
West Sussex County Council – Ordinary Meeting

18 October 2019

At the Ordinary Meeting of the County Council held at 10.30 am on Friday, 18 October 2019, at the County Hall, Chichester, the members present being:

Mrs Duncton (Chairman)

Mrs Arculus	Mrs Jupp
Mr Acraman	Mr Jupp
Lt Cdr Atkins, RD	Mrs Kitchen
Mr Baldwin	Mr Lanzer
Mr Barling	Mr Lea
Mr Barnard	Ms Lord
Mr Barrett-Miles	Mr Markwell
Lt Col Barton, TD	Mr Marshall
Mrs Bennett	Mr McDonald
Mr Boram	Mrs Millson
Mr Bradbury	Mr Mitchell
Mr Bradford	Mr Montyn
Mrs Bridges	Mr R J Oakley
Mrs Brunsdon	Mr S J Oakley
Mr Buckland	Dr O'Kelly
Mrs Burgess	Mr Oppler
Mr Burrett	Mr Oxlade
Mr Catchpole	Mr Patel
Mr Cloake	Mrs Pendleton
Mr Crow	Mr Purchase
Mrs Dennis	Mrs Purnell
Dr Dennis	Mr Quinn
Mr Edwards	Mrs Russell
Mr Elkins	Mr Simmons
Mr Fitzjohn	Mr Smytherman
Ms Flynn	Mrs Sparkes
Ms Goldsmith	Ms Sudan
Mrs Hall	Mr Turner
Mr High	Mrs Urquhart
Mr Hillier	Mr Waight
Mr Hunt	Dr Walsh, KStJ, RD
Mrs Jones, MBE	Mr Whittington
Mr Jones	Mr Wickremaratchi

46 Apologies for Absence

- 46.1 Apologies were received from Ms Kennard and Mrs Smith.
- 46.2 Mrs Bridges arrived for the morning session at 10.40 am and Mr Burrett arrived for the afternoon session at 2.15 pm.

46.3 Apologies for the afternoon session were received from Lt Col Barton and Mrs Bridges. Mr Purchase gave his apologies and arrived at 12.15 pm. Mr Baldwin, Mrs Hall and Mrs Pendleton were absent for the afternoon session.

46.4 Mr R J Oakley and Mr Whittington left at 3.00 pm, Mrs Brunsdon and Mr Lea at 3.45 pm, Mrs Kitchen at 4.00 pm, Mr Cloake at 4.10 pm, Mr Fitzjohn, Mr Markwell, Dr O'Kelly and Mr Oppler at 4.15 pm and Mrs Burgess and Ms Flynn at 4.25 pm.

47 Members' Interests

47.1 Members declared interests as set out at Appendix 1.

48 Minutes

48.1 It was agreed that the minutes of the Ordinary Meeting of the County Council held on 19 July 2019 (pages 11 to 44) be approved as a correct record.

49 Result of By-election

49.1 The Council received the County Returning Officer's return of the by-election on 26 September 2019 for the county councillor for the Three Bridges electoral division.

50 Review of Proportionality

50.1 The County Council was reminded of its statutory duty to review the proportionality on its committees following the by-election. A paper on the application of the proportionality rules and how they were applied, together with a table showing the number of seats on committees, was set out on pages 47 and 48.

50.2 Resolved –

That the proportionality be agreed.

51 Appointment of Leader

51.1 Following the resignation of Ms Louise Goldsmith as Leader, the Council was required to appoint a new Leader for the remainder of the four-year term to 2021.

51.2 The new Leader would then appoint members of the Cabinet and decide the portfolios for which they would be responsible.

51.3 It was proposed by Mr High and seconded by Mr Barling that Mr Paul Marshall be appointed as the Leader of the Council for the remainder of the four-year term to 2021. The appointment was agreed.

52 Notification of appointments to the Cabinet and Senior Advisers and Advisers to Cabinet Members

52.1 Mr Marshall had given notice to the County Council of his intended appointments to the Cabinet and of his proposed appointments of Senior Advisers and Advisers to Cabinet Members, as set out on supplementary pages 1 to 8.

52.2 Resolved -

That the Director of Law and Assurance, in consultation with the County Chairman, be authorised to make consequential changes to the Constitution.

