of a disproportionate amount of time or money to prepare the answer. **Questions will be limited to no more than 150 words and answers will be limited to usually no more than 250 words.**
- 2.39 The notice of a question to be asked in pursuance of Standing Order 2.38 shall be in writing and shall be given to the Director of Law and Assurance no earlier than four weeks before the meeting and at the latest by 12 noon on the fifth working day before the meeting of the County Council at which the question is to be asked; the Chairman may allow this provision to be relaxed if, in his or her opinion, it would be an advantage to the County Council's business to do so.

[N.B. This will be by 12 noon on the Friday prior to the meeting when the County Council meets on a Friday.]

- 2.40 Each meeting of the County Council will receive answers to the first 10 such questions received. Further questions will be referred to the appropriate senior officer for a written reply and published in The Bulletin. There is a limit of two questions per member within the first 10 questions received except that, if fewer than 10 questions are received by the deadline, additional questions from a member who has already asked two questions will be answered up to the maximum of 10. Answers to written questions shall be circulated in writing by 12 noon on the day before the County Council meeting. Neither questions nor answers under this paragraph shall be argumentative or open to debate.

Question Time

- 2.41 Members may ask questions of cabinet members on matters contained within the Leader and Cabinet Member report, any supplementary report, written questions and any other question relevant to the portfolio area. Members may also ask questions of the Leader on anything which is currently relevant to the County Council. Questions may be asked without notice. There will be an indicative **ten** five-minute time limit for ~~answers to~~ questions, **answers** and any supplementary questions on a particular matter, ~~starting when the Cabinet Member has given his or her first answer,~~ subject to the Chairman's discretion to use his or her judgement to allow a longer period of questions for topics of particular interest or significance. Subject to that time limit and to the

Chairman's rights under Standing Order 3.18 or otherwise to deal with irrelevant, repetitive or offensive questions or other disorderly conduct, members may ask **one question and one** supplementary questions, ~~without limit~~. Neither questions nor answers shall be argumentative or open to debate.

- 2.42 Replies to questions under Standing Order 2.38 relating to executive functions shall be given by the relevant cabinet member; replies to questions relating to other business shall be given by the chairman of the relevant committee.
- 2.43 Where a reply to a question or supplementary question under Standing Order 2.41 cannot conveniently be given orally, it shall be sufficient if a written answer is sent as soon as possible to the member asking the question.
- 2.44 The Chairman shall expect and ensure that all questions and responses to questions shall be concise.

Notices of Motion

- 2.45 Except as provided by Standing Order 2.56, every notice of motion shall be in writing, signed by the member giving the notice, and shall be delivered to the Director of Law and Assurance, no later than noon on the seventeenth day before the next meeting of the County Council and no earlier than four weeks before the meeting.

[N.B. The deadline will be before noon on the Tuesday two weeks before that of the meeting, when this is held on a Friday].

- 2.46 A motion may be considered with less than the required notice if the Chairman decides that the matter is urgent i.e. it could not have been anticipated before the deadline for notices of motion, and that the proposer has given as much notice as was practical.
- 2.47 Every notice of motion shall be relevant to some question over which the County Council has power, or which affects the county as such. The Director of Law and Assurance will advise the Chairman accordingly.
- 2.48 The Chairman, in consultation with political group leaders, may decide that a motion shall be:
- (a) moved and debated at the next meeting (usually no more than two per meeting unless the Chairman determines otherwise); **or**
 - (b) ***deferred so that it can be considered for selection to be moved and debated at the following meeting*** ~~moved and referred to a cabinet member or non-executive committee at the next meeting;~~
 - (c) ~~moved at a later meeting;~~
 - (d) ~~moved and referred to a cabinet member or non-executive committee at a later meeting; or~~
 - (e) ~~dealt with outside the meeting.~~
- 2.49 ***Any notice of motion not selected for debate after two meetings (not***

including the February Council meeting where the budget debate takes precedence) will fall away and cannot be resubmitted before six months from the date of the Council meeting for which it was last considered for selection.

2.50 ~~2.49~~ Notice will be given to the proposer of the motion by the Friday two weeks before the meeting of the County Council as to the course of action determined by the Chairman.

~~2.50—Where the Chairman determines that the issue raised in a motion shall be dealt with outside the meeting, the proposer will be informed by the Director of Law and Assurance in writing and will subsequently receive a response from the relevant cabinet member or non-executive committee chairman.~~

Motions to be Debated

2.51 All notices of motion properly given and accepted for debate by the Chairman shall be numbered by the Director of Law and Assurance in the order in which they are received and shall be entered with the date of reception in a book, kept at the office of the Director of Law and Assurance and open to inspection by any member.

2.52 The Director of Law and Assurance shall insert in the summons for a meeting of the County Council all notices of motion which the Chairman has agreed will be taken at that meeting (unless any have been previously withdrawn).

