
Written Questions: 8 June 2018

1. Written question from **Mrs Mullins** for reply by the **Chairman**

Question

At the recent annual meeting of the Appeals Panel it was agreed that a report outlining options for changes to the staff appeals panel would be referred to the Governance Committee in June. The options for change will include a proposal that the Chief Executive (in his capacity as Head of Paid service) should sit alongside members and form part of the Panel who would hear final appeals as a result of a grievance or against dismissal, a proposal that myself and other members of the Labour Group are extremely concerned about.

I would be grateful if the Chairman could share with me what information he has about the extent to which members are involved in such final stage appeals at other local authorities and if he will confirm this will form part of the report that the Governance Committee will consider.

Answer

When the Appeals Panel met last month to discuss this matter officers indicated that data about arrangements in comparable authorities would be provided as part of the information for the Governance Committee to consider. I am advised that this information will be included in the report which is due to be considered by the Governance Committee on 25 June. Should any changes to the Panel be supported by the Committee they would need to be brought to the County Council for approval.

2. Written question from **Mr Crow** for reply by the **Cabinet Member for Education and Skills**

Question

The National Education Union has published the following information in a petition relating to Thomas Bennett Community College in Crawley, for which I am the local member.

"The Kemnal Academy Trust (TKAT) is proposing dramatic cuts to Thomas Bennett Community College in Crawley that include scrapping the position of head teacher and closing the 6th Form. The cuts, if carried out, could see up to 20% cut in leadership posts, up to 15% cut in teachers (5 posts all in the SEN department) and up to 32% cut in support staff. Pupils with the greatest need could be hardest hit, with the Special Educational Needs Department being cut by up to 40% and the Education and Welfare Team who look after student well-being by 30%.

The proposals could also mean that from 2020 there would be no provision for pupils to stay at the school post-16. TKAT say they have to make the cuts because of a growing deficit the school is facing. The school, which was built

under the discredited Private Finance Initiative, has to give £1m a year out of its £6m annual budget to the Dutch construction firm (BAM) who built the school. In addition, the school has to pay TKAT £176k of its budget to administer the Trust. The impact of these cuts is likely to be a drop in pupils applying to attend and real damage to education. The National Education Union call upon TKAT to withdraw these proposed cuts and properly fund the school instead.”

- (a) Is the information set out in this petition by the NEU correct?
- (b) What information does the County Council have on future proposals for Thomas Bennett Community College?
- (c) Are there any secondary schools in West Sussex that operate on a permanent basis without a Head Teacher?
- (d) There have been calls for the school to come back under local authority control. What mechanisms exist for this to potentially happen and has the County Council fully explored them all?
- (e) What options are available to the County Council to assist pupils who may be disadvantaged by the proposed spending cuts at Thomas Bennett Community College, particularly in relation to special educational needs?
- (f) Why is such a large percentage of Thomas Bennett Community College’s annual budget being given to BAM and is there any way that this can potentially be reduced in order to ensure that more of the school’s budget actually goes on providing education for its pupils?
- (g) When the PFI contract was negotiated, were there any other options available at the time to have provided the new school building without such an expensive PFI deal for Thomas Bennett Community College?

Answer

Thomas Bennett Community College (TBCC) became an Academy in September 2011 with The Kemnal Academies Trust (TKAT). TKAT is a large Multi-Academy Trust (MAT) with over 40 primary and secondary schools in the south of England, several of which are in Crawley. TBCC was inspected by Ofsted in November 2016 and graded as Requires Improvement. This was the second time it had been judged as Requires Improvement; the first time was October 2014.

Academies are no longer responsible to the local authority, but directly to the Department for Education. This means it is the Regional Schools Commissioner (RSC) for the South East to whom the Trust accounts. The local authority challenges the RSC to improve the Academy as West Sussex’s children go to the school and standards are not good enough.

- (a) We have been informed by the RSC that the sixth form will not close. However, there is no information to be able to agree or disagree with the percentage quoted in the question relating to staffing reductions as we are not sighted on the total staff position or detail of any planned reductions.