53 Appointments to Committees

53.1 The Council approved appointments as set out below.

Committee	Change
Children and Young People's Services Select Committee	Mr Barling in place of Mr High and as Chairman Mr Baldwin and Mr Hillier in place of Mrs Bennett and Mr Jupp Mrs Burgess to fill vacancy Mrs Brunsdon as substitute
Health and Adult Social Care Select Committee	Mr Markwell to fill vacancy
Performance and Finance Select Committee	Mrs Dennis in place of Mr Crow and as Chairman Mr Barling in place of Mr High
Governance Committee	Mr Bradbury, Mrs Jupp and Mr Marshall in place of Mr Acraman, Mr Burrett and Ms Goldsmith
Planning Committee	Mr High in place of Mr Crow and as Chairman
Corporate Parenting Panel	Mr Baldwin in place of Mrs Jones
PropCo Panel	Mrs Urquhart in place of Ms Goldsmith
Staff Appeals Panel	Mr Jones to fill vacancy

54 Address by a Cabinet Member

-
- 54.1 Members received an address by the Cabinet Member for Children and Young People on the Council's Children First Improvement Plan. A report by the Cabinet Member had been circulated.

55 Flexible Use of Capital Receipts Strategy

- 55.1 The Cabinet Member for Finance and Resources moved the report on the proposed Flexible Use of Capital Receipts Strategy and an increase in the capital programme budget to fund transformation expenditure (pages 49 to 52).

- 55.2 It was proposed by Mr Jones and seconded by Mr Oxlade that the report should be deferred to the next Council meeting to allow scrutiny of the proposal.

- 55.3 The proposition was put to a recorded vote under Standing Order 3.35.

- (a) For the proposition – 13

Mr Buckland, Mr Fitzjohn, Ms Goldsmith, Mr Jones, Ms Lord, Mrs Millson, Dr O'Kelly, Mr Oppler, Mr Oxlade, Mr Quinn, Mr Smytherman, Ms Sudan and Dr Walsh.

- (b) Against the proposition - 44

Lt Cdr Atkins, Mr Baldwin, Mr Barnard, Mr Barrett-Miles, Mrs Bennett, Mr Boram, Mr Bradbury, Mr Bradford, Mrs Bridges, Mrs Brunsdon, Mrs Burgess, Mr Burrett, Mr Catchpole, Mr Cloake, Mr Crow, Mrs Dennis, Mr Edwards, Mr Elkins, Ms Flynn, Mrs Hall, Mr High, Mr Hillier, Mr Hunt, Mrs Jupp, Mr Jupp, Mrs Kitchen, Mr Lanzer, Mr Lea, Mr Markwell, Mr Marshall, Mr McDonald, Mr Mitchell, Mr Montyn, Mr R J Oakley, Mr S J Oakley, Mr Patel, Mrs Pendleton, Mrs Purnell, Mrs Russell, Mr Simmons, Mrs Sparkes, Mr Turner, Mr Waight, Mr Whittington and Mr Wickremaratchi.

- (c) Abstentions – 6

Mr Acraman, Mrs Arculus, Dr Dennis, Mrs Jones and Mrs Urquhart.

- 55.4 The proposition was lost.

- 55.5 Resolved –

- (1) That the Flexible Use of Capital Receipts Strategy for 2019/20, as set out in paragraphs 8 and 9 of the report, be approved to comply with the Secretary of State for Communities and Local Government's Direction for the use of capital receipts to fund service reform and transformation;

-
- (2) That an increase in the capital programme budget for 2019/20 of up to £7m be approved to reflect the capitalisation of the transformation activities to be funded by capital receipts under the Flexible Use of Capital Receipts Strategy, as set out at Appendix A to the report; and
 - (3) That an increase of up to £7m in the Council's 2019/20 Capital Expenditure Prudential Indicator to £115.995m be approved.

56 Motion on Small Schools Federations

56.1 At the County Council meeting on 19 July 2019 the following motion had been moved by Dr O'Kelly, seconded by Mr Smytherman, and referred to the Cabinet Member for Education and Skills for consideration. A report by the Cabinet Member was included with the agenda (pages 53 and 54). Ms Lord spoke as seconder at the meeting.

