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West Sussex County Council – Ordinary Meeting

27 May 2022

At the Ordinary Meeting of the County Council held at 10.30 am on Friday, 27 May 2022, at County Hall, Chichester PO19 1RQ, the members present being:

Cllr Bradbury (Chairman)

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

89 Her Majesty the Queen's Platinum Jubilee

- 89.1 The Chairman reported that he has sent a Loyal Address to Her Majesty the Queen, offering the county's congratulations on the occasion of her Platinum Jubilee.

90 Attendance and Apologies for Absence

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

Cllr Hall (morning session), Cllr Mitchell, Cllr Pudaloff, Cllr Richardson and Cllr Smith.

90.2 Apologies were received from Cllr Bence, Cllr Bennett, Cllr Charles, Cllr Joy, Cllr Pendleton and Cllr Wall.

90.3 Apologies for the morning session were received from Cllr Oakley who arrived at 2.50 pm. Apologies for the afternoon session were received from Cllr Hall. Cllr Kenyon arrived for the afternoon session at 3.00 pm. Cllr Hillier gave his apologies and left at 3.30 pm.

90.4 Cllr Dunn and Cllr Evans left at 3.30 pm.

91 Members' Interests

91.1 Members declared interests as set out at Appendix 1.

92 Minutes

92.1 It was agreed that the minutes of the Annual Meeting of the County Council held on 1 April 2022 (pages 7 to 36) be approved as a correct record.

93 Appointments

93.1 The Council approved appointments as set out below.

Committee	Change
Children and Young People's Services Scrutiny Committee	Cllr Payne in place of Cllr Charles
Communities, Highways and Environment Scrutiny Committee substitutes	Cllr Baxter to fill vacancy Cllr Kerry-Bedell in place of Cllr O'Kelly
Fire and Rescue Service Scrutiny Committee	Cllr Evans and Cllr Patel in place of Cllr Charles and Cllr Richardson
Governance Committee	Cllr Walsh in place of Cllr Lord
Performance and Finance Scrutiny Committee	Cllr Baldwin and Cllr McDonald in place of Cllr Evans and Cllr Payne Cllr Payne as substitute in place of Cllr McDonald

94 Address by a Cabinet Member

- 94.1 Members received an address by the Cabinet Member for Children and Young People on the Ofsted inspection of Children's Service.
- 94.2 In relation to the recently-published Independent Report to the Government on Children's Services, the Cabinet Member agreed to a request from Cllr Baldwin to keep members briefed on the implications and outcomes.

95 Report of Urgent Action

- 95.1 The report of urgent action taken under regulation 11 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 (pages 37 to 40) was noted.

96 Question Time

- 96.1 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 41 to 46) and a supplementary report (supplement page 1) and written questions and answers pursuant to Standing Order 2.38 (set out at Appendix 2).

97 Motion on Water Neutrality

- 97.1 The following motion was moved by Cllr Burrett and seconded by Cllr Baldwin.

'This Council notes that in September 2021, Natural England issued a Position Statement with regard to planning applications within the Sussex North Water Supply Zone, which required Local Planning Authorities to only permit planning applications which were able to demonstrate water neutrality in response to concerns about the effect of new developments on the water table in several protected sites in the Arun Valley.

The Council also notes the serious delays this has caused for Local Planning Authorities and for developers seeking to build or convert premises within the county, meaning that proposals for thousands of new homes for West Sussex people, and for thousands of square metres of new business premises which would provide employment for West Sussex people, have had to be put on hold indefinitely due to the inability of the relevant Local Planning Authority to grant planning permission in the absence of the evidence to demonstrate that these developments will be able to ensure water neutrality.

The Council recognises the significant efforts made by all parties to work together to try to negotiate and agree a resolution to this issue, but expresses serious concern about the length of time that this is taking and the lack of any definitive timescale within which the matter is likely to be resolved. The Council therefore calls upon the Leader to make further representations to the relevant Government departments and other stakeholders involved, urging them to seek a sustainable resolution to the problem as a matter of extreme urgency.

The Council also notes that, even when this issue has been resolved, concerns about water stress will remain, and that a sustainable solution to that problem needs to be found in order to mitigate the effects of water stress in the long term. The Council therefore asks the Leader to write to the Secretary of State for the Environment, Food and Rural Affairs and to the Secretary of State for Levelling Up, Housing and Communities, urging the Government to introduce legislation to require all new developments to conform to a minimum level of water efficiency in the future.'

