West Sussex County Council – Ordinary Meeting

13 October 2023

At the Ordinary Meeting of the County Council held at 10.30 am on Friday, 13 October 2023, at County Hall, Chichester PO19 1RQ, the members present being:

Cllr Bradbury (Chairman)

30 Apologies for Absence

- 30.1 Apologies were received from Cllr Burgess, Cllr Crow, Cllr Hall, Cllr Johnson, Cllr Kenyon, Cllr O'Kelly, Cllr Payne and Cllr Sharp.
- 30.2 Apologies for the morning session were received from Cllr Chowdhury who arrived 2.30pm. Apologies for the afternoon session were received from Cllr Ali, Cllr Evans, Cllr Gibson, Cllr Joy, Cllr Mercer and Cllr Richardson.

30.3 Cllr Markwell left at 3.27 p.m.

31 Members' Interests

31.1 Members declared interests as set out at Appendix 1.

32 Minutes

32.1 It was agreed that the minutes of the Ordinary Meeting of the County Council held on 17 July 2023 (pages 7 to 26) be approved as a correct record.

33 Appointments

33.1 The Council approved appointments as set out below.

Committee	Change
Planning and Rights of Way Committee	Cllr Mercer to fill vacancy
Member Development Group	Cllr Oppler to fill vacancy

34 Governance Committee: Changes to the Constitution

34.1 The Council considered a number of minor changes to the Constitution including changing Standing Orders to limit other business at the annual budget meeting and changes to the terms of reference of the Corporate Parenting Panel and the Regulation, Audit and Accounts Committee, in the light of a report by the Governance Committee (pages 27 to 40).

34.2 Resolved -

- That Standing Orders be amended to limit non-urgent business at the annual budget meeting, as set out in Appendix 1 to the report;
- (2) That the current arrangements where the Chairman manages the meeting using his discretion to direct speakers to avoid overly lengthy, repetitive speeches and ensure content is relevant to the debate, be maintained;
- (3) That the revised terms of reference for the Corporate Parenting Panel, as set out in the Constitution, as set out at Appendix 2 to the report, be approved; and
- (4) That the proposed changes to the terms of reference of the Regulation, Audit and Accounts Committee, as set out at Appendix 3 to the report, be approved.

35 Corporate Parenting Report for the Children We Care For and Care Leavers: September 2023

- 35.1 The Chairman of the Corporate Parenting Panel introduced the report of the recent work of the Panel (pages 41 to 84).
- 35.2 Angel Confiac, the County Council's Voice and Participation Support Worker who was also a care leaver, addressed members.
- 35.3 Resolved -

That the Corporate Parenting Report for the Children We Care For and Care Leavers: September 2023, as set out at Appendix 1 to the report, be noted.

36 West Sussex County Council's Armed Forces Covenant 2022/23

- 36.1 The Council considered the Armed Forces Covenant Annual Report 2022/23 (pages 85 to 88).
- 36.2 Resolved -

That the report be noted.

37 Report of Urgent Action

37.1 The report of urgent action taken under regulation 11 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 (pages 89 and 90) was noted.

38 Question Time

38.1 Members asked questions of members of the Cabinet on matters relevant to their portfolios, as set out at Appendix 3. This included questions on those matters contained within the Cabinet report (pages 91 to 96) and a supplementary report (supplement page 7) and written questions and answers pursuant to Standing Order 2.38 (set out at Appendix 2).

39 Motion on impact of the London Ultra-Low Emission Zone on West Sussex

39.1 The following motion was moved by Cllr Burrett and seconded by Cllr Duncton.

'This Council values economic growth, and supporting our communities and small businesses in all their endeavours to grow.

This Council values the aspirations of the vulnerable in our communities to thrive, and places great store in its commitment to support them wherever it can. This Council therefore deplores the action taken recently by the Mayor of London to extend the London Ultra-Low Emission Zone without regard to its adverse impact on the communities and small businesses of this county.