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- (b) The County Council has no first-hand information on any future proposals. The Regional School Commissioner's Office has assured us that the sixth form and special support centre are not to close. We do not have any visibility of a future staffing structure from which to comment.
 - (c) There are no maintained secondary schools in West Sussex that operate without a permanent Head Teacher and to our knowledge no Academies either.
 - (d) There is no legal mechanism in place where a school that has converted to an Academy from a position of being a maintained school can be returned to the local authority.
 - (e) Since hearing about the challenges faced by TBCC and the potential impact on pupils in the school and the locality, West Sussex County Council senior officers have been in conversation with the Regional Schools Commissioner's Office to voice their concerns and to try to secure an understanding of the current position. The Regional Schools Commissioner's Office have assured the County Council that they are rigorously pursuing a resolution to the situation which will place the school in a stronger position. We will continue to robustly challenge the RSC on behalf of the pupils and residents of West Sussex to ensure we appropriately champion all our children and young people and secure them the best start in life.
 - (f) The County Council has no data to enable us to know the exact proportion of TBCC's total annual budget that is absorbed by the PFI contract. The PFI contract was in place and agreed by TKAT upon the conversion of Thomas Bennett to an Academy. In 2017 County Council officers contacted the PFI holder to engage them in conversation about a possible amendment to the terms of the PFI contract – this was not forthcoming. However, as a result of this, the local authority has developed a stronger engagement with the PFI contractor and the Trust. This does not mean that the local authority is not able to make a further approach.
 - (g) Current County Council officers are not aware of PFI contract options available at the time the new school was built.

3. Written question from Dr O'Kelly for reply by the Cabinet Member for Environment

Question

I note that new electric cars are now available as part of the pool car fleet on a six-month trial basis for staff in Chichester, along with the installation of three electric charging points in the County Hall car park.

- (a) In terms of the wider provision of electric vehicle (EV) charging points around the county, I understand there is a concern that the current grants made available by the Government do not incentivize installation. Can the Cabinet Member please tell me what approach has been made to Ministers

to suggest how this can be improved and whether any offer of piloting a new approach has been accepted;

Furthermore, can the Cabinet Member provide me with the following information:

- (b) What commercial opportunities are being explored with regard to delivery models for charging on highways and when she envisages the first installation taking place?
- (c) Which private companies have approached the County Council with a view to piloting on-street charging, and whether any agreement has been reached with regard to delivery of charging stations?
- (d) Confirm the members of the strategic county-wide partnership to develop an EV infrastructure, when they are next due to meet and when members will have an opportunity to consider the proposed strategy;
- (e) Confirm the strategy will include particular consideration of rural areas where access to public transport is limited and reliance on private cars is a reality in the long term;
- (f) Confirm that EV infrastructure forms part of the One Public Estate proposals;
- (g) Confirm that the Council will be taking the opportunity to install electric charging points on new developments that are brought forward by the PropCo panel; and
- (h) Confirm that the proposed design work on a Chichester city wide on-street parking management plan will include the provision of EV charging points.

Answer

- (a) The County Council wrote to the Minister for Business, Energy and Industrial Strategy in February this year to raise our concerns about the restrictions around OLEV funding. Currently only car parks that are owned by local authorities and accessible to residents 24/7 are 'eligible charge point locations'. We suggested that a more flexible approach to the 24/7 model would enable more uptake of the funding, and that extending eligibility to fire stations, libraries and other accessible sites within our estate would also help. The Minister has replied to this letter, and suggested we meet with their representative to discuss this. A suitable date for this meeting is currently being sought.
- (b) The County Council needs to establish and articulate its position in regard to EV and EV charging (alongside other ultra-low emission vehicle options such as Hydrogen) before we commit to investing in commercial opportunities or pump-priming investment. We are aware of potential models which include offering franchises both on and off street – using the street lighting network or specifically within controlled parking zones/on street pay and display. However, the lack of maturity in the EV market and relatively high cost of infrastructure means that investment in technology

comes with a real risk that it may be under-utilised or become obsolete long before it pays back.