97.2 The motion was approved.

98 Motion on Pension Divestments

98.1 The motion on pension divestments by Cllr Baxter was withdrawn.

99 Motion on Smokefree Fund

99.1 The following motion was moved by Cllr Ali and seconded by Cllr Cooper.

'This Council notes that:

- (1) Preventable disease continues to have a massive impact on the public's health, the NHS and the economy.
- (2) Tobacco is the biggest preventable cause of cancer and death in the United Kingdom.
- (3) Decades of comprehensive policy action have meant that adult smoking prevalence in the United Kingdom in 2019 was at a record low at 14.1%, but this masks significant inequality.
- (4) Differences in smoking rates make it one of the leading drivers of health inequalities, responsible for half the difference in life expectancy between the lowest and highest income groups in England.
- (5) That through their public health duties, local authorities are responsible for improving the health of their populations and do this through initiatives such as stop smoking services and wider tobacco control activities.

This Council believes that local government must be adequately resourced to fulfil their public health duties.

This Council asks the Cabinet Member for Public Health and Wellbeing to support Cancer Research UK's calls for a Smokefree Fund (a fixed annual charge on the tobacco industry, making them pay for the damage their products cause without having any influence on how the funds are spent) to fund local tobacco control work, and urges the United Kingdom government to consider implementing a Smokefree Fund as part of its efforts to tackle health disparities.'

99.2 An amendment was moved by Cllr Walsh and seconded by Cllr O'Kelly.

'This Council notes that:

- (1) Preventable disease continues to have a massive impact on the public's health, the NHS and the economy.
- (2) Tobacco is the biggest preventable cause of cancer and death in the United Kingdom.
- (3) Decades of comprehensive policy action have meant that adult smoking prevalence in the United Kingdom in 2019 was at a record low at 14.1%, but this masks significant inequality.
- (4) Differences in smoking rates make it one of the leading drivers of health inequalities, responsible for half the difference in life expectancy between the lowest and highest income groups in England.
- (5) That through their public health duties, local authorities are responsible for improving the health of their populations and do this through initiatives such as stop smoking services and wider tobacco control activities.

This Council believes that local government must be adequately resourced to fulfil their public health duties ***and deprecates the reduction in public health funding to local government over the last few years.***

This Council asks the Cabinet Member for Public Health and Wellbeing to support Cancer Research UK's calls for a Smokefree Fund (a fixed annual charge on the tobacco industry, making them pay for the damage their products cause without having any influence on how the funds are spent) to fund local tobacco control work, and urges the United Kingdom government to ~~consider~~ implementing a Smokefree Fund as part of its efforts to tackle health disparities.'

99.3 The amendment was put to a recorded vote under Standing Order 3.35.

(a) For the amendment – 18

Cllr Baxter, Cllr Cherry, Cllr Chowdhury, Cllr Condie, Cllr Cornell, Cllr N Dennis, Cllr Gibson, Cllr Johnson, Cllr Kerry-Bedell, Cllr Lord, Cllr Mercer, Cllr Milne, Cllr O’Kelly, Cllr Oppler, Cllr Quinn, Cllr Sharp, Cllr Turley and Cllr Walsh.

(b) Against the amendment – 35

Cllr Albury, Cllr Ali, Cllr Atkins, Cllr Baldwin, Cllr Boram, Cllr Bradbury, Cllr Britton, Cllr Burrett, Cllr Cooper, Cllr Crow, Cllr J Dennis, Cllr Duncton, Cllr Elkins, Cllr Forbes, Cllr Greenway, Cllr Hunt, Cllr A Jupp, Cllr N Jupp, Cllr Kenyon, Cllr Lanzer, Cllr Linehan, Cllr Markwell, Cllr Marshall, Cllr McDonald, Cllr McGregor, Cllr Montyn, Cllr Nagel, Cllr Oakley, Cllr Patel, Cllr Payne, Cllr Russell, Cllr Sparkes, Cllr Urquhart, Cllr Waight and Cllr Wickremaratchi.

(c) Abstentions – 0

99.4 The amendment was lost.

99.5 The motion was put to a recorded vote under Standing Order 3.35.

(a) For the motion – 53

Cllr Albury, Cllr Ali, Cllr Atkins, Cllr Baldwin, Cllr Baxter, Cllr Boram, Cllr Bradbury, Cllr Britton, Cllr Burrett, Cllr Cherry, Cllr Chowdhury, Cllr Condie, Cllr Cooper, Cllr Cornell, Cllr Crow, Cllr J Dennis, Cllr N Dennis, Cllr Duncton, Cllr Elkins, Cllr Forbes, Cllr Gibson, Cllr Greenway, Cllr Hunt, Cllr Johnson, Cllr A Jupp, Cllr N Jupp, Cllr Kenyon, Cllr Kerry-Bedell, Cllr Lanzer, Cllr Linehan, Cllr Lord, Cllr Markwell, Cllr Marshall, Cllr McDonald, Cllr McGregor, Cllr Mercer, Cllr Milne, Cllr Montyn, Cllr Nagel, Cllr Oakley, Cllr O’Kelly, Cllr Oppler, Cllr Patel, Cllr Payne, Cllr Quinn, Cllr Russell, Cllr Sharp, Cllr Sparkes, Cllr Turley, Cllr Urquhart, Cllr Waight, Cllr Walsh and Cllr Wickremaratchi.