In particular it notes that:

- The London Ultra-Low Emission Zone (ULEZ) was extended by the Mayor of London on 29 August 2023 to cover all London Boroughs.
- Many small businesses and traders rely on travel, especially from communities in the north of the county, into parts of London now covered by ULEZ.
- Many West Sussex residents have a need to travel by car to outer London Boroughs for a variety of reasons, including work and specialist hospital appointments.
- Residents on lower incomes are more likely to own older vehicles and to be unable to afford to replace them.

This Council is concerned that:

- (1) No assessment has been produced by Transport for London of the volume of people living outside Greater London who are likely to be impacted by the ULEZ expansion.
- (2) People directly affected but living in West Sussex will not benefit from the mitigation package, and have no access to the diesel scrappage scheme for those on low incomes.
- (3) There will be a clear disproportionate impact on West Sussex small businesses, traders, and residents on low incomes who need to travel into Greater London, particularly at a time when cost-of-living pressures are already having an effect on them.
- (4) The ULEZ expansion could push congestion out of Greater London, making air quality worse in surrounding areas, including West Sussex.

In view of the above concerns, this Council resolves to ask the Cabinet to support the position taken by Surrey County Council and other affected local authorities in maintaining opposition to the ULEZ expansion, and asks the Leader to write to the Mayor of London, in the strongest terms, to ask him to reconsider his decision to expand the ULEZ zone in the light of the serious detrimental effects the expansion is now having on residents and businesses across the South East, including those in West Sussex, and especially those on low incomes.' 39.2 An amendment was moved by Cllr Oxlade and seconded by Cllr Quinn.

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In particular it notes that:

- The London Ultra-Low Emission Zone (ULEZ) was extended by the Mayor of London on 29 August 2023 to cover all London Boroughs *and the aims of the ULEZ are to improve air quality, reduce pollution and improve health*.
- Many small businesses and traders rely on travel, especially from communities in the north of the county, into parts of London now covered by ULEZ.
- Many West Sussex residents (including an estimated 6% of Crawley residents) have a need to travel by car to outer London Boroughs for a variety of reasons, including work and specialist hospital appointments.
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- 39.3 The amendment was lost.
- 39.4 The motion was carried.

40 Motion on Support for Care Leavers

40.1 The following revised motion was moved by Cllr Linehan and seconded by Cllr Dabell.

'The Independent Review of Children's Social Care headed by Josh **MacAlister** published in May 2022 had a final report and recommendations that included:

"Government should make care experience a protected characteristic" and "New legislation should be passed which broadens corporate parenting responsibilities across a wider set of public bodies and organisations."

The Care Leavers service in West Sussex supports our young people to grow and develop into young adults successfully as they move towards independence and operates under a clear legislative framework provided by the Children (Leaving Care) Act 2000 and the Children and Social Work Act 2017.

As corporate parents to the children and young people in our care, and care leavers, we in West Sussex take those responsibilities extremely seriously, as any good parents should.

But as West Sussex county councillors, we should go further and support the aspirations of Care Leavers, making sure that no Care Leaver is discriminated against, and that they have every opportunity to live fulfilling and successful lives without barriers.

This Council therefore recognises:

• That care leavers and those children who have been cared for are a group who are likely to face discrimination.

- That councils have a duty to put the needs of disadvantaged people at the heart of decision-making through co-production and collaboration with them and all our local partnerships.
- That any future decision with respect to services and policies by the County Council assessed through Equality Impact Assessments should also consider the likely impact on people with care experience.
- To formally call upon all other bodies and partners, locally and pan-Sussex to treat care experience in the same way as they do a protected characteristic until such time as it may be introduced by legislation.
- For the Council to continue to proactively seek out and listen to the voices of Care Leavers when developing new policies based on their views.

This Council therefore calls upon the Leader and Cabinet to ensure the Council treats care experience as if it were a protected characteristic, to provide greater authority to employers, businesses, public services, and policy makers to put in place policies and programmes which promote better outcomes for care experienced young people. *The Council also calls on the Leader and Cabinet to inform West Sussex MPs and the Department of Education of the action taken.*'

40.2 An amendment put forward by Cllr Oxlade and set out below was accepted by Cllr Linehan and became the substantive motion.