2.53 ***For motions*** which the Chairman determines shall be debated, ~~shall be dealt with at the meeting to which they are brought forward provided:~~

~~(a)—That notwithstanding Standing Order 2.63, the Chairman shall have the discretion to allow the relevant cabinet member or the chairman of a non-executive committee a right of reply after any reply by the proposer of the motion immediately before such motion is put to the vote.~~

~~(b)—That the Chairman may, if he or she considers it convenient and conducive to the dispatch of business, allow such motion to stand referred to the relevant cabinet member or non-executive committee. In such instances motions relating to an executive matter shall, upon being formally moved and seconded without speeches, stand referred to the relevant cabinet member for consideration. The response of the Cabinet Member shall be published in The Bulletin; it shall be reported to the next ordinary meeting of the County Council. The Cabinet Member's response will not be final until it has been reported to the next ordinary meeting of the County Council for debate in relation to the original motion.~~

~~(c)—When the County Council considers such a report the member giving the notice shall have the rights of the proposer of an original motion.~~

~~(d)—That the member giving the notice of motion shall be entitled to attend and speak at the meeting of the Cabinet or when the matter is to be considered by a cabinet member, or at any non-executive committee to which a motion stands referred, and shall have the same notice of that meeting as provided for by Standing Order 3.12.~~

- ~~(e) That if following action resulting under Standing Order 2.53(d) above, the proposer, seconder and the responder are in agreement on a course of action, they may agree that the motion will not be put before the Council for debate but will be withdrawn. In such circumstances a statement to that effect will be published in The Bulletin.~~

Briefing Notes for Motion

- 2.54 The relevant Executive Director shall prepare a full briefing note on factual background information to **a** the motion **selected for debate** and shall circulate it to all members of the County Council by not later than the end of the Friday of the week preceding the County Council meeting. ~~Where motions are referred the briefing note will be circulated by not later than the end of the Wednesday preceding the Council meeting. If a motion will not be moved until a future meeting, the briefing note will not be issued until that meeting, to the same timescales. If the topic is to be dealt with informally, a briefing note will not be produced.~~

Whether a Motion is in Order

- 2.55 A motion cannot be in order if it attempts to rescind, reverse or is inconsistent with any decisions made within the preceding six months. The only exceptions are:
- (a) The right of the Leader to challenge a decision of the County Council under Standing Orders 2.67 to 2.71 (Disputes Procedure); and
 - (b) The notice required in Standing Order 2.45 bears the names of at least a quarter of the County Council in addition to the proposer.

[N.B. This Standing Order is relevant only to motions moved by members at County Council meetings and not to recommendations of committees.]

Motions that may be Proposed without Notice

- 2.56 Any of the following motions may be proposed without notice:
- (a) To appoint a chairman of the meeting;
 - (b) To amend a motion;
 - (c) To exclude the public;
 - (d) Motions relating to the accuracy of the minutes, to closure, adjournment, order of business or next business;
 - (e) To receive or approve a report from an officer or to adopt a recommendation of a committee or sub-committee;
 - (f) To appoint a special committee or sub-committee to consider a matter referred to in the summons to the meeting;
 - (g) ~~Subject to the Chairman's discretion under Standing Order 2.48, To~~ **agree** that a matter be referred to or referred back to the Executive or a non-executive committee;

- (h) That leave be given to withdraw a motion;
- (i) To give the consent of the County Council, where it is required by these Standing Orders;
- (j) To suspend a Standing Order or Standing Orders at the meeting in accordance with Standing Order 1.05;
- (k) That the member named be not further heard, or that the member named leave the meeting; and
- (l) That the question be put or that the debate be adjourned or that the County Council adjourn, made in accordance with Standing Order 3.17.

Rules of Debate applicable to the County Council only

General

- 2.57 A member shall stand when speaking and shall address the Chair.
- 2.58 A member shall direct his or her speech to the question under discussion or to a personal explanation or to a question of order. ***Each member may speak for up to five minutes, with the exception of speeches in the annual budget debate, which are not timed and petition debates under Standing Order 3.43 (a) where members can speak for up to three minutes.***
- 2.59 A member shall not speak more than once on any motion, except to move a further amendment, or on any amendment, except in the exercise of a right conferred by any of the following Standing Orders, that is to say, Orders 2.63, 3.16, 3.18 and 3.29.
- 2.60 Under Standing Order 2.56, the proposer of a motion without notice shall have no right of reply. This includes movers of amendments and references back. The exception to this is proposers under Standing Order 2.56(e).

Notices of Motion

- 2.61 The proposer of a motion may speak for up to five minutes. The member responding to the motion (a cabinet member or committee chairman) will also be able to speak for five minutes. All following speakers may speak for up to five minutes each.
- 2.62 When a motion is under debate no other motion shall be moved except to amend the motion, to postpone its consideration, or to refer it to the appropriate cabinet member or non-executive committee. However, this Standing Order shall not prevent a member from moving at the appropriate time a motion in accordance with Standing Orders 2.56(b), (h), (j), (k) and (l), 2.63, 3.17, 3.18 and 3.35.
- 2.63 Subject to Standing Orders 2.53(a) and 2.60, the Chairman shall have the discretion to allow the relevant cabinet member or chairman of a non-executive committee a right of reply after any reply by the proposer of a motion immediately before such motion is put to the vote. If an amendment is proposed, the proposer of the original motion and then the Cabinet Member

shall be entitled to reply at the close of the debate upon the amendment. A proposer, in exercising his or her right of reply, shall confine himself or herself to answering previous speakers and shall not introduce any new matter into the debate.

- 2.64 Any member who has given notice of motion in accordance with Standing Order 2.45 may, with the consent of the Chairman, vary its terms or language, provided that in so doing he or she does not alter its substance.
- 2.65 If a motion, referred to in the summons, is not moved either by the member who has given the notice, or by some other member on his or her behalf, it shall be treated as abandoned and shall not be moved without fresh notice, unless postponed by consent of the County Council.

Quorum

- 3.09e When a member is unable or unwilling, for good reason, to attend a meeting of the Council in the chamber due to public health concerns, the Chairman will allow the member to participate virtually via video conferencing, when the facility is available. This will be treated as attendance at the meeting but members attending remotely cannot vote or count for the purpose of calculation of the quorum of the meeting. Members participating remotely may take part in information and non-decision items only, namely the items of business set out in Standing Order 2.23 (d), (e), (i), (j) (save for a vote on any proposition), (k) (save for any decision items or voting required), (n), ~~(o)~~, **(p)**, (q), (r), (s), and (t) **and (u)** (save for any decision items or business requiring a vote).