(b) Against the motion – 0

(c) Abstentions – 0

99.6 The motion was approved.

Chairman

The Council rose at 4.10 pm

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Interests

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

Item	Member	Nature of Interest
Item 7 – Question Time	Cllr Gibson	Member of Mid Sussex District Council
Item 7 – Question Time (school place planning)	Cllr Linehan	Parent of a child with SEND
Item 7 – Question Time (Electric Vehicle Chargepoints)	Cllr O’Kelly	Member of Chichester District Council
Item 7 – Question Time (road safety review)	Cllr Sharp	Member of RAVEN (Residents Against Vehicle Excessive Noise)
Item 8(a) – Motion on Water Neutrality	Cllr Ali	Member of Crawley Borough Council
Item 8(a) – Motion on Water Neutrality	Cllr Atkins	Member of Worthing Borough Council
Item 8(a) – Motion on Water Neutrality	Cllr Baldwin	Member of Horsham District Council
Item 8(a) – Motion on Water Neutrality	Cllr Burrett	Member of Crawley Borough Council and Chair of its Planning Committee
Item 8(a) – Motion on Water Neutrality	Cllr Duncton	Member of Chichester District Council and South Downs National Park Authority
Item 8(a) – Motion on Water Neutrality	Cllr Elkins	Member of Arun District Council
Item 8(a) – Motion on Water Neutrality	Cllr Gibson	Member of Mid Sussex District Council and Worth Parish Council
Item 8(a) – Motion on Water Neutrality	Cllr Johnson	Member of Chichester District Council
Item 8(a) – Motion on Water Neutrality	Cllr N Jupp	Member of Horsham District Council
Item 8(a) – Motion on Water Neutrality	Cllr Milne	Member of Horsham District Council
Item 8(a) – Motion on Water Neutrality	Cllr Oakley	Member of Chichester District Council and its appointed member of Portsmouth Water’s Customer

Item	Member	Nature of Interest
		Scrutiny Panel and a member of the Water Resources South East Customer Challenge Group
Item 8(a) – Motion on Water Neutrality	Cllr Sharp	Member of Chichester District Council
Item 8(a) – Motion on Water Neutrality	Cllr Walsh	Member of Arun District Council
Item 8(b) – Motion on Pensions	Cllr Burrett	Deferred Member of West Sussex Local Government Pension Scheme
Item 8(b) – Motion on Pensions	Cllr Condie	Member of Pensions Committee
Item 8(b) – Motion on Pensions	Cllr J Dennis	Member of Pensions Committee
Item 8(b) – Motion on Pensions	Cllr Elkins	Member of Pensions Committee
Item 8(b) – Motion on Pensions	Cllr Greenway	Deferred Member of West Sussex Local Government Pension Scheme
Item 8(b) – Motion on Pensions	Cllr Hunt	Chairman of Pensions Committee
Item 8(b) – Motion on Pensions	Cllr N Jupp	Member of Pensions Committee
Item 8(b) – Motion on Pensions	Cllr Lanzer	Deferred Member of West Sussex Local Government Pension Scheme
Item 8(b) – Motion on Pensions	Cllr Turley	Member of Pensions Committee
Item 8(b) – Motion on Pensions	Cllr Urquhart	Member of Pensions Committee

Written Questions: 27 May 2022**1. Written question from Cllr O'Kelly for reply by Cabinet Member for Adults Services****Question**

There is national and local concern about access to adult social care. Can the Cabinet Member;

- (a) Summarise the current waiting times for assessment, reviews and actual care being delivered and provide comparable data to show whether (a) the situation has worsened and (b) there are geographical differences across the county;
- (b) Tell me whether assessments and support are having to be prioritised to manage the current workload and if so in what way;
- (c) Whether there has been any raising of the bar in terms of eligibility;
- (d) What impact the situation is having on those needing care assessments, reviews, care packages and personal budgets;
- (e) Whether any family carers have been asked to take paid or unpaid leave from work when care and support are not available for their family members; and
- (f) Comment on the action she is taking to address the situation and the timescale for improvements.