'The current financial climate for small schools continues to be challenging. The government strategy for small schools is to aim to keep them open and includes exploring federation before considering closure. This Council itself recognises the need for small schools to consider federation in its School Effectiveness Strategy 2018-22. Closure of a small school can be devastating for children, families and the rural communities they are in and the School Effectiveness Strategy recognises this as only a final option.

The process of federation relies on school governors, who are volunteers, often with full time jobs and other commitments, and who do not always have the time and skill sets needed, to explore and develop the federation options fully themselves. Although the School Effectiveness Strategy outlines that the Council will support and challenge governing bodies who have considered the options, there is no formal process for assisting governing bodies in assessing the options open to them and developing possible federation agreements in the first place.

This Council believes that:

- (a) Small schools are at the heart of our smaller communities.
- (b) The federation process is not always straightforward and without significant input from this Council from the earliest stages of the process, governing bodies cannot easily explore federation on their own.
- (c) A more proactive approach to federation is more likely to keep our small schools open and viable and at the heart of our rural communities.
- (d) Consulting on the possible closure of a school should only be considered where all other options have been exhausted.

This Council resolves to ask the Cabinet Member for Education and Skills to:

- (1) Share knowledge about federation and how it can be achieved with all small schools including sharing best practice guidance from other local authorities;
- (2) Provide officer support to governing bodies to consider federation including providing support to find possible partners and facilitate discussions;
- (1) Provide practical tools and officer support during the partnership phase in helping to make all the transitional arrangements; and
- (2) Not consult with the public as to the future of any school in West Sussex without having gone through such a process with schools.'

56.1 An amendment was moved by Mr Simmons and seconded by Ms Flynn as set out below:

'The current financial climate for small schools continues to be challenging. The government strategy for small schools is to aim, **where possible**, to keep them open and includes exploring federation before considering closure. This Council itself recognises the need for small schools to consider federation in its School Effectiveness Strategy 2018-22. Closure of **any** a small school **has the potential to have an adverse effect on** ~~can be devastating for~~ children, families and the rural communities **in which** they are **located** ~~in~~ and the School Effectiveness Strategy recognises **closure** ~~this~~ as only a final option.

The process of federation relies on school governors, who are volunteers, often with full time jobs and other commitments, and who do not always have the time and skill sets needed, to explore and develop the federation options fully themselves. Although the School Effectiveness Strategy outlines that the Council will support and challenge governing bodies who have considered the options, there is no formal process for assisting governing bodies in assessing the options open to them and developing possible federation agreements in the first place.

This Council believes that:

- (a) Small schools are **often located in** at the heart of ~~our~~ smaller **their** communities.
- (b) The federation process is not always straightforward ~~and without significant input~~ **and it can be beneficial to have support** from this Council from the earliest stages of the

process, **if** governing bodies **agree that this would be helpful** cannot easily explore federation on their own.

- (c) A more proactive approach to federation is more likely to keep our small schools open and viable and at the heart of ~~our~~ **their** rural communities.
- (d) Consulting on the possible closure of a school should only be considered **alongside** where all other options have been exhausted.

This Council resolves to ask the Cabinet Member for Education and Skills to:

- (1) Share knowledge about federation and how it can be achieved with all small schools including sharing best practice guidance from other local authorities;
- (2) **Continue the provision of** ~~Provide~~ officer support to governing bodies to consider federation including providing support to find possible partners and facilitate discussions;
- (3) **Continue to** provide practical tools and officer support during the partnership phase in helping to make all the transitional arrangements; and
- (4) Not to consult with the public as to the future of any school in West Sussex without having ~~gone~~ **thoroughly considered the benefits of going** through such a process with schools.'

56.2 The amendment was carried.

56.3 The amended motion, as set out below, was carried.

'The current financial climate for small schools continues to be challenging. The government strategy for small schools is to aim, where possible, to keep them open and includes exploring federation before considering closure. This Council itself recognises the need for small schools to consider federation in its School Effectiveness Strategy 2018-22. Closure of any school has the potential to have an adverse effect on children, families and the communities in which they are located and the School Effectiveness Strategy recognises closure as only a final option.