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Governance Committee: Minor Changes to the Constitution, including Regulation, Audit and Accounts Committee terms of reference

Background and context

- 1** The Regulation, Audit and Accounts Committee is responsible for a wide range of the Council's non-executive functions that cannot be exercised by the Cabinet. The 'regulation' aspect of the Committee covers a range of regulatory and licencing functions, most of which are delegated to officers.
- 2** Officers have reviewed this section of the Committee's terms of reference and a number of changes to legislation in recent years have meant that changes are required to the terms of reference. The delegated activities have continued without any disruption. The terms of reference, which are set out in Part 3, Appendix 5 of the Constitution, therefore need to be updated to reflect current statutory responsibilities.
- 3** A number of other minor changes to the Constitution are also proposed.

Proposal details

Regulation, Audit and Accounts Committee

- 4** The proposed changes to the Regulation, Audit and Accounts Committee's terms of reference are **set out at Appendix 1**. As well as updating references, the officer delegation is listed more consistently, to make it clearer to the Committee where the delegation is made.
- 5** Minor updates are set out about premises licenced for marriages and civil partnerships as well as for dealing with explosives applications. The former requirements for an explosives panel were removed by more recent legislation, so public hearings would now be delegated to officers.
- 6** The most substantial change is that the Council no longer has any role in licencing of poisons. This is now carried out by the Home Office. Petroleum Licences is a continuing function that is highlighted more clearly in the terms of reference.

Other minor changes

- 7** Other minor changes to the Constitution are proposed, mostly consequential to previous changes in the Constitution, to ensure that the document is consistent. These are **set out at Appendix 2**.
- 8** The Propco Panel is now obsolete due to the establishment of the Joint Venture Partnership which will deal with investment plans for Council controlled land. Its governance arrangements have previously been approved and the Performance and Finance Scrutiny Committee has been updated on the progress of the joint venture. The Panel's terms of reference are therefore recommended for deletion from the Constitution, as set out at Appendix 2.
- 9** As previously agreed, all scrutiny committees are now able to refer a significant matter to the County Council and the Performance and Finance Scrutiny Committee no longer has a co-ordinating role. Further consequential changes are required to the Constitution as set out in Appendix 2.

Recommended

- (1) That the proposed changes to Part 3, Appendix 5 of the Constitution, as set out in Appendix 1, be approved; and
- (2) That the minor changes to the Constitution, as set out in Appendix 2, be approved.

Pete Bradbury

Chairman of Governance Committee

Contact Officer: Charles Gauntlett, Senior Democratic Services Officer, 033 022 22524 charles.gauntlett@westsussex.gov.uk

Appendices

- Appendix 1 - Regulation, Audit and Accounts Committee, updates to licencing and regulatory legislation
- Appendix 2 - Proposed minor changes to other sections of the Constitution

Background papers

None

Regulation, Audit and Accounts Committee, updates to licencing and regulatory legislation

(additions shown in bold, italic text, deletions struck through)

The following updates are needed for RAAC's terms of reference, being updates to relevant legislation and a change to the officer scheme of delegation. Consequential changes to the officer scheme of delegation are also set out.

Part 3, Scheme of Delegation, Appendix 5

Regulatory Functions

12. To agree revisions to the County Council's Standing Orders on Procurement and Contracts, Financial Regulations and Risk Management Procedures.
13. To oversee the production of the County Council's Annual Governance Statement and to recommend its adoption.
14. To monitor the effective development of risk management, including annually agreeing the Council's risk approach as detailed in the Risk Management Strategy.
15. To monitor and approve any changes to the County Council's anti-fraud and corruption strategy.
16. To exercise the powers and duties of the County Council in relation to the approval of premises for the solemnisation of marriages **and formation of civil partnerships** under the Marriages (Approved Premises) Regulations 1995 **as amended (delegated to the Director of Communities)**.
17. To exercise the requirement under Regulation 9 of the Marriages **and Civil Partnership** (Approved Premises) Regulations **2005** ~~1995~~ to hear and determine formal representations from applicants **who have had an application refused or revoked and have requested a review to the Proper Officer for Registration** ~~and the public and those registered under the Marriage Act 1949, such.~~ **This** power to be exercised by any three members of the Committee appointed by the Director of Law and Assurance after consultation with the Chairman of the Committee.
18. To make, amend, revoke or re-enact byelaws under any provision of any enactment (including a local Act), whenever passed, and Section 14 of the Interpretation Act 1978 (c.30).
19. To exercise the powers and duties of the County Council in relation to **Petroleum Storage Certificates** ~~the licensing of medicines, pharmacy and poisons under Sections 3(1)(b)(ii), 5, 6 and 11 of the Poisons Act 1972 (c.66)~~ **(Delegated to the Director of Environment and Public Protection)**.
20. To exercise the powers and duties of the County Council in relation to the Manufacture and Storage of Explosives Regulations **2014** ~~2005~~ (delegated to the Director of **Environment** ~~Waste~~ and Public Protection, **including for any public hearing required**).
21. To issue permits for operation of mini-buses under Section 19 Transport Act

1985 (delegated to the **Director for Highways, Transport and Planning** Executive-Director-Place-Services).