Answer

- (a) Unprecedented demand is being experienced across all locality teams throughout the county. All community teams have assessment waiting lists, although northern teams are experiencing the highest levels of demand at present. When responding to requests for assessment, if a customer is in crisis, then the teams are able to respond immediately or within 24 hours as appropriate, to mitigate any immediate risks. All teams have also been set target response times and endeavour to respond to urgent cases within seven days. Due to the level of demand and pressures on the workforce, customers are however waiting on average 16 days.

At the end of the last quarter of 2021/22, the percentage of users of adults' services and their carers that are reviewed and/or assessed in the last 12 months stood at 60%, which was the lowest during 2021/22. Reviews were temporarily suspended between December 2021 and March 2022, to allow for prioritisation of new assessment activity and manage the challenges of Covid-19 and pressures to facilitate discharge from hospital. Review teams have now been established to manage reviews moving into 2022/23, focusing on embedding a strength-based approach and reducing the numbers of customers waiting for review.

Ongoing care market capacity challenges are influencing the availability of care that can be delivered. This led to the County Council prioritising resources for paying uplifts in fees to the independent care market as part of its budget strategy for 2022/23. The outcome has been average increases of between 8%

and 10%, which should enable the market to improve opportunities to recruit care workers, ultimately bringing more capacity to the market and reducing the waiting times for those with an assessed need for social care. The numbers of older people being supported by the Council is approximately 4,500 out of a total customer cohort of 8,200 across all care types. Those numbers are largely the same as in March 2021, having not yet returned to their pre-Covid peak of 4,700 (8,400). Further data will be available at the end of the first quarter of 2022/23 which will show the impact of establishing the reviewing teams and making fee increases to the care sector and I will write with a further update then.

- (b) When responding to requests for assessment, if a customer is in crisis, then the teams are able to respond immediately or within 24 hours as appropriate, in order to mitigate any immediate risks. All referrals are prioritised on receipt, as either urgent, normal or low. Customers waiting are frequently reviewed and reprioritised if their circumstances change, to ensure that those people with the most pressing needs are responded to in as timely a way as possible. Directors of Adults' Social Services (ADASS) are reporting that most councils across the country are facing increasing waiting times for assessment and service, as referred to in response to question (f) below.
- (c) There has been no change in eligibility.
- (d) As set out in the answer to question (b), prioritisation processes and the monitoring of waiting lists are mitigating the impact on those needing care assessments, reviews, care packages and personal budgets. As stated, the number of older people being supported by the Council is approximately 4,500 out of a total customer cohort of 8,200 across all care types.

In terms of care costs, market-related factors led to the average cost of a care package for an older person increasing to approximately £505 per week in March 2022. This is £27 per week more than in March 2021. That represented an annual rate of increase of 5.7%, which equates to a real terms pressure of almost 4% when discounted for the inflationary uplift of 1.75% agreed by the County Council for 2021/22. To put this in context, approximately £125m is spent on care costs through the older people's budget, so every 1% increase in the average price equates to a pressure of £1.25m.

- (e) All assessments and support plans are based on individual circumstances which includes the ability of family and friends to provide support, in line with best practice and the strengths-based approach being taken by councils across the country. Support plans will therefore reflect an agreed approach to the role of family carers in providing care.
- (f) In relation to those waiting for care and support, ADASS published the results of a national survey on 13 May 2022, which set out the pressures that all councils across the country are experiencing. The County Council, through ADASS, the Local Government Association and the County Councils Network will continue to support the lobbying of the Government to address this ongoing pressure as soon as possible.

To address staff capacity and reduce current waiting times for assessments, community teams are not undertaking green assessments, although these are being reviewed regularly and reprioritised if circumstances change, including

any safeguarding concerns, change of need or request for re-assessment. All review activity is being undertaken by a stand-alone review team to enable community teams to concentrate on waiting lists within their locality.

Agency staff are also being recruited in order to address the vacancy gap for qualified social workers and occupational therapists. A cohort of newly qualified social workers and workers recruited from overseas are due to start work from July onwards, which will provide additional staff capacity.

The Care Act 2014 requires local authorities to 'consider the person's own strengths and capabilities, and what support might be available from their wider support network or within the community to help' in considering 'what else other than the provision of care and support might assist the person in meeting the outcomes they want to achieve'. Focus has been placed on this as part of a strengths-based approach to practice, providing interventions throughout the customer journey to meet people's needs through information and advice as well as provision of preventative services and redirection of customers who may have been added to assessment waiting lists.

Work is continuing to take forward the 'we will' statements included within the Adult Social Care Strategy, continuing the successful co-production work undertaken with customers and carers. This will inform the directorate's business planning, seeking to address the issues currently being experienced, which as the ADASS survey indicated, is a national issue.

