

West Sussex County Council – Ordinary Meeting

20 July 2018

At the Ordinary Meeting of the County Council held at 10.30 am on Friday, 20 July 2018, at the County Hall, Chichester, the members present being:

Mr Barnard (Chairman)

Lt Cdr Atkins	Mrs Kitchen
Mr Baldwin	Mr Lanzer
Mr Barling	Ms Lord
Mr Barrett-Miles	Mr Markwell
Lt Col Barton	Mr Marshall
Mrs Bennett	Mr McDonald
Mr Boram	Mrs Millson
Mr Bradford	Mr Mitchell
Mrs Bridges	Mr Montyn
Mr Buckland	Mrs Mullins
Mr Burrett	Mr R J Oakley
Mr Catchpole	Mr S J Oakley
Mr Cloake	Dr O'Kelly
Mr Crow	Mr Oppler
Mrs Dennis	Mr Oxlade
Dr Dennis	Mr Parikh
Mrs Duncton	Mr Patel
Mr Elkins	Mrs Pendleton
Mr Fitzjohn	Mr Petts
Ms Flynn	Mrs Purnell
Ms Goldsmith	Mr Quinn
Mr High	Mrs Russell
Mr Hillier	Mr Simmons
Mr Hunt	Mrs Smith
Mrs Jones	Mr Smytherman
Mr Jones	Mrs Urquhart
Mrs Jupp	Mr Waight
Mr Jupp	Dr Walsh
Ms Kennard	Mr Whittington

50 Apologies for Absence

50.1 Apologies were received from Mrs Arculus, Mr Bradbury, Mrs Brunson, Mr Edwards, Mrs Hall, Mr Lea, Mr Purchase, Mrs Sparkes, Mr Turner and Mr Wickremaratchi. Mr Acraman and Mr Markwell were absent.

50.2 Apologies for the afternoon session were received from Lt Col Barton and Ms Lord. Mr Oxlade gave his apologies and left at 2.30 pm. Mr S J Oakley and Mr Buckland were absent for the morning and afternoon sessions respectively. Mr Oppler left at 2.50 p.m., Ms Flynn and Mrs Pendleton at 3.15 p.m. and Dr Walsh at 3.50 p.m.

51 Members' Interests

51.1 Members declared interests as set out at Appendix 1.

52 Minutes

52.1 It was agreed that the minutes of the Ordinary Meeting of the County Council held on 8 June 2018 (pages 9 to 38), subject to the correction of Mrs Dennis' name in minute 45, be approved as a correct record.

53 Appointments

53.1 The Council approved appointments as set out below.

Committee	Change
Health and Adult Social Care Select Committee	Mr Barling to fill vacancy
Rights of Way Committee substitute	Mrs Pendleton to fill vacancy

54 Motion on Academies

54.1 The following motion was moved by Mr High and seconded by Mr Jones:

'This Council recognises the concerns raised with members by a number of parents and residents about recent events at Thomas Bennett Community College in Crawley. The Council also recognises that many people have been looking to the County Council to provide a lead on this issue and to intervene in a way which many would expect of their Local Education Authority, but that whilst the Director of Education and Skills has been able to raise her concerns about the matter with the Regional Schools Commissioner, the Council has been unable to take any more proactive action on this as the school is an Academy under the control of a Multi-Academy Trust.

This Council is concerned that, whilst schools which have been judged to be Inadequate by OFSTED can be the subject of a Directed Academy Order imposed by the Regional Schools Commissioner, there is no legal mechanism via which an Academy which is experiencing difficulties can be returned to local authority control, even if it is clear that that is the outcome which parents want. This leaves the County Council powerless to act directly in response to parents' concerns.

The Council therefore requests the Leader and the Cabinet Member for Education and Skills to write to the Secretary of State for Education urging him to change the law to enable local authorities

to have greater powers of intervention, challenge and support when Academies are causing concern, and to introduce a mechanism to enable Academies to be returned to local authority maintained status when circumstances deem that to be in the best interests of the individual school in question.'