22. To license the employment of children under Part II of the Children and Young Persons Act 1933 (c.33), byelaws made under that Part and Part II of the Children and Young Persons Act 1963 (c.37) (**delegated to the Director of Education and Skills**).
23. To issue, cancel, amend or replace safety certificates for regulated stands at sports grounds under Part III of the Fire Safety and Safety of Places of Sport Act 1987 (c.27) (**delegated to the Chief Fire Officer**).
24. To issue, cancel or amend or replace safety certificates (whether general or special) for sports grounds under the Safety of Sports Grounds Act 1975 (**delegated to the Chief Fire Officer**).
25. To review and adjust delegations to officers within the functions delegated to the Committee.
26. To delegate powers, when appropriate and on the recommendation of the Director of Law and Assurance, to another local authority including a borough or district council and to be able, subsequently, to review, amend or withdraw that delegation.
27. To consider a petition in accordance with the Petitions Scheme in accordance with Standing Order 3.43 (b)

Explosives Act Applications Panel

Constitution

~~A sub-committee of the Regulation, Audit and Accounts Committee comprising the Chairman of the Regulation, Audit and Accounts Committee, an Adviser to the Cabinet Member for Community Support, Fire and Rescue and the local member of the County Council for the application site. Quorum is three.~~

Terms of Reference

- ~~1. To consider and determine applications under the Manufacture and Storage of Explosives Regulations 2005.~~

Part 3, Officer Scheme of Delegation, Appendix 3

R. Registration Services

107	Subject to the Regulation, Audit and Accounts Committee's terms of reference, to exercise all the powers and duties of the County Council under the Marriages (Approved Premises) Regulations 1995, as amended .	Director of Communities	
108	To determine and adjust the fees charged by the County Council under the Marriages (Approved Premises) Regulations 1995, as amended , subject to such fees being set at a level to recover the full cost of the service.	Director of Communities	In consultation with Director of Finance and Support Services
109	To employ additional part-time staff on a self-financing basis for the purpose of implementing the Marriages (Approved Premises) Regulations 1995, as amended .	Director of Communities	

V. Trading Standards/Public Analyst

135	To approve the fees chargeable relating to Weights and Measures legislation, the Poisons Act 1972 , the Manufacture and Storage of Explosives Regulations 2014 2005 and the Petroleum (Consolidation) Regulations 2014 and to approve a reduced fee where it is appropriate to do so.	Director of Environment and Public Protection	
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Minor Changes to the Constitution

(Additions shown in bold italic type, deletions struck through)

Part 2

Code of Conduct

2.16 As well as clear standards of conduct for officers and members, the County Council has a firm commitment to human rights and equalities in policy, provision of services and employment. It is also committed to openness and transparency. It has a ~~Confidential Reporting Policy~~ (Whistle blowing ***Policy***) for officers and contractors. Details of the access to information and documents are set out in Standing Orders (Part 4, Section 1).

Part 3

Appendix 8 – Scrutiny Committees

Clarification that any scrutiny committee can make a report to Council, it is no longer co-ordinated by the Performance and Finance Scrutiny Committee.

To be added to the terms of reference for all other scrutiny committees in appendices 8B, 8C, 8D and 8E:

'To identify major items of work undertaken by Scrutiny Committees to be reported to meetings of the County Council for debate, with the intention that no more than one item will be reported to any one meeting of the County Council.'

Appendix 11 - PropCo Panel

Delete the terms of reference of the Panel as it is now obsolete, and renumber subsequent appendices.

~~PropCo Panel~~

~~Constitution~~

~~An advisory Panel to the Cabinet Member for Finance and Property comprising up to five members of the County Council including the Cabinet Member. Members will be appointed by the Council on the recommendation of the Cabinet Member for Finance and Property, in consultation with the Leader, from among those best qualified to serve on the Panel. Quorum is two.~~

~~Terms of Reference~~

~~To be consulted by and to give advice to the Cabinet Member and to receive advice from relevant senior officers in relation to:~~

- ~~1. The acquisition of land and property for the purpose of investment or development.~~
- ~~2. The plans and action to achieve a return on investments.~~
- ~~3. The relationship of such action and plans with the Capital Programme.~~
- ~~4. The arrangements with any company established to develop, manage or hold land or property acquired for investment by the County Council.~~
- ~~5. In undertaking its work the Panel can co-opt or seek advice (usually pro bono) from professional and specialist advisers.~~

Part 4, Section 1

Standing Orders on Scrutiny Committees

- 7.12 ~~The Performance and Finance~~ **A** Scrutiny Committee may identify major items of work undertaken ~~by scrutiny committees~~ or matters relating to the systems and arrangements for scrutiny to be reported to meetings of the County Council for debate with the intention of not proposing more than one item to be reported to any one meeting of the County Council.

Regulation, Audit and Accounts Committee: Arrangements for appointment of an External Auditor

Introduction

- 1** The Council's current external auditor is Ernst & Young LLP (EY) for both West Sussex County Council and West Sussex Pension Fund. This appointment followed the full Council's approval in November 2016 to opt-in to the Public Sector Audit Appointments Limited (PSAA) arrangements for the purposes of the appointment of an external auditor under the provision of the Local Audit and Accountability Act 2014 and the requirements of the Local Audit (Appointing Person) Regulations 2015. The contract was for the period 1 April 2018 to 31 March 2023.

Options for the local appointment of an External Auditor

- 2** There are three options open to the Council to appoint an external auditor under the Local Audit and Accountability Act 2014 (the Act):

Option 1 – make a stand-alone appointment

This would require the Council to set up an Auditor Panel. The members of the panel must be wholly or a majority of independent members as defined by the Act. Independent members for this purpose are independent appointees, this excludes current and former elected members (or officers) and their close families and friends. This means that elected members will not have a majority input to assessing bids and choosing which firm of accountants to award a contract for the County Council's external audit. A new independent Auditor Panel established by the Council would be responsible for selecting the auditor. Setting up a panel would allow the Council to take maximum advantage of the local appointment regime and have local input to the decision. However, the panel would need to be established and a procurement exercise would need to be supported which would generate a cost and the Council would not be able to take advantage of reduced fees that may be available through joint or national procurement contracts.