The current situation reflects the ongoing challenges that are being experienced by all councils across the country. Financial constraints, growing demand, shortfalls on workforce, reducing market capacity and imminent Adult Social Care Reform means that local authorities will be needing to manage significant uncertainty for the foreseeable future. This Council will ensure that it continues to use all available resources to meet this challenge and work with customers, carers and broader partners to implement the Adults Strategy that was agreed by Cabinet in February. The impact of the steps we are taking will be reported through monitoring on Our Council Plan.

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

Question

According to BBC News (18 May) "UK inflation, the rate at which prices rise, jumped to 9% in the 12 months to April, up from 7% in MarchThe Bank of England has warned that UK inflation could reach 10% in the last three months of 2022."

A level of inflation that has outstripped the central government and County Council calculations of 3%+. A cost-of-living disaster that has left affected County Council social care service users with insufficient income to cover their daily living expenses and a redundant Minimum Income Guarantee (MIG) no longer fit for purpose. Given this reduction in purchasing power and the hardship caused, will the Council with due expedition, permit social care service users to retain more of their income, that is to say MIG plus uplift buffer to ameliorate the continuation of the present injustice, and if not, why not?

Answer

As previously discussed, the Cabinet Member agreed to revert to statutory Minimum Income Guarantee (MIG) for working age adults in 2018.

The statutory MIG rates are issued by central government and have been increased in line with inflation as advised in the Social Care - charging for care and support: local authority circular - LAC(DHSC)(2022)1 which is sent to all local authorities. Any further changes to the statutory calculation would need to be made by central government.

The impact of rising costs is a national issue and we will continue to lobby the Government to consider how it can close the gap between the impact of the inflation on current costs when compared with the uplift that was applied to the MIG for this financial year.

We take an individualised approach when considering the impact of contributions to care and the person's ability to pay as individual customers circumstances differ.

If people are having difficulties contributing to their care, they should contact us directly regarding the affordability of the charge at FinancialReassessments@westsussex.gov.uk.

Affordability is also considered at the time of financial re assessment along with disability related expenses and household related expenses.

3. Written question from Cllr Kerry-Bedell for reply by Cabinet Member for Environment and Climate Change

Question

Both climate change and population growth make water resources scarcer, and a European Commission's Joint Research Centre report estimates a 90% chance of wars being fought over water within 100 years.

The Government lacks any form of legislation on Storm Sewage Overflows, and the Government's National Planning Policy Framework and other legislation forces Southern Water to connect new housing developments to sewage systems, even where there is known to be no or limited sewage capacity remaining.

It is incorrect for the County Council to say, as I was told recently, that issues like sewage capacity and nutrient neutrality are only issues for borough and district councils, as these factors directly impact all County Council-planned developments too.

Will the County Council act to create a cross-party task and finish group by the end of July to review four factors related to water supply and associated environmental damage, namely sewage capacity, storm sewage overflows, nutrient neutrality and water neutrality?

Answer

Water quality and capacity, along with adequate sewage infrastructure, is of concern to the County Council as it impacts on residents' well-being in many areas. It also

impacts on our environment, economic growth and jobs.

However, with regard to planning, the capacity of wastewater infrastructure to meet demands associated with new housing and associated development is not the responsibility of the County Council. It is a matter for the local planning authorities to consider through the preparation of their local plans and when determining planning applications. For example, Chichester District Council (CDC) has useful information on this and related matters on its [website](#).

As county planning authority and a minerals and waste planning authority, the County Council is only responsible for considering wastewater infrastructure in relation to the County Council's own development and minerals and waste development (outside the South Downs).

Although the discharge of untreated sewage is of great concern, it is not the responsibility of the County Council. It is a matter for the Environment Agency, which is responsible for pollution prevention under the environmental permitting regime.

In West Sussex, currently, nutrient neutrality is only an issue for CDC in relation to planning applications likely to discharge into Chichester Harbour. CDC is working with other affected authorities (in Hampshire) to address this issue and has details on its [website](#) whilst keeping the County Council fully informed.

The issue of water neutrality is the subject of a Notice of Motion on this agenda. In summary, the County Council is already working with other affected authorities, Natural England, Southern Water, and the Environment Agency to address this issue. Information is available on the County Council's [website](#).

Therefore, a cross-party task and finish group is not required to review sewage capacity, storm sewage overflows, nutrient neutrality and water neutrality.

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

Question

The UK is committed to net zero carbon emissions by 2050 and a 78% reduction by 2035.

The current Woodlands Mead development project is running successfully but has failed to maximise opportunities to achieve carbon neutrality. There are some solar panels planned but these will not substantially negate reliance on fossil fuels. Options like ground source heating seem not to have been considered.

So how conscientious is the County Council in pursuing a policy of carbon neutrality with its building projects? The component parts of this question are as follows.