The process of federation relies on school governors, who are volunteers, often with full time jobs and other commitments, and who do not always have the time and skill sets needed, to explore and develop the federation options fully themselves. Although the School Effectiveness Strategy outlines that the Council will support and challenge governing bodies who have considered the options, there is no formal process for assisting governing bodies in

assessing the options open to them and developing possible federation agreements in the first place.

This Council believes that:

- (a) Small schools are often located in the heart their communities.
- (b) The federation process is not always straightforward and it can be beneficial to have support from this Council from the earliest stages of the process, if governing bodies agree that this would be helpful.
- (c) A proactive approach to federation is more likely to keep our small schools open and viable and at the heart of their rural communities.
- (d) Consulting on the possible closure of a school should only be considered alongside all other options.

This Council resolves to ask the Cabinet Member for Education and Skills to:

- (1) Share knowledge about federation and how it can be achieved with all small schools including sharing best practice guidance from other local authorities;
- (2) Continue the provision of officer support to governing bodies to consider federation including providing support to find possible partners and facilitate discussions;
- (3) Continue to provide practical tools and officer support during the partnership phase in helping to make all the transitional arrangements; and
- (4) Not to consult with the public as to the future of any school in West Sussex without having thoroughly considered the benefits of going through such a process with schools.'

57 Motion on system of Council governance

57.1 At the County Council meeting on 19 July 2019 the following motion had been moved by Dr Walsh, seconded by Mrs Millson, and referred to the Governance Committee for consideration. A report from the Committee was included with the agenda (pages 55 and 56).

'The County Council has been found 'inadequate' by HM Inspectorate, in respect of the Fire and Rescue Service, as well as in its provision of Children's Services by Ofsted, where the Government has appointed a Commissioner to run the service. The Member of Parliament for Mid Sussex has written to the Secretary of

State for Housing, Communities and Local Government expressing his "grave concerns about the governance of this authority", and asking him "to investigate why things have gone so wrong".

It is abundantly clear to all that there is a systemic failure of political leadership of West Sussex County Council encompassing all our major services, and further evidenced by the high turnover rate of most senior officers at Director level including Chief Executive over the last few years, and the churn of Cabinet Members.

The Council therefore resolves to scrap the current Cabinet system of governance, where most major decisions are taken either by individual Cabinet Members, or occasionally by the whole Cabinet, and to replace it with a Committee-based system, where all councillors play a part in decision making, and for this to be in place by May 2020.'

- 57.2 An amendment was moved by Mr Jones and seconded by Ms Sudan, as set out below, and accepted by Dr Walsh.

'The County Council has been found 'inadequate' by HM Inspectorate, in respect of the Fire and Rescue Service, as well as in its provision of Children's Services by Ofsted, where the Government has appointed a Commissioner to run the service. The Member of Parliament for Mid Sussex has written to the Secretary of State for Housing, Communities and Local Government expressing his "grave concerns about the governance of this authority" and asking him "to investigate why things have gone so wrong".

It is abundantly clear to all that there is a systemic failure of political leadership of West Sussex County Council encompassing all our major services, and further evidenced by the high turnover rate of most senior officers at Director level including Chief Executive over the last few years, and the churn of Cabinet Members.

The Council therefore resolves to **review** ~~scrap~~ the current Cabinet system of governance, where most major decisions are taken either by individual Cabinet Members, or occasionally by the whole Cabinet, and to replace it with **either the** Committee-based system **or an alternative arrangement which leads to far more transparent and collective decision-making**, ~~where all~~ councillors play a part in decision making, and for this to be in place by May 2020.'

- 57.3 The motion, as amended, was lost.

58 Motion on Prospective sale of County Council-owned land at Withy Patch

- 58.1 The Council noted that the Chairman had agreed that the motion submitted by Mr Jones and seconded by Mr Oxlade, which had been referred to the Cabinet Members for Finance and Resources and for

Fire & Rescue and Communities at the meeting of the County Council on 19 July 2019, will be referred to a later meeting. This will allow for a further discussion between Mr Jones and the Cabinet Members.