Option 2 – set up a joint Auditor Panel/local joint procurement arrangements

The Act enables the Council to join with other authorities to establish a joint auditor panel. Again this will need to be constituted of wholly or a majority of independent appointees (members). Further legal advice would be required on the exact constitution of such a panel having regard to the obligations of each Council under the Act. Under this option, the costs of setting up the panel, running the bidding exercise and negotiating the contract will be shared across a number of authorities and there would be greater opportunity for negotiating some economies of scale by being able to offer a larger combined contract value to the firms. However, the decision-making body will be further removed from local input, with potentially no input from elected members where a wholly independent auditor panel is used or possible only one elected member representing each Council, depending on the constitution agreed with the other bodies involved. In addition, the choice of auditor could be complicated where individual councils have independence issues. An independence issue occurs where the auditor has recently or is currently carrying out works such as consultancy or advisory work for the Council. Where this occurs some auditors may be prevented from being appointed by the terms of their professional standards. There is a risk that if the

joint auditor panel choose a firm that is conflicted for West Sussex County Council then we may still need to make a separate appointment with all the attendant costs and loss of economies possible through joint procurement.

Option 3 – Opt-in to a Sector Led Body appointed by the Secretary of State under the Act

This is our current approach with PSAA as the Sector Led Body (SLB). A SLB would have the ability to negotiate contracts with the firms nationally, maximising the opportunities for the most economic and efficient approach to procurement of external audit on behalf of the whole sector. The costs of setting up the appointment arrangements and negotiating fees would be shared across all opt-in authorities and by offering large contract values the firms would be able to offer better rates and lower fees than are likely to result from local negotiation. Any conflicts at individual authorities would be managed by the SLB who have a number of contracted firms to call upon. The appointment process would not be ceded to locally appointed independent members. However, individual elected members will have less opportunity for direct involvement in the appointment process other than through the Local Government Association and/or stakeholder representative groups.

Latest Position

- 3** The Secretary of State has again confirmed PSAA in the role of the appointing person for eligible principal bodies for the period commencing April 2023 under regulation 3 of the Local Audit (Appointing Person) Regulations 2015. For the audit of the 2023/24 accounts onwards, for a five-year period up to 2027/28, PSAA will appoint an auditor to relevant principal authorities that choose to opt into its national collective scheme.
- 4** In September 2021, PSAA invited all eligible principal local government bodies to opt-in to the national auditor appointment arrangements. The length of the compulsory appointing period is the five consecutive financial years commencing 1 April 2023. Formal acceptance to this invitation is required by 11 March 2022 and the decision to accept the invitation and to opt-in needs to be made by full Council.
- 5** The Redmond Review was undertaken in 2019 to consider the arrangements in place to support the transparency and quality of local authority financial reporting and external audit. One of the problems highlighted in the Redmond Review was the fragility of the local audit market. In recognition, central government has recognised that the regulations to ensure that PSAA can set fees that better reflect the cost of undertaking the audit need to be reviewed and have recently consulted on this.
- 6** In addition, central government will provide the sector additional funding in 2021/22 to support affected local bodies to meet the anticipated increase in auditor fees and to meet new burdens on councils as a result of new reporting requirements. Central government will continue to monitor the financial impact of auditor fees on local government in future years.
- 7** Balancing the benefits and risks outline above, it is recommended that the Council continues with the current arrangement (Option 3), as a means of appointing External Auditors from April 2023.

Finance & Resource Implications

- 8** The breakdown for audit fees for both West Sussex County Council and West Sussex Pension Fund for 2019/20 and 2020/21 is set out below.

West Sussex County Council audit fees

	Final Fee 2018/19	Final Fee 2019/20	Planned Fee 2020/21
Scale fee	90,561	90,561	90,561
Scale fee variation	3,000		
Planned 2019/20 recurrent fee variation reflecting underlying level of additional risk at the Council (yet to be agreed by PSAA)		66,426	66,426
Risk based fee variations		60,500	TBC
Total fees	93,561	217,487	TBC

West Sussex Pension Fund audit fees

	Final Fee 2018/19	Final Fee 2019/20	Planned Fee 2020/21
Scale fee	20,364	20,364	20,364
2019/20 recurrent fee variation reflecting underlying level of additional risk at the Council (as agreed by PSAA for 2019/20)		12,800	33,533
Additional work (including IAS 19 assurance work on behalf of admitted bodies)	5,500	21,500	9,000
Total fees	25,864	54,664	62,897

- 9** Over the last couple of years, the level of audit fees has increased significantly for both West Sussex County Council and West Sussex Pension Fund reflecting the regulatory and compliance audit requirements which were not present in the market at the time of EY's most recent bid to PSAA.
- 10** Option 3 is considered to provide the best value for money for the Council and Pension Fund to procure external auditors from 2023/24 onwards for a five-year period.

Recommended

That the invitation from the Public Sector Audit Appointments Limited (PSAA) to continue to be an opt-in authority for the purposes of the appointment of an external auditor for both West Sussex County Council and West Sussex Pension Fund, for the period 1 April 2023 to 31 March 2028, under the provision of the Local Audit and Accountability Act 2014 and the requirements of the Local Audit (Appointing Person) Regulations 2015, be accepted.

Nigel Dennis

Chairman of Regulation, Audit and Accounts Committee

Contact Officer: Vicky Chuter, Financial Reporting Manager, 033 022 23414
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Background papers

None

Cabinet Report: Delivering Our Council Plan 2021-25

This report sets out the key strategic decisions, policy and programme initiatives, consultations, government announcements and key events within each Cabinet portfolio area to deliver our strategic priorities.