- (a) How many active new building projects does the County Council have?
- (b) How many will commence in the next five years?
- (c) How many will rely on fossil fuels to meet a significant proportion of their energy needs?
- (d) How many will be totally carbon neutral?

Answer

- (a) The County Council currently has 40 new-build projects that are being built or where a business case has been prepared or where the project is going through the viability stage.
- (b) Currently around 23 projects are in the pre-construction stage, that is viability, feasibility design etc. It is anticipated that these will start on site within the next five years. However this number is anticipated to increase as directorates further refine their requirements. Further information is provided in the [Capital Programme](#) (PDF, 5.7MB) (Annex 2a, Appendix A).
- (c & d) The aim is that all projects that are included within the County Council's Capital Programme will be carbon neutral and comply with the Council's Climate Change Policy. For example, the new secondary school planned for Burgess Hill, which is currently in the design stage, is being planned to achieve this level of compliance. However, it should be noted that an extension to an existing asset will be influenced by the existing infrastructure and the Council's ability to achieve carbon zero which may require offsetting to be carbon neutral.

Even though the County Council will design to a zero-carbon standard there are factors outside of its direct control such as the users purchase of electricity which may not be 'green' and so will require carbon offsetting.

The 23 projects identified above are at viability stage which will consider factors such as affordability, deliverability and whether it will meet the objectives. The presumption is that these 'new builds' will be carbon neutral.

5. Written question from **Cllr Gibson** for reply by **Cabinet Member for Finance and Property**

Question

- (a) How much has the County Council received in New Homes Bonus since the grant was introduced in 2011 (by district if known)?
- (b) Has this money been used to support revenue expenditure or spent on capital or strategic projects within the communities in which the development that generated the grant?
- (c) How much of this money remains unspent (by district if known)?
- (d) How has the Council met the Government requirement to "engage with the communities most affected by housing growth to decide how the money is spent, so residents can share in the benefits of growth" when deciding where and on what New Homes Bonus money is spent?

Answer

- (a) The County Council has received £36m in New Homes Bonus Grant (NHB) since its introduction in 2011. The district and borough councils have collectively

received £145m. The portion received by the County Council can be attributed to housing growth in the district and borough areas as follows:

Area	£m
Adur	£0.95
Arun	£6.62
Chichester	£5.66
Crawley	£3.68
Horsham	£8.92
Mid Sussex	£7.99
Worthing	£2.45
County Council	£36.28

- (b) The County Council has used the NHB Grant to support its revenue expenditure.
- (c) The County Council has no unspent NHB Grant.
- (d) The County Council has used the NHB Grant to further support its revenue budget. Increased housing leads to an increasing population which in turn engenders greater demand on council services, such as an increased demand for adult social care services, increased demand for children's services, increased traffic on county roads and increased waste disposal. The basis of grant distribution from the Government is not updated to reflect the growth in housing and the increase in the council tax base is not sufficient to cover the costs of the increase in high demand services, such as social care. If the Council did not use the grant to support its revenue budget, further savings would need to be identified to balance the budget.

6. Written question from Cllr Kerry-Bedell for reply by Cabinet Member for Highways and Transport

Question

42% of West Sussex residents and over half of our businesses are located in rural areas, with nine out of ten of our rural population living in small towns and villages. Reliable and cheap local transport is key to the recovery and sustainability of rural communities' post COVID as a third of residents are over 65 and a third rely on public transport.

- (a) What is the projected breakdown of the £17.4m spend awarded from the Government in towns versus rural areas, and by district.
- (b) What categories will money be spent on e.g. new or replacement bus stations, bus lanes, bus shelters, new and replacement bus stops, real time information screens and digital demand responsive transport trials?
- (c) Also, will a Digital Demand Responsive Transport trial be considered for the far west of the county that is highly rural and that relies on the bus network for jobs, education, social and shopping needs of its residents?

Answer

The £17.4m Bus Services Improvement Plan (BSIP) funding is currently an indicative

amount that could be awarded to the County Council and remains subject to the Department for Transport (DfT) agreeing with the priority BSIP ambitions. These ambitions are subject to ongoing discussions with the bus operators and other key partners, as well as highways engineers, on deliverability within the 2022-25 funding window.

The County Council has yet to meet the DfT to discuss the priority ambitions, the outcome of which will inform final submission to the DfT due at the end of June 2022. The current outline list of ambitions totals in excess of £17.4m.