54.2 The motion, as set out in minute 54.1, was agreed.

55 Motion on Cycling

55.1 The following motion was moved by Dr O'Kelly and seconded by Ms Lord.

'This Council recognises the significant work being done by the Cabinet to promote the benefits of increasing cycle journeys, in terms of improving fitness, reducing congestion and the need to provide additional parking spaces, and improving air quality, as well as opening up the countryside for both residents and visitors. Along with the undoubted benefits of making cycling easier, there are also a number of issues that need to be addressed for the benefit of all residents and visitors to West Sussex. There are also new developments, such as electric bikes and increasing numbers of motorised scooters, which should, ideally, be segregated from pedestrians as far as possible in town centres.

The Council therefore calls on the Cabinet to hold a county-wide Cycling Summit to explore all the issues more fully, involving the whole range of stakeholders to address at least the following issues:

- (1) The health benefits of increasing cycling miles and how this can be achieved;
- (2) The role of cycling in addressing congestion and air quality;
- (3) Increasing cycle commuting and the role of employers in encouraging this;
- (4) Cycling Safety;
- (5) Cycle tourism - opportunities and threats, including a presumption against road closures for large cycle events and damage to popular off-road routes;
- (6) Cycling education, and involving schools and other educational establishments in promoting cycling;
- (7) Involving businesses, and encouraging them to promote cycling through their travel plans;
- (8) Maximising grant funding and exploring other ways of funding new high quality infrastructure;
- (9) Design standards and increasing cycling infrastructure and capacity; and

- (10) Recognising the different challenges of promoting cycling in urban and rural environments and working with district, borough, parish and neighbourhood councils, and the South Downs National Park Authority.'

55.2 The motion was referred to the Cabinet Member for Highways and Infrastructure for consideration.

56 Motion on Velo South

56.1 The following motion was moved by Dr O'Kelly and seconded by Mrs Millson.

'This Council recognises that the forthcoming Velo South on-road cycle event will raise the profile of West Sussex. This Council equally acknowledges the impact the proposed road closures will have on those residents and businesses who are along and within the loop of the route and therefore calls on the Leader and the Cabinet for Highways and Infrastructure to take steps to minimise that impact by working with the event organisers to either abandon the road closures or introduce 'short rolling road closures for the elite cyclists only', noting that 'rolling' closures have been the norm for previous major cycle events in the county.'

56.2 The motion was lost.

57 Motion on Costs of Citizenship for Children

57.1 The following motion was moved by Mrs Mullins and seconded by Mr Oxlade.

'In the UK today, there are significant numbers of children who do not currently have British citizenship, but have rights to register as British citizens. Many of these children were born in the UK, and others have lived here from a young age, been raised here, educated here, and have never known any other home. Without access to their citizenship rights, children may find themselves denied opportunities extended to their peers, such as the chance to participate in a school trip, or to be eligible for funding, so they can undertake higher education.

There are a number of barriers to children registering their citizenship. Registration can be a complex process of prohibitive cost. Children are charged £1,012 for a process whose administrative cost is published at £372, meaning government is making a profit of £640 from every child who claims their rights. No child should be denied their citizenship rights by reason of a fee. There is no substitute for citizenship, which is vital to future security and sense of belonging.

This Council recognises:

- (a) That the profit-making element of the fee, to register citizenship, discourages the best outcomes for many of the UK's children;
- (b) Because of their duties as corporate parents, the fee for children to register will fall on councils, in the many cases where children looked after qualify for citizenship; and
- (c) The fee puts councils, in the unacceptable position, of having to weigh the benefits of citizenship, to a child in their care, against the cost to the council of assisting a child in claiming that right.

This Council therefore resolves to ask the Cabinet Member for Children and Young People:

- (1) To write to the Minister of Immigration, demanding that the fee for children to register as British citizens is reduced to the administrative cost; and demanding that children looked after are exempted from the fee in its entirety; and
- (2) To identify children in the Council's care who are entitled to citizenship, and make sure they are aware of their rights and supported to claim them.'

57.2 An amendment was moved by Mr Hillier and seconded by Mrs Jones.

'In the UK today, there are significant numbers of children who do not currently have British citizenship, but have rights to register as British citizens. Many of these children were born in the UK, and others have lived here from a young age, been raised here, educated here, and have never known any other home. Without access to their citizenship rights, children may find themselves denied opportunities extended to their peers, such as the chance to participate in a school trip, or to be eligible for funding, so they can undertake higher education.