59 Motion on Air Quality

59.1 The following motion was moved by Mr Boram and seconded by Mr Barling:

'This Council recognises air pollution is the top environmental risk to human health in the UK and the fourth greatest threat to public health after cancer, heart disease and obesity. Improving air quality is a target in the West Sussex Plan and our partners have similar objectives, which resulted in our joint action plan 'Breathing Better'. It is one year on and, whilst there have been continued improvements in air quality in West Sussex with most of our Air Quality Management Areas showing demonstrable reductions in pollution, it is imperative that greater devolution of powers and finance are provided to local authorities to do more to make the significant changes required.

This Council applauds the Government's intention to confer a legal right to unpolluted air for everyone in the UK and to use World Health Organisation air quality measures but calls on the Government to strengthen the powers and funding to all local authorities to achieve clean air.

This Council has an ambition that local air quality will comply with air quality standards by 2025. To meet this challenge, the Council calls on the Cabinet Member for Environment to continue to work collaboratively with our district and borough council partners, as well as introduce further measures over the next three years, to improve quality of air such as:

- (1) enforcement of anti-idling outside schools, hospitals and at level crossings and run a 'Switch it off' campaign across the county;
- (2) implementation of the emerging Electric Vehicle Strategy to accelerate the provision of public charging points;
- (3) ensuring all planning policies across West Sussex authorities include robust criteria to assess the impact on air quality of development and ensure there are appropriate mitigation measures, including HGV routing and use of Ultra Low Emissions Vehicles (ULEVs);
- (4) requiring that the Council's procurement criteria for third party suppliers, where technically and economically practical, gives greater weight to ULEV;

-
- (5) developing a programme to switch our own vehicle fleet to ULEV as soon as economically and technically practical; and
 - (6) bidding for funding to support sustainable transport initiatives, including the Council's Walking and Cycling Strategy, the Local Transport Plan and the West Sussex Bus Strategy.'

59.2 The motion was carried.

60 Motion on Partnership working with Health

60.1 The following motion was moved by Mr Turner and seconded by Mrs Arculus:

'This Council supports close, integrated working with health partners as the best way of delivering better outcomes for residents across West Sussex in line with the Government's ambitious NHS Long Term Plan which will bring significant benefits through a joined-up approach to health and social care. This Council is confident that the Health and Wellbeing Board is in a strong position to assist in delivering this vision.

This Council calls on the Leader and the Cabinet Member for Adults and Health to work to deliver integrated health and social care in West Sussex through the NHS Long Term Plan.'

60.2 An amendment was moved by Dr Walsh and seconded by Dr O'Kelly as set out below.

'This Council supports close, integrated working with health partners as the best way of delivering better outcomes for residents across West Sussex in line with the Government's ambitious NHS Long Term Plan which will bring significant benefits through a joined-up approach to health and social care. This Council **calls upon** ~~is confident that~~ the Health and Wellbeing Board **to strengthen and expedite the delivery of** ~~is in a strong position to assist in~~ delivering this vision.

This Council calls on the Leader and the Cabinet Member for Adults and Health to work to deliver integrated health and social care in West Sussex through the NHS Long Term Plan.'

60.3 The amendment was lost.

60.4 The motion was carried.

61 Motion on Highways Maintenance

61.1 The following motion was moved by Mr Jones and seconded by Mr Oxlade:

'In July this year the Cabinet Member for Highways and Infrastructure approved a new highway maintenance plan which introduced with immediate effect reduced service levels for highways maintenance across the county. This includes a reduction in the frequency of grass cutting and winter salting routines, repairs to signs, bollards and road markings; the cessation of routine weed spraying; reduced tree investigations and cyclical pollarding and a reduction in the frequency of the emptying of gullies. It is understood that action will be taken where there is a safety concern.

This Council understands that the budget for highways maintenance of this nature in 2018/19 was £9.597m although this was clearly not adequate because there was an overspend. The budget for 2019/20 and the subsequent three years is now £8.707m, an annual budget reduction of almost £900,000.

It is understood that work to encourage town and parish councils and community groups to take on this work has begun.

This Council considers that the county is currently in an appalling state with, in some areas, waist high weeds appearing on roadsides and along pathways. Whilst it accepts the desire to increase pollination to tackle climate change, it considers this should be managed properly. It considers that the reduced service levels will discourage visitors and tourists from returning thereby impacting on the local economy. It considers there is a strong likelihood that parts of the county will be better maintained than others, effectively resulting in a postcode lottery.