- (a) The current list broadly amounts to £8m for rural areas and £10.2m for more urban areas. This is to be expected with costs for capital funded bus infrastructure improvements such as bus lanes being in urban areas where they help bus speeds where there is congestion. At present the split by District/Borough has not been determined, partially as several items are county wide.
- (b) The current list of ambitions includes all of the categories mentioned. In addition, fare price reductions for young people and provision of improved information is being considered.
- (c) A number of trials of Digital Demand Responsive Transport solutions including in the west/north-west of the county to improve rural access are under consideration. This could include working with bus operators, community transport, taxi operators and using some of the County Council's internal fleet.

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

Question

West Sussex residents will be surprised to learn that in many urban areas, WSCC Highways do not own the freehold of the land on which the roads are built. It resides with the original vendor or property company. Increasingly these freeholds are now being sold off, for example in the case of Greenfields Farm, Roffey North, Horsham. Frequently they are being bought by speculative developers in the hope of getting permission to build on small pockets of green space left in the original street plan.

Will the Cabinet Member look into this situation urgently, as it is causing residents great distress and in some cases, costs running into tens of thousands of pounds?

Answer

In the majority of cases land that has highway status (urban or rural) is not owned by the County Council as highway authority. The surface of the highway is vested in the highway authority and the owner of the sub-soil is, in most instances, the person who owns the land adjoining the public highway. However, it is illegal for anyone to build on land that has highway status. Changing ownership does not increase the risk that highway land will be subject to development.

A market has developed over recent years whereby landowners are selling land that is part of the public highway. This is permissible in law and something that the County Council is aware of. This is an issue nationally. As soon as the County Council becomes aware of the sale of land that forms part of the highway a notification is sent to the seller/auctioneer explaining that any purchaser needs to be aware that the land

is part of the public highway and they will not be permitted to encroach upon, develop the land or obstruct the highway.

In the case of the land at Roffey North, the relevant plot was offered for sale with a note to the effect that it was occupied by adopted public highway and that relevant permissions would be needed for the land to be used for any other purpose.

There are two routes for obtaining permission to remove highway status from land so as to make other use of it.

- (1) As part of a larger development the owner or developer can seek planning permission and then, if it is approved, may seek the agreement of the Secretary of State for the removal of highway status if it can be shown to be necessary to enable the development for which permission has been given.
- (2) This proposal will form part of the planning application and so will be evident at the point of public consultation. Interested parties will also be able to comment on any application. Such requests are usually only considered where highway rights are being improved or differently provided as part of the development.
- (3) The owner of land with highway status can make a formal application to the County Council requesting it to 'stop up' the highway – which removes the highway status. This involves an application to the Magistrates Court and requires wide public notice and consultation with interested parties. Only the County Council can make such applications.

When such applications are received the County Council considers each application taking into account such matters as use, safety, highways management, future need, amenity etc. The local member will also be involved.

The position of the County Council is that, in the absence of a compelling case, requests to 'stop-up', are likely to be contrary to the public interest in the maintenance of the public rights to pass and re-pass along the highway. The County Council has a duty to maintain such rights.

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

Question

WSSC Highways control significant potential tree planting areas in the form of roadside verges. Currently, most applications for planting come at the initiative and the expense of local residents. In order to make a stronger contribution to the climate emergency, will the Cabinet Member consider introducing a proactive tree-planting policy including:

- (a) A more aspirational target than the current 125 per year.
- (b) A more flexible approach to funding.

Answer

In December 2020 the County Council adopted its [Tree Plan](#) and the three strategic aims are:

- to maintain the trees and woodlands in the County Council's ownership
- to protect trees and woodlands from new development and other threats
- to improve tree cover in West Sussex through natural regeneration, the planting of new trees, and the creation of new woodlands

West Sussex has extensive tree coverage; the county has 42,500 hectares of woodland of which over 82% is broadleaved. This equates to woodland cover of 23% compared to 10% for England as a whole.

However, it is recognised that the data the County Council holds relating to Council-managed trees is not as good as it could be and work is underway to improve this.

Opportunities exist for residents, parishes and other bodies to promote tree planting and utilise highway verges for this. The County Council promoted 'donate a tree' scheme has seen more than 400 trees planted over the last two years. Whilst this may not appear to be a significant number it should be noted that highway verges are a small proportion of the land the County Council controls and that planting and improving hedgerows, for example, are sometimes the better ecological option (the cost of planting and caring for a young tree cost around £500 for the first three years.)

A cross-directorate officer group is currently looking at how the County Council can best support the aspirations within the Tree Plan and to submit bids for external funding to support a wider programme which includes highways trees.

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

Question

How many surplus places are there currently in West Sussex primary schools and, given the reported 5% drop in birth rate, what measures are under consideration to identify, support and protect schools that may become vulnerable?

Answer

As of the October 2021 School Census, there were 130,057 places across all West Sussex schools and 116,853 pupils on roll. This equates to an overall surplus capacity of 11.2%. However, this varies by locality as the primary bulge begins to work through into our secondary schools with some localities having in excess of 16% surplus provision in primary schools.