Leader – Paul Marshall

- The Leader, Deputy Leader and Cabinet Member for Finance and Property represented the County Council at the [County Councils Network Annual Conference](#) from 21 to 23 November 2021. This was one of the first in-person local government events since early 2020. Over 200 delegates heard from expert and high-profile speakers including Secretary of State for Levelling Up, Housing and Communities and Gillian Keegan, Minister of State for Care. The agenda covered a wide range of topics, including Levelling Up, the future of adult and children’s social care and the role of counties in delivering net zero emissions.
- **Crawley is bidding to become a city** as part of the 2022 national [Civil Honours Competition](#) to mark the Queen’s Platinum Jubilee. The County Council is supporting this bid, which recognises Crawley as a growing, vibrant and diverse regional and national centre for economic, social and cultural activity. The economic boost from obtaining city status could be significant for residents and businesses in Crawley and to the wider West Sussex economy.

Adults Services - Amanda Jupp

- The County Council, East Sussex County Council and Brighton and Hove City Council have been awarded just over £3.1m of government funding to implement the duty placed on local authorities under the [Domestic Abuse Act 2021](#). The Cabinet Member for Adults Services will be asked to agree a Sussex-wide Domestic Abuse Accommodation and Support strategy to be published in early January 2022, setting out how the councils will protect and assist survivors of domestic abuse in safe accommodation. Residents are being asked for their views on the draft strategy via [an online survey](#) which will help shape how funding will be invested in services. The survey is open until 19 December 2021.
- [The Joint Carer Strategy 2021-26](#) (PDF, 521KB) has been endorsed by the West Sussex Health and Wellbeing Board at its last meeting on 7 October 2021. The refreshed strategy provides a clear direction of travel for carer identification and support in West Sussex, having been developed with carer engagement for all ages as well as wider stakeholders. Key aims of the Strategy are to ensure carer recognition, provide targeted support, advance equality of access, ensure contingency planning for young carers, limit financial hardship and reduce carer isolation. The Board will monitor progress of the strategy against its key aims.
- The Cabinet Member for Adults Services, as Chairman of the [Learning Disability Partnership Board](#), has supported work on raising **Learning Disability Awareness**. Partner organisations, including the NHS, Voluntary Sector and district and borough councils have been assessing health

inequalities with the focus on life expectancy, reasonable adjustments to make sure people can access services and digital inclusion. A specific set of targets are being set, identifying the actions required to achieve results as set out in a [report](#) (PDF, 65.4KB) to the [West Sussex Health and Wellbeing Board](#). The Board will monitor progress over the next year.

Children and Young People (Lead Member for Children) – Jacquie Russell

- The strong commitment of County Council social worker Vivian Okeze-Tirado in advancing equality, diversity, and inclusion in the workplace and society was acknowledged at the recent [Social Worker of the Year Awards](#). Vivian was named category winner of the 'Social Justice Advocate of the Year' award and her dedication was also recognised by the Social Work Awards Board of Trustees who determined that, from all the category winners, she should be awarded the prestigious accolade of '[Overall Social Worker of the Year](#)'.
- The Cabinet welcomed the Chair of the Youth Cabinet to a recent meeting to provide an [address on the Youth Cabinet's activities, campaigns and future plans](#). The Youth Cabinet's [regular engagement](#) (PDF, 132KB) with the Cabinet Member for Children and Young People and the Children and Young People's Services Scrutiny Committee was also highlighted. This provides further opportunity for the voice and experiences of young people to be heard and taken into account, building a better understanding of the issues that affect them.
- The [Exceptional People in Care \(EPIC\) awards](#) have taken place, recognising the many achievements of children in care and of care leavers. The ceremony was superhero-themed and a total of 15 awards were on offer with categories including 'Big Hearts and Big Strength', 'Children we care for Young Person of the Year 2021', 'Care Leaver of the Year 2021', and 'Best Foster Carer 2021'.

Learning and Skills – Nigel Jupp

- **Work has started to [create a new college at Woodlands Meed](#)** following the signing of a development agreement with the school's governors. An [increased budget](#) for the project was recently approved, reinforcing the County Council's ongoing commitment to significantly improve facilities for pupils at the site. The [rebuilding project](#) will lead to the creation of a compliant college building with new classrooms, a hydrotherapy pool, new outdoor learning space and high quality sporting facilities.
- Funding has been approved to create 28 extra Special Support Centre (SSC) places as part of a **wider programme to deliver 82 additional SSC places across the county**. SSCs are located in mainstream schools and provide additional support for children with an Education Health and Care Plan for Special Educational Needs and Disabilities (SEND). The additional places created at two primary schools - [St Margaret's](#) in Angmering and [West Park](#) in Worthing and the secondary school [Felpham Community College](#) will enable more children with SEND to attend school in their local area, helping to meet a key objective of the County Council's [SEND and Inclusion Strategy 2019 - 2024](#) (PDF, 1.75MB).

- Following the success over the summer of the [Holiday Activities and Food Programmes](#), the County Council has been working with various organisations so children eligible for free school meals can attend a holiday club or activity and have a hot meal during the Christmas break. They will provide healthy and nutritious meals for all children attending, a wide range of fun and enriching activities, education around healthy eating and preparing food and a safe space for children to interact with others.