- (c) At this time there is no plan in place to install new on-street charging infrastructure. The County Council has had one approach from a private company. The offer was that in exchange for charging infrastructure we would provide, free of charge, parking spaces dedicated to EV charging. While the County Council would have the ongoing costs of enforcing the parking restrictions we would not receive any income from this arrangement and would lose parking income from the spaces we were asked to give up. We have turned down this offer in the context of response (b) above.
- (d) The EV Partnership Group is an officer group. All district and borough councils and the South Downs National Park Authority are represented. The next meeting date is to be finalised, aiming for a date in July.

The County Council is leading on developing a policy regarding EV, and early development work is underway. A delivery timetable has not yet been firmed up, but officers are aspiring to deliver by April 2019. Consultation will be planned into the delivery timetable, including attendance at Environment, Communities and Fire Select Committee if so requested by the Chairman.

- (e) The policy will address the county as a whole. However, in general, it will be easier for residents in rural areas to park close to their home charging points compared to those in tightly congested urban areas with less off-street parking. Home charging will therefore be a straightforward, viable solution for many rural homes.
- (f) Sustainability is a core principal for the OPE Projects, and opportunities to include EV charging points, particularly in projects with significant car parking requirements, are being explored.
- (g) PropCo is working to deliver a range of outcomes to support the measures in The West Sussex Plan, this includes sustainability measures. PropCo has to be conscious of balancing a range of returns and all measures introduced must be assessed on a cost-effective basis.
- (h) The Chichester Road Space Audit parking management plan is currently being developed and will be subject to full public consultation prior to a decision on whether it is implemented or not. We will ensure that the proposals take account of the potential to make use of on-street charging infrastructure in the future and so the scheme will not stop this from occurring, but it will not specifically make it happen.

4. Written question from Mrs Mullins for reply by the Cabinet Member for Finance and Resources

Question

In January 2016 the County Council purchased the 18.6 acre former Novartis Site, in Horsham, at a cost of £16m with the intention of creating a world leading Science-park. I would be grateful if the Cabinet Member could confirm:

- (a) Whether it is still intended the site be predominantly used for bio-science, or health purposes?
- (b) Whether the County Council is required to fulfil any legacy relating to its use by the science based industry?
- (c) How many bio-science and health organisations have expressed an interest in the site (in terms of either being a development partner or in the commercial use of the site)?
- (d) What the current intended configuration of the site is in terms of residential and business usage?
- (e) Whether there would be a need to return any investment or grants in the event of a change of intended use?
- (f) When he anticipates an initial return on this capital spend and whether the return on investment from this significant purchase remains the same as when the site was purchased?

Answer

The County Council is fully committed to the key driver for its investment in the acquisition of the former Novartis site, to sustain and build on the site's long-established position as a major centre for high value employment, and a key contributor to the local, county and sub-regional economy.

- (a) The future use of the site is subject to on-going feasibility work, consideration of options appraisals, discussions with the planning authority, and market insight.
- (b) The County Council is not required to fulfil any legacy relating to the site's use by the science based industry.
- (c) There has been some interest from the health and life sciences sector in the opportunities on the site. We will welcome discussions with a broad range of interested parties when the plan for the development of the site has been confirmed.
- (d) The configuration of the site and the precise quantum of development will form the basis of an anticipated Outline Planning Application to Horsham District Council later this year.

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- (e) The only grant received in respect of the development is the Coast to Capital Local Enterprise Partnership Local Growth Fund award of £3.66m. The Funding agreement stipulates that at least 50% of the site should be developed for commercial use and the County Council intends to fully comply with this requirement.
 - (f) The timescale for the return on the investment has not yet been confirmed. A principal of the development planning is to ensure the return on investment matches or exceeds that set out in the original Business Case that supported the decision to acquire the site.