It is reported that there are a number of barriers to children registering their citizenship. Registration can be a complex process of prohibitive cost. Children are charged £1,012 for a process whose administrative cost is published at £372, meaning government is ***apparently*** making a profit of £640 from every child who claims their rights. No child should be denied their citizenship rights by reason of a fee. There is no substitute for citizenship, which is vital to future security and sense of belonging.

This Council recognises:

- (a) That ***there is a risk that*** ~~the profit-making element of the fee, to register citizenship, discourages the best outcomes for many~~ ***some*** of the UK's children;

- (b) Because of their duties as corporate parents, the fee for children to register ~~will~~ **may** fall on councils, in the ~~many~~ **few** cases where children looked after qualify for citizenship **and put an application in**; and
- (c) **in such instances**, the fee **could** puts councils, in the ~~unacceptable~~ position, of having to weigh the benefits of citizenship, to a child in their care, against the cost to the council of assisting a child in claiming that right.

This Council therefore resolves to ask the Cabinet Member for Children and Young People:

- (12) To identify children in the Council's care who are entitled to citizenship, and **to continue to** make sure they are aware of their rights and supported to claim them;
- (21) To write to the Minister of Immigration, ~~demanding that~~ **suggesting that the level of** the fee for children to register as British citizens ~~is~~ **could be a barrier to a young person wishing to regularise their citizenship and asking that consideration be given to** ~~demanding that~~ the fee **being** reduced to the administrative cost; and ~~demanding that~~ children looked after **being** are exempted from the fee in its entirety; and
- (3) **To also ask that the Home Office undertakes to take up its statutory responsibilities in relation to those young people who have been refused refugee status in more timely fashion and not leave the burden on local authorities.'**

57.3 The amendment was carried.

57.4 An amendment was moved by Ms Lord and seconded by Mrs Millson.

'In the UK today, there are significant numbers of children who do not currently have British citizenship, but have rights to register as British citizens. Many of these children were born in the UK, and others have lived here from a young age, been raised here, educated here, and have never known any other home. Without access to their citizenship rights, children may find themselves denied opportunities extended to their peers, such as the chance to participate in a school trip, or to be eligible for funding, so they can undertake higher education.

There are a number of barriers to children registering their citizenship. Registration can be a complex process of prohibitive cost. Children are charged £1,012 for a process whose administrative cost is published at £372, meaning government is making a profit of £640 from every child who claims their rights. No child should be denied their citizenship rights by reason of a fee.

There is no substitute for citizenship, which is vital to future security and sense of belonging.

This Council recognises:

- (a) That the profit-making element of the fee, to register citizenship, discourages the best outcomes for many of the UK's children;
- (b) Because of their duties as corporate parents, the fee for children to register will fall on councils, in the many cases where children looked after qualify for citizenship; and
- (c) The fee puts councils, in the unacceptable position, of having to weigh the benefits of citizenship, to a child in their care, against the cost to the council of assisting a child in claiming that right.

This Council therefore resolves to ask the Cabinet Member for Children and Young People:

- (1) To write to the Minister of Immigration, demanding that the fee for children to register as British citizens is reduced to the administrative cost; and demanding that children looked after are exempted from the fee in its entirety; and
- (2) To identify children in the Council's care who are entitled to citizenship **or other leave to remain**, and make sure they are aware of their rights and **fully financially and administratively** supported to claim them, **including those aged between 21 and 25 if requested by the care leaver.**

57.5 The amendment was lost.

57.6 The motion as amended and set out below was agreed.

'In the UK today, there are significant numbers of children who do not currently have British citizenship, but have rights to register as British citizens. Many of these children were born in the UK, and others have lived here from a young age, been raised here, educated here, and have never known any other home. Without access to their citizenship rights, children may find themselves denied opportunities extended to their peers, such as the chance to participate in a school trip, or to be eligible for funding, so they can undertake higher education.

It is reported that there are a number of barriers to children registering their citizenship. Registration can be a complex process of prohibitive cost. Children are charged £1,012 for a process whose administrative cost is published at £372, meaning government is apparently making a profit of £640 from every child who claims their rights. No child should be denied their citizenship

rights by reason of a fee. There is no substitute for citizenship, which is vital to future security and sense of belonging.