Regular discussions take place between County Council officers from the school place planning and admissions teams with locality groups of schools. This determines pupil numbers across an area and identifies where any additional conversations may be needed to discuss support to schools experiencing a decline in pupil numbers.

Whilst there has been a drop in pupil numbers applying to start school in September 2022, there will be a further review of projected pupil numbers during the summer to help inform conversations about provision in future years.

Question Time: 27 May 2022

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 the following matters:

Visitor economy across Sussex, from Cllr Cherry, Cllr Cornell, Cllr N Dennis, Cllr Lord and Cllr Nagel.

Funding for a free public Wi-Fi space for each borough and district, from Cllr Ali and Cllr Kerry-Bedell.

Cabinet Member for Adults Services

The Cabinet Member answered questions on the following matters:

Urgent action decision on the contract for Adults Services professional services support, from Cllr Baxter.

In response to a request, the Cabinet Member agreed to provide Cllr Baxter with an explanation of the aims and output of the procurement process and the need for urgency.

Recruitment of qualified social workers from overseas, from Cllr Ali, Cllr Condie, Cllr O'Kelly, Cllr Oppler and Cllr Payne.

The Cabinet Member agreed to a request from Cllr O'Kelly to provide figures on how many social work staff who were EU nationals have left the Council.

The Cabinet Member also agreed to a request from Cllr Condie for detail about how the recruitment agency ensures that all safeguarding considerations are accounted for.

Cabinet Member for Children and Young People

The Cabinet Member answered questions on the Youth Cabinet, from Cllr Burgess and Cllr Greenway.

Cabinet Member for Learning and Skills

The Cabinet Member answered questions on the following matters:

School place planning, from Cllr Gibson, Cllr Linehan and Cllr Lord.

Latest Ofsted reports, from Cllr Sparkes.

Draft Education Strategy, from Cllr Cornell and Cllr Mercer.

In response to a question from Cllr Mercer about whether the progress of the SEND inclusion strategy will go the Children and Young People's Services Scrutiny Committee in July 2022, the Cabinet Member agreed that this would be the case.

Cabinet Member for Environment and Climate Change

The Cabinet Member answered questions on the following matters:

Electric Vehicle Chargepoint project, from Cllr Cornell, Cllr O'Kelly, Cllr Quinn, Cllr Sharp, Cllr Turley and Cllr Walsh.

In relation to a question from Cllr Quinn, the Cabinet Member advised that district and borough council members would be invited to the webinar for members on this topic.

Written question 3, from Cllr Kerry-Bedell and Cllr Montyn.

Scheme to recycle hard plastic waste, from Cllr Condie, Cllr Duncton, Cllr O'Kelly, Cllr Quinn and Cllr Walsh.

Carbon neutrality and County Council buildings, from Cllr Boram, Cllr Mercer and Cllr O'Kelly.

Cabinet Member for Finance and Property

The Cabinet Member answered questions on maximising the use of the Council's assets, from Cllr Cooper.

Cabinet Member for Highways and Transport

The Cabinet Member answered questions on the following matters:

Countywide road safety review, from Cllr Albury, Cllr N Dennis and Cllr Sharp.

Cycling and walking network, from Cllr Sharp

With reference to the Government's Active Travel fund, Cllr Sharp commented that she understood that failure to follow current guidance could lead to cuts in funding. She asked whether the Council's continued use of 'cyclists dismount' signs, which were no longer recommended, could lead to cuts to wider transport funding. The Cabinet Member agreed to check with officers and let her know.

Cabinet Member for Public Health and Wellbeing

The Cabinet Member answered questions on the following matters:

Public Health priorities, from Cllr Hillier and Cllr McGregor.

Child and Adult Mental Health Service (CAMHS), in conjunction with the Cabinet Member for Children and Young People, from Cllr Cornell, Cllr O'Kelly and Cllr Smith.

The Cabinet Member for Public Health and Wellbeing also agreed to provide for Cllr Cornell and all members, an illustration of how the agencies work together to commission and deliver CAMHS.

In response to a question on the number of embedded CAMHS officers in schools, the Cabinet Member for Public Health and Wellbeing agreed to send the figures to Cllr O'Kelly.

In relation to CAMHS waiting lists, the Cabinet Member for Public Health and Wellbeing agreed to discuss an individual case with Cllr Smith.

Cabinet Member for Support Services and Economic Development

The Cabinet Member answered questions on enhanced digital infrastructure supporting the county's horticultural sector, from Cllr Atkins, Cllr Gibson, Cllr Kenyon and Cllr Lord.

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