Community Support, Fire and Rescue – Duncan Crow

- The County Council's Communities Team has been working alongside Sussex Police and the Police & Crime Commissioner for the last six months to put together a bid for the latest round of the [Safer Streets Fund](#) which has a particular emphasis on the safety of women and girls. The Cabinet Member for Community Support, Fire and Rescue has announced that the partnership has been awarded nearly £1m from the Fund. [Safeguarding residents](#) is a key priority for the council and this money will be used to ensure that residents are supported to feel as safe as possible.
- Following investigation, [West Sussex Trading Standards](#) has secured a prison sentence for a [rogue trader who conned elderly people](#) into having home improvements which then proved to be sub-standard. Trading Standards is encouraging those considering having work undertaken to access its '[Buy with Confidence](#)' webpage and use a Trading Standards approved 'Buy with Confidence' trader'. Anyone concerned about a rogue trader can [contact Trading Standards online](#) or via Citizens Advice 03454 040506.
- Work is due to get underway at the site of the [West Sussex Fire & Rescue Service Horsham Fire Station and Training Centre](#). The site will be home to a new 24-hour fire station for Horsham, along with an industry leading training centre, including a live fire training facility and road traffic collision training area. The new fire station will incorporate best practice around firefighters' health and wellbeing, including improved contamination management for firefighters returning from incidents. The facility will incorporate renewable energy sources, such as solar panels and air source heat pumps to provide heating, as well as electric vehicle charging points, in-line with the County Council's drive to become carbon neutral by 2030.
- West Sussex Fire & Rescue Service has launched a public consultation on proposals for the [Community Risk Management Plan \(CRMP\) 2022-26](#). This is a key opportunity for residents and partners to [have their say](#) on the proposals. Responses will be assessed and used to inform the final CRMP which is due to launch in spring 2022. The Cabinet Member for Community Support, Fire and Rescue encourages all to take part in the consultation by the closing date of 21 January 2022.

Environment and Climate Change (and Deputy Leader) – Deborah Urquhart

- The County Council has published its first [Climate Change Annual Report](#) (PDF, 1.1MB). A new capital investment fund of £10m for climate change projects including decarbonisation is being developed and, to-date, £442,000 is allocated to projects supporting reduction of the County Council's biggest carbon source – heat demand from schools. In addition, decarbonisation plans are being produced for 50 of the largest corporate sites as part of an ongoing

plan to achieve the goal of carbon neutral in the County Council's operations by 2030. In partnership with six district and borough councils, a contract has been let to create a publicly accessible and affordable electric vehicle chargepoint network across the county, which will be powered by renewable energy.

- [Local Nature Recovery Strategies \(LNRS\)](#), a flagship measure in the [Environment Act 2021](#), are a new system of spatial strategies for nature that will plan, map, and help drive more coordinated, focused action and investment in nature's recovery; the County Council will have a significant role in the preparation of the LNRS that will cover West Sussex. Emerging nature improvement initiatives in Sussex will help to inform the LNRS and also help to deliver it. This includes the ambitious [Weald to Waves](#) project, which brings together major landowners in Sussex to seek to create a contiguous thriving wildlife corridor, 50 miles in length, from the Climping Gap near Littlehampton to the Ashdown Forest.

Highways and Transport – Joy Dennis

- The County Council's [winter gritting operations](#) will grit 42% of the county's highway network when ice or frost is expected; grit is applied to [priority routes](#) as it is not possible to grit every road in the county. During the winter season (October to April) detailed weather forecasts are closely monitored and, when required, a fleet of 19 gritters is deployed to undertake precautionary gritting and snow clearance. In support of these operations, there are also many very active communities with local winter plans, salt bins and equipment across West Sussex.
- Since COVID-19 restrictions eased and schools reopened, the County Council's Bikeability team has been [teaching children how to ride safely](#) and more than 5,000 young people have been trained so far this year. Bikeability (formerly Cycle Proficiency training) is designed to give children the skills and confidence for cycling on today's roads. The theme of [Road Safety Week 2021](#) was road safety heroes, celebrating the work of road safety professionals.

Public Health and Wellbeing – Bob Lanzer

- Throughout October, the organisations in the Smoke Free West Sussex partnership (led by the County Council) have supported the [Stoptober campaign](#) - an annual Public Health England stop smoking challenge, encouraging and supporting smokers to make a quit attempt during October. To evaluate the public awareness and visibility of the 2021 Stoptober campaign, the County Council's Public Health team is conducting an [online survey](#), which is anonymous and takes only a few minutes to complete. The answers will be used to help improve future campaigns and support smokers in their quit attempts.
- The Cabinet Member for Public Health and Wellbeing recently visited the **Integrated Sexual Health Services Hub** at St Richard's Hospital, Chichester, to meet staff and find out more about how services have continued during the COVID-19 pandemic. The service, commissioned by WSCC Public Health and funded by a ring-fenced Public Health Grant, has adapted services to meet population need, including introducing an [online central booking triage system](#), followed by a telephone conversation with staff to assess if a face-to-face

appointment is required, and [the introduction of online testing](#). The Hub is one of three Hub clinics across the county to reinstate face-to-face clinics for patients following triage; [face-to-face appointments are also available at Worthing and Crawley Hubs](#).

- **Management of the Council's Public Health COVID-19 response** and recovery remains vitally important and is regularly reviewed to ensure ongoing, robust preparedness, flexing to the demands of the pandemic as it evolves. To control and manage the virus, mitigating risk, public health activity continues across many areas, including surveillance/intelligence, outbreak control/management, specialist public health advice, and addressing inequalities including access to testing and vaccination. Significant Public Health resource remains allocated to the COVID-19 response and this is likely to continue into the winter and possibly beyond, depending on how the pandemic progresses.