This Council recognises:

- (a) That there is a risk that the fee, to register citizenship, discourages the best outcomes some of the UK's children;
- (b) Because of their duties as corporate parents, the fee for children to register may fall on councils, in the few cases where children looked after qualify for citizenship and put an application in; and
- (c) in such instances, the fee could put councils in the position of having to weigh the benefits of citizenship to a child in their care, against the cost to the council of assisting a child in claiming that right.

This Council therefore resolves to ask the Cabinet Member for Children and Young People:

- (1) To identify children in the Council's care who are entitled to citizenship, and to continue to make sure they are aware of their rights and supported to claim them;
- (2) To write to the Minister of Immigration, suggesting that the level of the fee for children to register as British citizens could be a barrier to a young person wishing to regularise their citizenship and asking that consideration be given to the fee being reduced to the administrative cost; and children looked after being exempted from the fee in its entirety; and
- (3) To also ask that the Home Office undertakes to take up its statutory responsibilities in relation to those young people who have been refused refugee status in more timely fashion and not leave the burden on local authorities.'

58 Motion on the Military Covenant

58.1 The following motion was moved by Lt Cdr Atkins and seconded by Mrs Dunton.

'This Council congratulates the work undertaken by the Cabinet Member for Safer, Stronger Communities for the work she has undertaken to obtain the Military Covenant Silver Award. As demonstrated at the last County Council meeting, the Council:

- (a) Applauds the work of our military service personnel, acknowledges the personal sacrifices in battle and peace time.
- (b) Acknowledges the challenges faced on entering civilian life.

- (c) Is deeply conscious of the impact of PTSD on veterans.

The Council therefore calls on the Cabinet Member to make every effort to achieve the Gold Award for the Military Covenant in this coming year by:

- (1) Actively ensuring that the County Council's workforce is aware of the positive policies towards defence people matters.
- (2) Actively promoting the County Council's good practice to other councils, our contractors and suppliers and other partner organisations.
- (3) Working with the Military Covenant Board to develop more 'drop in centres' across West Sussex similar to the Littlehampton Veterans Breakfast Club.'

58.2 The motion, as set out above, was agreed.

59 Adoption of the West Sussex Joint Minerals Local Plan

59.1 The Cabinet Member for Highways and Infrastructure moved the report on West Sussex Joint Minerals Local Plan (pages 39 to 42), subject to a correction to the fourth line of paragraph 6.10.12 on page 75 of Appendix B to read 'This railway link is safeguarded **for** this form of development'.

59.2 Resolved –

That the West Sussex Joint Minerals Local Plan, incorporating the main modifications recommended by the Inspector and other minor changes (Appendix B to the report), subject to the correction set out in minute 59.1 above, be adopted to replace the West Sussex Minerals Local Plan (2003).

60 West Sussex County Council Annual Report 2017/18

60.1 The Leader moved the report on West Sussex County Council Annual Report 2017/18 (pages 43 to 44).

60.2 Resolved - That the West Sussex Annual Report 2017/18 be noted.

61 Governance Committee: Review of the Constitution

61.1 Members were informed that a technical review had been undertaken of the County Council's Constitution, with an aim of making it a more accessible document, removing duplication and simplifying some of the more technical language. The Council considered the proposed changes, in the light of a report by the Governance Committee (pages 45 to 52).

61.2 Resolved –

- (1) That the proposed changes to governance arrangements set out in paragraph 8 of the report be approved;
- (2) That the revised the Constitution be approved; and
- (3) The Director of Law and Assurance be authorised to make any minor consequential changes to the Constitution arising from the review.

62 Standards Committee: Review of the Constitution - Codes of Conduct

62.1 The Council considered changes to the Codes of Conduct with the intention of simplifying and streamlining the Constitution in the light of a report from the Standards Committee (pages 53 and 56).

62.2 Resolved –

- (1) That the proposed revisions to the Code of Conduct included in Part 5, Sections 1 and 2 be approved;
- (2) That the proposed removal of Part 5, Sections 8 to 13 and the proposed removal of the Corporate Advice Notes be approved; and
- (3) That authority be delegated to the Director of Human Resources to make and amend future policies relating to staff conduct, in consultation with the Director of Law and Assurance.