Further information on the proposals for the redevelopment of the site will be available in the coming weeks. A report will be presented to Performance and Finance Select Committee on 9 July, and the Leader will be asked to approve the submission of an outline planning application for the proposed redevelopment of the site through a key decision in July.

5. Written question from Mr Quinn for reply by the Cabinet Member for Finance and Resources

Question

The Cabinet Member recently took a decision to transfer the pension administrative service for both the Local Government Pension Scheme and the Fire Pension scheme from Capita to Hampshire County Council to take effect by March 2019. He will be aware that the Labour Group has in the past expressed its concerns about outsourced high value contracts such as Capita and the performance of the pension administration scheme in particular. Can the Cabinet Member please:

- (a) Confirm what the value of the Capita contract will be once the pension administrative service has transferred over to Hampshire County Council;
- (b) Confirm the costs of the Muse Advisory report and the Pension business case, and in respect of these confirm what proportion of the costs were borne by (a) West Sussex County Council and (b) the West Sussex Pension Fund;
- (c) Advise when he will be in a position to provide members with a breakdown of the full costs associated with exiting the current contract and transferring the arrangements from Capita to Hampshire County Council; and
- (d) Given that the potential loss of knowledge as a result of key personnel choosing not to transfer to the new provider (based in Winchester) is considered a risk, undertake to let me know how many staff choose not to transfer?

Answer

- (a) The total value of the Capita contract can be confirmed once the pension administration service has transferred and the contractual change has been

finalised.

- (b) The Muse report was in two parts: The first part of the report focused on current performance and investigated ways to improve the service. This was commissioned jointly with Capita and the costs, totalling £44,568.93 (net of VAT), were shared equally.

The second part was work (totalling £45,683.94) that reviewed alternative options available in the market for pension administration delivery, providing information and analysis on alternative service provision. The costs were borne by the Pension Fund.

The cost of the Capita business case outlining options for improvements in the pension's administration service and the associated costs were borne by Capita. Any input from the time spent by County Council officers was covered by existing base budget.

- (c) We are currently developing an implementation plan in conjunction with Hampshire County Council, their IT system supplier (Civica) and Capita. It is anticipated that additional work will need to be undertaken by Capita to enable a smooth transfer of data to Hampshire County Council. Given the volume of records involved (over 70,000) covering both Local Government pension administration, Fire pension scheme and pensioner payroll, this is a key process to map out. This cost requirement will be scoped as part of the implementation plan.
- (d) The rules applying to members of the Local Government Pensions Scheme (LGPS) are the same across the country for all Local Government Pension Schemes. The majority of the questions raised by members of the Scheme will be able to be responded to by a specialist pensions advisor with an LGPS background, so there is no loss of knowledge specific to members of the West Sussex County Council Pension Scheme, for the majority of the queries that members raise. All the details of the arrangements for staff to transfer to the new provider are subject to detailed engagement and negotiation as part of the transfer process to Hampshire County Council. I can confirm the numbers choosing not to transfer to the new provider once this has been determined.

6. Written question from Mr Bradbury for reply by the Cabinet Member for Highways and Infrastructure

Question

- (a) What is the Council's policy in deciding whether roadworks should be scheduled overnight and what importance is given to the impact on nearby residential areas?
- (b) Can the Cabinet Member indicate if he is satisfied that the policy was correctly implemented during the recent resurfacing works in Cuckfield village centre?

Answer

- (a) The County Council does not have a formal policy for roadworks that are carried out at night but does have guidance for good practice. Sometimes it is necessary for the County Council to carry out works at night due to the impact the works will have on the highway network during the day time.

The roads around West Sussex are very busy with activities being carried out by various companies and therefore consideration has to be given as to when works can reasonably take place to ensure the County Council fulfils its obligations to maintain the network so it is 'safe for use'. If works are carried out at night the affected stakeholders receive letters advising of the type of works and this also encourages people who feel the works could have a negative impact on them to contact the Council. Electronic message signs were also erected in advance advising of the scheduled resurfacing.