'The Independent Review of Children's Social Care headed by Josh MacAlister published in May 2022 had a final report and recommendations that included:

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This Council therefore calls upon the Leader and Cabinet to:

(1) Ensure the Council treats care experience as if it were a protected characteristic, to provide greater authority to employers, businesses, public services, and policy makers to put in place policies and programmes which promote better outcomes for care experienced young people. The Council also calls on the Leader and Cabinet to inform West Sussex MPs and the Department of Education of the action taken; and

(2) Lobby the Government to bring about the change in legislation recommended by the MacAlister report.'

40.3 The motion, as set out below, was carried.

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- (2) Lobby the Government to bring about the change in legislation recommended by the MacAlister report.'

Chairman

The Council rose at 3.50 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
8 – Armed Forces Covenant	Cllr Atkins	Member of and Armed Forces Champion for Worthing Borough Council
8 – Armed Forces Covenant	Cllr Bradbury	Chairman of Building Heroes Charity
10 – Question Time	Cllr Ali	Member of Crawley Borough Council
10 – Question Time	Cllr Atkins	Paragraph on Beach Project as Member of Worthing Borough Council
10 – Question Time	Cllr Burrett	Paragraph relating to the audit by external auditors of the Pension Fund accounts, as a deferred member of the Local Government Pension Scheme
10 – Question Time	Cllr Condie	Member of Burgess Hill Town Council
10 – Question Time	Cllr Cooper	Member of Arun District Council
10 – Question Time	Cllr Waight	Member of Worthing Borough Council
11(a) – Notice of Motion on ULEZ	Cllr Ali	Member of Crawley Borough Council
11(a) – Notice of Motion on ULEZ	Cllr Condie	Member of Burgess Hill Town Council
11(a) – Notice of Motion on ULEZ	Cllr Lanzer	Member of Crawley Borough Council

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Written Questions: 13 October 2023

1. Written question from Cllr Cornell for reply by Cabinet Member for Children, Young People, Learning and Skills

Question

West Sussex is one of 55 local authorities signed up to the Government's 'Delivering Better Value' contract with Newton Europe, which includes the delivery against target of a 20% reduction in Education and Health Care Plans (EHCP) issued. The Council's current situation is that it is achieving only 1% of EHCP assessments within the statutory timeframe. EHCP applications on the waiting list are assessed by a professional Educational Psychologist. Can the Cabinet Member confirm:

- (a) How this Newton Europe reduction target will be achieved, is it the right priority and, if achieved, how will it help overall to improve our support to this vulnerable group?
- (b) That in delivering the target, there will be no 'moving of goal posts' or 'watering down' of needs assessments; and
- (c) That the current criteria for awarding an EHCP, and the professional judgement of the Educational Psychologist will both be fully respected and maintained.

Answer

(a) Delivering Better Value (DBV) is a programme working to identify and implement local and national opportunities to improve the outcomes for children and young people with Special Educational Needs and Disabilities (SEND). It is delivered by Newton Europe who were commissioned by the Department for Education (DfE) and looks at how savings can be made by improving outcomes in terms of children accessing the right support at the right time.

The targets identified for West Sussex focused on the three areas below:

- Increasing Inclusion in Mainstream Settings
- Reducing Reliance on the Independent Sector
- Enabling a Stronger Multi-Disciplinary Response

There is no target to reduce EHCPs by 20%

- (b) Any reduction in requests for EHCPs will come from earlier effective intervention and support enabling children to access learning and make progress without an EHCP. Any children requiring the additional support required through an EHCP will continue to be assessed in the usual way.
- (c) The current criteria for issuing an EHCP is defined within the SEND Code of Practice and the advice from an Educational Psychologist is a statutory requirement.

2. Written question from Cllr Joy for reply by Cabinet Member for Children, Young People, Learning and Skills

Question

My question regards Reinforced autoclaved aerated concrete (RAAC). I would like to pose a question to the County Council Cabinet. On the first day of term, West Sussex County Council sent out a message indicating that no schools in the county had any RAAC-related issues, even though a school in Horsham had been prominently mentioned in the press. It is worth noting that this particular school was originally a local authority school when it was constructed but has since become an academy. It appears that there may have been some reliance on technicalities in their response.