63 Governance Committee: Independent Remuneration Panel Review of Member Allowances

63.1 The Council was reminded that a new Members' Allowances Scheme had come into effect in May 2017, based on a Scheme recommended by the Independent Remuneration Panel (IRP) to Council in December 2016. The Council had asked the IRP to review the Scheme after about a year of operation and the IRP had now completed that review. The Council considered the IRP's proposals, in the light of a report by the Governance Committee (pages 57 to 64).

63.2 The Chairman agreed to raise with the IRP a comment that for members with children in nursery settings where there was usually a need to commit to using care every week, the maximum annual amount might not be sufficient.

63.3 Resolved –

That the Independent Remuneration Panel's report and recommendations be approved.

64 Governance Committee: Staff Appeals Panel - Proposals for

Change

64.1 The Council considered changes to the working of the Staff Appeals Panel in the light of a report from the Governance Committee (supplement pack pages 3 to 8).

64.2 Resolved -

- (1) That the changes to the constitutional arrangements for the Appeals Panel to deal with staff disciplinary or grievance appeals, as set out in Option 1 in the report, be approved; and
- (2) That the Discipline and Grievance policies, and other relevant procedures and guidance be amended accordingly.

65 Governance Committee: Pay Policy Statement 2018/19

65.1 The Council considered changes to the Pay Policy Statement 2018/19 in the light of a report from the Governance Committee (supplement pack pages 9 to 19).

65.2 The Cabinet Member for Finance and Resources informed the Council that the words 'in consultation with the Cabinet Member for Finance and Resources', should be added to paragraph 4.2 of Appendix 1.

65.3 Resolved -

That the proposed revisions to the text of the Pay Policy Statement, as set out in Appendix 1 to the report, subject to the addition of the words 'in consultation with the Cabinet Member for Finance and Resources' in paragraph 4.2 of Appendix 1, be approved.

66 Annual Report of the Standards Committee

66.1 The Council considered the report from the Standards Committee on its activities for the period May 2017 to April 2018 (pages 65 and 66).

66.2 Resolved -

That the report be noted.

67 Question Time

67.1 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 67 to 78) and a supplementary report (supplement pages 1 and 2) and written questions and answers pursuant to Standing Order 15(2) (set out at Appendix 2).

68 Motion on the EU

68.1 The following motion was moved by Dr Walsh and seconded by Dr O'Kelly.

'West Sussex County Council believes:

- (1) That there is mounting and indisputable evidence of damage that a 'hard Brexit' would cause both to the national economy and to our regional economy.
- (2) The damage to our international relationships, the reducing influence with other states and the complete loss of say and control over the rules of the European Single Market and Customs Union, the largest market in the world will be very severe.
- (3) That the Government has totally mismanaged the Brexit negotiations and has failed to work closely with Scotland/Wales/regions and local authorities and listen to our concerns.
- (4) That businesses within our region, like those elsewhere in the UK, are reconsidering investment plans in new production and new jobs while they await the Brexit deal.
- (5) That the current rights of EU citizens living in the UK should always be fully protected and not used as a bargaining chip by the UK Government.

The Council notes:

- (1) The increasing problems that the NHS is having in recruiting nurses and doctors since the decision to leave the European Union was made and that this is having a real impact on the health of local residents.
- (2) With concern, the potential impact of Brexit both on our local economy and on established mutually beneficial partnerships and links with European businesses.
- (3) That the UK economy is now the slowest growing economy in Europe, reducing the prosperity of the UK and our local residents.
- (4) That new investment in the region is being jeopardised and new job opportunities are being lost.
- (5) That Inflation caused by Brexit-related depreciation of the pound is driving up living costs for all our residents, and a further squeezing on living standards.

- (6) That Bristol, Brighton & Hove and Hammersmith & Fulham councils have already passed motions that back a vote on the final deal with an option to stay within the European Union.

West Sussex County Council resolves to:

- (1) Request the Leader of the Council to write to our local Members of Parliament and the Secretary of State for Housing, Communities and Local Government, expressing this Council's strong desire for a public referendum on the final deal, including the option to maintain full EU membership; and
- (2) Request the Leader of the Council to write to all Leaders of local authorities and/or the Local Government Association urging them to also adopt a policy calling for a public referendum on the final deal including an option to maintain full EU membership.'

68.2 The motion was lost.

Chairman

The Council rose at 4.05 pm