- (b) The points you have raised have highlighted the need for the County Council to review its current practice for night working and the officers responsible for this work stream have already met to consider the events in Cuckfield. The review determined that the approach used was reasonable. However, improvements have been identified and these will be incorporated into future schemes.

The remaining resurfacing works for Cuckfield High Street are currently being programmed to be carried out during the day and the County Council will ensure that residents and businesses are advised in advance of the works.

7. Written question from **Mr Jones** for reply by the **Cabinet Member for Highways and Infrastructure**

Question

The current Highway Maintenance Term Contract is due to expire on 30 June 2018. In February this year members were informed that following a procurement exercise a new contract would be awarded to Ringway Infrastructure Services Ltd subject to satisfactory completion of the ten-day 'Alcatel' standstill period, in compliance with the Public Contract Regulations 2015 and the Council's Standing Orders on Procurement and Contracts.

Since then a proposed decision to procure an interim contract for the provision of a range of statutory highways maintenance services on the expiry of the current contract has been published because the procurement process for the full term contract is currently delayed due to a technical dispute.

Furthermore, a Regulation 11 decision was recently published awarding a contract for the purchase of a winter maintenance fleet as soon as possible as that procurement cannot be completed due to the technical legal dispute. I would be grateful if the Cabinet Member could confirm:

- (a) The additional costs to date to the County Council as a result of this

technical dispute in terms of additional legal and procurement costs and officer resources;

- (b) Whether he anticipates any other additional costs or urgent decision will be necessary;
- (c) When he anticipates the technical legal dispute will be resolved; and
- (d) Whether there will be an opportunity in the future for members to understand what lessons can be learned to avoid a recurrence of this type of dispute going forward?

Answer

- (a) There will be additional costs associated with the management of the current dispute but they cannot be quantified at the moment as the matter is still at an early stage and the responsibility for meeting costs has yet to be determined.
- (b) A decision has already been taken to secure the resources needed for the winter maintenance programme and to extend contractual arrangements with the current provider whilst we seek to resolve the dispute. It is not currently expected that any additional decisions will be needed.
- (c) The legal dispute is still at an early stage and no date has been set for it to be completed. There will however continue to be dialogue between the parties to seek to resolve the matter by agreement.
- (d) As with any complex procurement there will be an assessment of how well the process went and whether changes should be made in light of any problems encountered. That will be the case for this procurement exercise. This will include an opportunity for members to understand what lessons can be learned.

8. Written question from Ms Lord for reply by the Cabinet Member for Highways and Infrastructure

Question

Our lollipop ladies and men do an excellent job in keeping children safe across West Sussex but it can be difficult to recruit for vacancies. Given the need to maintain, and perhaps grow, our network of school crossing patrols to ensure we have safer routes to school, can the Cabinet Member please confirm:

- (a) The current number of crossing patrols and the number of vacancies at established sites (including from long term sickness and those only filled part time) plus the average time it takes to fill a vacancy;
- (b) How many requests for new patrols have been made within the last three years and how long it takes to establish a new location;

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- (c) How vacancies are recruited and whether any new and innovative ways of recruiting more people are being considered; and
 - (d) How many patrols are equipped with body-worn cameras and how can the recordings be used?

Answer

The School Crossing Patrol Service is managed through our three areas based at the County Council depots at Broadbridge Heath (Northern), Clapham (Coastal) and Drayton (Western).

- (a) The current number of crossing patrols is 72. There are a further 31 current vacancies, of which 22 are in the largest area (Northern).

The time to fill vacancies varies across the county being as little as one week to as much as 60 months. When a vacancy arises the site, depending on when it was last undertaken, maybe reassessed to check it meets the criteria for a patrol before any recruitment commences. Cover may be provided through suitably trained casual staff for a period of time.