Currently, there seems to be a heightened sense of concern, as evidenced by the numerous surveys being conducted. Therefore, I would like to pose a straightforward and inquisitive question: How many schools in West Sussex can provide concrete evidence that they are genuinely RAAC-free?

Answer

There are no records indicating RAAC in any County Council maintained schools; however building records did not always detail the construction methods used. There are 114 maintained schools that have parts of the site that were constructed or modified during the period that RAAC was in use as a building material. Visual inspections were required at all of these schools, using the Department for Education (DfE) guidelines for RAAC identification. As a consequence of these inspections, one school did identify material that looked very much like RAAC but, after detailed survey investigation, has proved not to be. A further four schools have subsequently identified areas within the school that they have flagged as potential RAAC and detailed investigations are being arranged.

However, the County Council is aware that visual inspections alone cannot always entirely eliminate the possibility of RAAC being present. This is because there will be occasions where the structure has been obscured by panelling for example or requires void areas to be accessed and in some circumstances asbestos management is needed. To this end a programme of comprehensive building surveys by RAAC experienced professionals has been commissioned for all of the schools potentially containing the material.

The only school in West Sussex that has had RAAC positively identified remains Greenway Junior School near Horsham which is an academy. The Academy Trust is working with the DfE to resolve the issue. In the meantime the school remains open having reconfigured the teaching arrangements to avoid the area of concern.

3. Written question from **Cllr O'Kelly** for reply by **Cabinet Member for Children, Young People, Learning and Skills**

Question

Current contract arrangements for primary school meals are due to run until July 2026. The provision is based on the Steamplicity model with meals prepared off-site and micro-steamed on-site.

Can the Cabinet Member please:

- (a) Advise whether he is aware of an alternative to the Steamplicity system that could provide the scale of school meals required without full kitchen facilities in schools?
- (b) Advise whether any action is yet underway to explore alternative catering options ahead of July 2026?
- (c) Confirm the level of capital investment that would be required to deliver what would be required for an alternative to the Steamplicity.
- (d) Advise if a school is unhappy with the current arrangements there is provision for them to exit the contract?
- (e) Provide a summary of satisfaction levels based on the annual surveys for the duration of the contract arrangements.

Answer

- (a) Yes. There was a full market consultation undertaken in 2015/16 prior to the school meal contract procurement and at that time several potential alternatives presented and were explored by officers as part of the market consultation process. As is standard with a contract of this size, alternative models will be explored with potential Service Providers as part of the preparation for tendering for replacement school meal contracts.
- (b) Officers will commence market scoping in 2024/25, this will include stakeholder and Provider engagement.
- (c) Unknown as it would depend on what alternative models were presented. Full feasibility projects would need to be undertaken on each school currently operating a Steamplicity service, circa 190 schools. Not all these schools are maintained by the County Council.
- (d) Yes, there is provision for early contract exit, the conditions for this are set out in the annual Service Level Agreement that schools enter in to with the County Council.
- (e) The Service Provider carries out annual customer satisfaction surveys. These are constantly reviewed and improvements in the service applied, according to the feedback received.
- 4. Written question from Cllr Smith for reply by Cabinet Member for Children, Young People, Learning and Skills

Question

Can you please provide the following data in relation to all children with Education and Health Care Plans (EHCP) in full time educational placements, both as a percentage and an actual number, broken down by maintained, non-maintained, special, mainstream, academies, free schools or independent schools?

- (a) Children in full time school placements
- (b) Children currently on reduced timetables

- (c) Children currently receiving full time (Education Other Than At School) EOTAS support, including in-person tutoring or virtual support?
- (d) Children currently receiving part time or reduced EOTAS support?
- (e) What is the percentage of all children, and how many children in total with an EHCP are currently on waiting lists for a school placement? This includes children whose current placement is no longer meeting their needs, children who have been excluded from school and children missing education altogether as they are off role due to being de-registered?