Support Services and Economic Development – Steve Waight

- The COVID-19 pandemic and the national requirement to lock down and work from home introduced for some staff a significant unplanned change to how the County Council operates. The Council is now looking to evaluate the impact of those changes and identify the risks and possible opportunities they highlight. A **Smarter Working** project team will consider current and future service requirements and location of physical workspace. It will focus on requirements of customers and staff wellbeing; IT requirements; cost and cost recovery of any changes and opportunities to support CO2 reduction and rationalise the County Council estate. It is anticipated that Stage 1 of the project will complete in late spring 2022.
- The County Council-supported Arun District Council Growth Partnership has been successful in securing a £19.4m award from the [government Levelling Up Fund](#). The money will support Arun area regeneration and focus on The Alexandra Theatre in Bognor Regis and the seafront and riverside area in Littlehampton. The intention is to enhance facilities for residents and attract visitors and new business to the area which will boost the local economy. The County Council, through its Growth Deal with Arun District Council, will be **supporting the delivery of the Levelling Up funded projects** and complementing them with proposed investment in two projects, enhancing the public realm and crossing facilities at Littlehampton train station and improvements at the esplanade in Bognor Regis.

Contact Officer: Helen Kenny, Head of Democratic Services, 033 022 22532, helen.kenny@westsussex.gov.uk

Background papers

None

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Motion on Speed Limits

- 1 The Chairman of the County Council referred the notice of motion on speed limits submitted by Cllr O’Kelly to the County Council on 16 July 2021, to the Cabinet Member for Highways and Transport for consideration.
- 2 The motion called on the Cabinet Member to introduce a more flexible policy on speed reduction including the 20mph limit and called on her to work with residents and partners to implement a change in speed limit reducing it to 20mph when certain conditions were met.
- 3 The Cabinet Member met Cllr O’Kelly on 22 September to discuss the motion. In accordance with the [briefing note](#) submitted to County Council on 16 July (item 11c), the Cabinet Member confirmed that she was intending to review the County Council’s Road Safety Strategy and associated speed limit policy.
- 4 It was also confirmed that the County Council had already adopted a clear process and policy which allowed for 20mph speed limits and there were many such speed limits in place across the county.
- 5 The Cabinet Member agreed that promoting active travel was a priority for the County Council but considered that the focus of the motion was too narrow and that a range of other measures (such as Quiet Lanes, speed management and casualty reduction schemes) should also be considered when reviewing the Road Safety Strategy.
- 6 The Cabinet Member also advised Cllr O’Kelly that she had recently appointed an Adviser to a Cabinet Member for Road Safety and was considering an Executive Task and Finish Group to assist with the review.
- 7 For these reasons, the Cabinet Member was unable to support the motion as submitted.
- 8 As a result of the discussion, Cllr O’Kelly advised that she would seek to revise the motion, taking into account the points raised at the meeting.
- 9 The response to the motion was published via the Bulletin on 6 October 2021.

Joy Dennis

Cabinet Member for Highways and Transport

Contact Officer: Judith Shore, Senior Democratic Services Officer, 033 022 26052 judith.shore@westsussex.gov.uk

Background papers

None

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Report of Urgent Action: Regulation 19

- 1** Under regulation 19 of the The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 the County Council is required to receive a report from the Leader on any decisions taken under regulation 11. These are key decisions which were not in the Forward Plan and which needed to be taken with less than five clear days' notice. Such urgent decisions can only be taken with the agreement of the relevant Scrutiny Committee Chairman or, in his or her absence, the Chairman of the County Council. Key decisions taken with less than five clear days' notice which are in the Forward Plan are reported via the Executive Decision Database.
- 2** Such action is avoided wherever possible as it circumvents the normal mechanism for publication of decisions and ensuring that members have the opportunity to comment before decisions are taken.
- 3** However, on occasion this is not possible and the County Council is asked to note the following decisions which have been taken by the appropriate decision-maker, in consultation with the relevant members.

Horsham Fire and Rescue Training Centre and Fire Station

- 4** Since the decision to proceed with the Horsham Fire and Rescue Training Centre and Fire station the total project cost has increased. Increases in construction and materials costs are being experienced nationally due to external and cumulative factors and this project has been additionally affected by other changes outside the Council's control. There has been no significant change in project specification or design.
- 5** The Cabinet Member for Community Support, Fire and Rescue, with agreement from the Director of Law and Assurance and the Chairman of the Fire and Rescue Scrutiny Committee, has therefore used his delegated powers under Standing Order 5.23 to approve the allocation of funding for the delivery of the Horsham Fire and Rescue Service Training Centre and Fire Station Project.
- 6** The decision was urgent due to the need to confirm funding approval for the project to continue without additional delay or further cost increase.

Woodlands Meed College Rebuilding Project

- 7** The decision to rebuild Woodlands Meed College on its current site and with its existing capacity of 100 pupils, with a total budget of £20m was approved by the Cabinet in May 2020. ISG Construction Ltd were procured under the Southern Construction Framework (SCF) on a two-stage design and build route for the new build project. Following the end of RIBA Stage 4 design and the contractor's financial offer the total project cost increased to £21.66m, approximately £1.66m above the originally approved budget of £20m. For the project to proceed the budget needed to be increased and approval was sought to allocate additional funding for the rebuilding project.
- 8** The Cabinet Member for Learning and Skills, with agreement from the Director of Law and Assurance and the Chairman of the Children and Young People's Services Scrutiny Committee, has therefore used his delegated powers under Standing Order 5.23 to approve the allocation of £1.66m additional funding, to be taken

from the Education Basic Need capital budget, to cover the funding gap and enable the project to rebuild Woodlands Meed College to proceed.

- 9** The decision was urgent as it was necessary to confirm approval for additional funding to enable the project to commence without additional delay or further cost increase.

Paul Marshall

Leader

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