- (b) There have been 33 requests over last three years. Each request is passed through the Local Transport Improvements Programme team to be considered within the relevant school Travel Plan. A request is given, the site is assessed, and then the outcome is shared. The process from start to finish is approximately two weeks.

- (c) Vacancies are advertised via schools' noticeboards, newsletters, public libraries, the County Council's website and often parish magazines. In addition, officers often contact the local county councillor and ask for their support in advertising. Word of mouth has worked from parents – some of whom are mid-day meals' supervisors who have applied for the post also. Anyone searching on the internet for 'Lollipop Lady/Man in West Sussex' is directed to the County Council's website for initial information on vacancies and contact details.

Flyers are sent not only to vacant site-associated schools but to all other schools in the adjacent area. We are looking to include all existing Transport Provision staff in our advertising (including Patrols, Drivers and Escorts) to spread the word even further. We have advertised on our minibus fleet and make have a presence at school recruitment and summer fairs.

County Councillors are encouraged to highlight these vacancies on their Facebook Pages.

- (d) Currently 13 patrols have body-worn cameras. Recordings are made during every patrol but wiped after each AM and PM shift unless issues occur. If they do, County Council officers work with Sussex Police by providing footage that may be used for a prosecution.

9. Written question from Mr Jones for reply by the Cabinet Member for Safer, Stronger Communities

Question

The Sussex Fire Control Centre was supposed to open five years ago with a new computer mobilising system to manage emergencies in both East and West Sussex. West Sussex emergency calls are still being managed using an outdated West Sussex computer system. The new system has recently been activated for emergency calls in East Sussex, but reports suggest that it is still not working safely and reliably.

The East Sussex Fire Authority is responsible for providing the service to this Council, so will the Cabinet Member please answer the following questions:

- (a) Why has East Sussex Fire Authority failed to provide the new system to manage West Sussex emergencies for so long, and what action has the Cabinet Member taken to get them to meet their contracted obligations?
- (b) When are West Sussex emergencies going to be managed using the new system, and what assurances can the Cabinet Member give that we will not suffer the same, or similar, faults and failures?
- (c) How much has this Council had to spend to continue using the legacy computer system and for problems arising from East Sussex Fire Authority's five year failure to provide the system we were promised?
- (d) In statements to the media, East Sussex Fire & Rescue Service stated that they have a 'multi-million pound plan for improvement' to deal with the problems. Will the County Council have to spend a similar amount to ensure that faults and failures do not compromise the response to emergencies in West Sussex?

Answer

- (a) Members should treat media or third party reports with great care. I am able to reassure you that this is a matter being assessed and managed at the highest level and the Cabinet Member has discussed this with the Chair of the East Sussex Fire & Rescue Authority on several occasions. Officers are working closely with colleagues in East Sussex to assess the technical and service specifications of a critical service. The Sussex Control Centre (SCC) has been in operation since May 2014, when the mobilising staff from East and West Sussex moved into the new facility at Haywards Heath. At this point the SCC operated the two legacy systems from East and West providing 999 call handling and fire engine mobilisation across Sussex. Whilst the new system delivery is a contractual matter for East Sussex Fire & Rescue Service, we are in close and regular liaison concerning the operation of the new system.
- (b) Alongside the evaluation of various service requirements by the County Council our Information Technology Team is undertaking a due diligence assessment of all systems involved to ensure an informed and timely

decision can be taken concerning the timing of migration to the most efficient, effective and safe mobilising system for the communities of West Sussex.

- (c) This is commercially sensitive data at this critical point in the procurement and evaluation process. Members will however be able to have this information through the usual confidential arrangements.
- (d) The comments from East Sussex Fire and Rescue Authority should not be read out of context and members are asked to see the full statement from the Authority on this issue. West Sussex Fire & Rescue Service benefits from and values being part of the County Council's IT infrastructure, and is consequently in a different position to that of East Sussex Fire and Rescue Authority. The County Council will continue to respond to emergencies in an efficient, effective, timely and safe manner.