This Council calls on the Cabinet Member for Highways and Infrastructure to reverse this cut, at least until such time as adequate alternative arrangements for others to cover the reduction in service levels are in place County-wide. The funding for this service to be taken during this transition period from the budget management reserve.'

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

62 Motion on Hate Crime

- 62.1 The following motion was moved by Mr Oxlade and seconded by Mr Jones:

'This Council notes that since 2016 there has been a significant increase in the number of referrals made to the hate incident support service (HISS) in West Sussex, with the number of reports of hate incidents/crimes motivated by both sexual orientation and directed at those with a disability having doubled. This Council's ambition is for the residents of West Sussex to feel safe in their neighbourhoods, that people from different backgrounds get on well

together, benefit from a sense of shared belonging and take up opportunities to participate in community life. This Council condemns homophobia, transphobia, racism, xenophobia and hate crimes unequivocally and pledges to tackle hate crime to ensure such behaviour does not become acceptable and to continue to support those affected by hate crime.

This Council calls on the Cabinet Member for Fire & Rescue and Communities to:

- (1) Ensure that the Hate Incident Support Service is protected from any future budget cuts to ensure this unique and highly valued service can be maintained at its current level;
- (2) Explore cost-effective ways of increasing the promotion of hate crime reporting using wider-reaching advertising opportunities (at roundabouts, on vehicles and local public transport); and
- (3) Ensure a regular report on hate crime is provided to the Chairman of the Environment, Communities and Fire Select Committee and the Business Planning Group for monitoring (and further scrutiny if required).'

62.2 The motion was referred to the Cabinet Member for Fire & Rescue and Communities for consideration.

63 Adoption of the Shoreham Harbour Joint Area Action Plan

63.1 The Cabinet Member for Environment moved the report on the Adoption of the Shoreham Harbour Joint Area Action Plan (pages 57 to 62).

63.2 Resolved –

That the Shoreham Harbour Joint Area Action Plan, incorporating the main and minor modifications, as set out at Appendix B to the report, be adopted.

64 Approval of the Proposed Submission Draft Soft Sand Review (Regulation 19 stage) of the West Sussex Joint Minerals Local Plan

64.1 The Cabinet Member for Environment moved the report on the Approval of the Proposed Submission Draft Soft Sand Review (Regulation 19 stage) of the West Sussex Joint Minerals Local Plan (pages 63 to 72).

64.2 Mr Barling abstained in the vote.

64.3 Resolved –

-
- (1) That the Proposed Submission Draft Soft Sand Review of the West Sussex Joint Minerals Local Plan (Appendix A) is approved for publication, consultation on legal and procedural compliance and soundness, and, provided that no substantive changes are required, submission to the Secretary of State in accordance with Regulations 19, 20 and 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended);
 - (2) That authority is delegated to the Director of Highways, Transport and Planning, in consultation with the Cabinet Member for Environment, to authorise, in agreement with the South Downs National Park Authority, any non-substantive changes that are necessary to make the Joint Minerals Local Plan sound and suitable for adoption; and
 - (3) That if substantive changes are required to the Submission Draft Soft Sand Review of the West Sussex Joint Minerals Local Plan, a further public consultation and decision by the County Council may be required.

65 Governance Committee: West Sussex Health and Wellbeing Board Terms of Reference and discontinuance of the Orbis Public Law Joint Committee

65.1 The Council considered proposed changes to the terms of reference of the Health and Wellbeing Board and the discontinuance of the Orbis Public Law Joint Committee (pages 73 to 80).

65.2 Resolved –

- (1) That the revised terms of reference for the West Sussex Health and Wellbeing Board, as set out in Appendix 1 to the report, be approved for inclusion in the County Council's Constitution; and
- (2) That the Orbis Public Law Joint Committee be discontinued and be removed from the Scheme of Delegation in the Constitution.

66 Question Time

66.1 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 81 to 86) and written questions and answers pursuant to Standing Order 2.38 (set out at Appendix 2).

67 Standards Committee Annual Report

67.1 The Council considered the Standards Committee Annual Report (pages 87 and 88).

67.2 Resolved –

That the report be noted.

Chairman

The Council rose at 4.30 pm