Answer

- (a) We know which children are on roll in which type of provision at present; however, data on full-time, and part-time arrangements is not currently held. Mainstream covers providers of universal services who accommodate all needs within their setting.
 - 2,436 (35%) mainstream (including maintained, academies, free schools, and independents)
 - 2,807 (41%) Special or alternative provision
 - 1,389 (20%) Nursery or FE college (pre and post school age)
 - 278 (4%) other, such as apprenticeship, EOTAS, Elective Home Education, awaiting provision
- (b) This is not currently captured in a way that can be reported upon. A new working group has been established to explore future ways of working more closely with schools to communicate when changes to a child's full-time attendance in education is altered. This group is called Not in Receipt of Fulltime Education (NIRFE) and will include all children across the county, not SEND alone.
- (c) As at the start of September there were 104 children with EHCPs aged 0 to 25 that were recorded as EOTAS. This is 1.5% of all children with EHCPs for which West Sussex are responsible for. 60 of the 104 that are EOTAS are Elected Home Educated (0.9% of all children with EHCPs).

For children of compulsory school age (4 to 16 or Year R to 11) 71 children (1.3%) are recorded as EOTAS. 51 of these are Electively Home Educated (0.9%).

- (d) Any EOTAS provision for a child is their full-time provision in that it is their only provision. This may not be 'full-time' in the traditional sense of full-time education (i.e. 25 hours per week), but it is their only provision and what is deemed as appropriate for that child. Any child that is on a school roll would not be classed as EOTAS.
- (e) 61 (0.88%) of children with EHCPs are currently recorded with a SEN placement of Awaiting Provision/Awaiting Provision – in an education setting or another setting (age 5 to 15)/Awaiting Provision – not in education setting awaiting placement (age 5 to 15)/Awaiting Provision (16 or over).

Four children with EHCPs have been permanently excluded, however they are none of those shown as awaiting provision.

5. Written question from Cllr Joy for reply by Cabinet Member for Community Support, Fire and Rescue

Question

How is West Sussex County Council supporting Ukrainians in their efforts to secure private rental accommodation? A staff member attempting to transition into private rental housing has encountered obstacles, with letting agents unwilling to consider them as tenants.

Although it required the involvement of two English-speaking staff members to uncover this information, it appears that the County Council is aware of the issue and willing to intervene with landlords.

How are they addressing this situation to ensure that individuals who wish to avoid becoming a burden are not trapped within the system?

Answer

In response to the launch of the Homes for Ukraine Scheme, the County Council has established a Ukraine Support Team to deliver the practical support requirements placed on local authorities as set out in the national guidance. This support includes assisting guests following the end of their hosting arrangements to find suitable accommodation and assistance with independent living.

The Ukraine Support Team has staff dedicated to delivering the locally designed Accommodation Pathway Scheme offering end-to-end assistance from initial thoughts of living independently through to the point of moving into a property. This approach was designed to support Ukrainians wishing to live independently following the end of their hosted placement with a Sponsor or where private rented arrangements best suit their specific individual or family circumstances.

Staff working within the Accommodation Pathway Scheme (APS) proactively engage with Lettings Agents and Property Owners to increase understanding of the Homes for Ukraine Scheme, providing clarity on rights/status and entitlement under 'right to rent' as well as assisting with any practicalities regarding translation/interpretation. The scheme is widely promoted to guests, but it is acknowledged that many individuals/families are keen to be entirely independent opting to engage directly with Letting Agents and Property Owners but when faced with unfamiliar processes or unexpected obstacles may then reach out for assistance.

Engagement with individuals/families is on a 1:2:1 basis to tailor an appropriate package of support following an affordability assessment to ensure that any tenancy can be independently sustained for the duration. Support offered includes; assistance with the search for properties, engagement with Letting Agents and Property Owners to assist with the practical elements of viewing property and the subsequent steps for completion of a tenancy agreement and move-in. Circumstances will vary and a tailored package of support could include financial assistance with an initial security deposit (to take property off the market), rent deposit and/or a rent guarantee.

So far this year 66 individuals/families have moved into independently rented accommodation with support provided by the Accommodation Pathway Scheme with a further 130 individuals/families currently engaged in the process.

Support extends to ensure a smooth transition into the privately rented property with the Homes for Ukraine Team able to assist in the navigation of processes including help setting up council tax and utility accounts, and practical advice for matters such as recycling.

Once guests have settled into their independent accommodation, they are still able to access the wider support offer included under the Homes for Ukraine Scheme regarding access to language training, employment support etc.

The housing market in West Sussex is one of the most challenging in the Southeast with all statutory agencies struggling to obtain a regular supply of private rented accommodation despite offering incentives and support for landlords. The package of rent guarantees, rent and security deposits has proved a necessary measure to provide Landlords operating in a highly competitive marketplace with the assurance needed to support our guests.

In all cases officers seek to find suitable and appropriate accommodation, irrespective of whether the guest is a WSCC staff member or otherwise. The circumstances of each case remain confidential, but all cases are regularly reviewed whilst actively seeking rental accommodation and contact maintained with those who have successfully moved into independent accommodation.

It must be noted that irrespective of the support described above, the Homes for Ukraine Scheme remains a programme which primarily matches guests to local hosts and most hosted guests remain in their host arrangements for more than a year.

Question Time: 13 October 2023

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:

Local Enterprise Partnership from Cllr Duncton, Cllr Elkins, Cllr Kerry-Bedell and Cllr Mercer.

In relation to a question from Cllr Cornell about Home Office data (Crime Outcomes in England and Wales 2022 to 2023), why the percentage of reported crime was so low and what representations the Council had made to the Police and Crime Commissioner on this subject, the Leader undertook to refer this matter to the Cabinet Member for Community Support, Fire and Rescue and ask him to respond.

Cabinet Member for Adults Services

The Cabinet Member answered questions on the following matters:

Market Sustainability Improvement Fund from Cllr Albury and Cllr Pudaloff.

CQC Assurance self-assessment from Cllr Wall.

Cabinet Member for Children and Young People, Learning and Skills

The Cabinet Member answered questions on the following matters:

School Place Planning from Cllr Gibson.

Woodlands Meed School from Cllr Hillier and Cllr Lord.

Bedelands Academy from Cllr Cherry and Cllr Lord.

Secondary school places in Adur from Cllr Baxter, Cllr Boram and Cllr Smith.

Cabinet Member for Environment and Climate Change

The Cabinet Member answered questions on the following matters:

Think Before You Throw recycling videos from Cllr Greenway, Cllr Patel and Cllr Pudaloff.

Cabinet Member for Finance and Property

The Cabinet Member answered questions on the following matters:

Medium Term Financial Strategy from Cllr Baxter, Cllr Burrett and Cllr Kerry-Bedell.

Cabinet Member for Highways and Transport

The Cabinet Member answered questions on the following matters:

Carriageway dressing, from Cllr Lord.

In response to a request Lord for when repair work would be undertaken to a road in her division (Keymer Road, Hassocks) and an explanation for the poor condition following resurfacing, the Cabinet Member agreed to look into the matter and provide an explanation for the specific problem and how it would be avoided in future.

School Streets Trials, from Cllrs Boram and Greenway.

Active travel, from Cllr Condie, Cllr Kerry-Bedell, Cllr Oakley, Cllr Quinn and Cllr Walsh.

In response to a question from Cllr Walsh about overgrown vegetation on cycle ways and footpaths, the Cabinet Member agreed to advise him what measures would be taken in relation to Council-owned or controlled land, before next summer.

The Cabinet Member also agreed to respond to Cllr Oakley about the County Council's management of hedges abutting the highway.

Southern Rail's West Coastway consultation, from Cllr N Dennis and Cllr Oakley.

In response to a request from Cllr Dennis, the Cabinet Member undertook to include the County Council's consultation response in the members' Bulletin.

EV Chargepoints, from Cllr Forbes, Cllr N Jupp, Cllr Kerry-Bedell, Cllr McKnight and Cllr Walsh.

Highways winter maintenance, from Cllr Greenway and Cllr McKnight.

In relation to winder maintenance in response to a request from Cllr McKnight about the resurfacing of Tarring Road, Worthing, the Cabinet Member agreed to advise him about the timescale for the works.

Cabinet Member for Public Health and Wellbeing

The Cabinet Member answered questions smoking cessation, from Cllr McGregor and Cllr McKnight

Cabinet Member for Support Services and Economic Development

The Cabinet Member answered a question about the BEACH project, from Cllr Atkins.