

Environment, Communities and Fire Select Committee

14 January 2019 – At a meeting of the Environment, Communities and Fire Select Committee held at 10.30 am at County Hall, Chichester.

Present: Mr Barrett-Miles (Chairman)

Mr S J Oakley	Mrs Brunsdon, arrived at	Mr Purchase, left at
Mr Baldwin	10.40am	3.30pm
Lt Col Barton, left at	Mr Jones, arrived at	Mrs Purnell
2.10pm	11.05am	
	Mr McDonald	

Apologies were received from Mrs Bridges, Mr Oppler and Mr Patel

Also in attendance: Mrs Goldsmith, Mr Elkins, Ms Debbie Kennard and Ms Urquhart

Part I

52. Declarations of Interest

52.1 In accordance with the Code of Conduct, the following personal interests were declared:

- Mr Jones as a member of Crawley Borough Council in relation to Call-in Revisions to Recycling Credit Payments – ENV11 18.19
- Mrs Purnell as a member of Chichester District Council in relation to Call-in Revisions to Recycling Credit Payments – ENV11 18.19
- Mr Baldwin as a member of Horsham District Council in relation to Call-in Revisions to Recycling Credit Payments – ENV11 18.19
- Mr Purchase as a member of Arun District Council in relation to Call-in Revisions to Recycling Credit Payments – ENV11 18.19
- Mr Oakley as a member of the Fire & Rescue Service Task and Finish Group in relation to Operations and Public Protection Savings Proposals and as a member of Chichester District Council in relation to Call-in Revisions to Recycling Credit Payments – ENV11 18.19
- Mr Barrett-Miles as a member of Mid Sussex District Council in relation to Call-in Revisions to Recycling Credit Payments – ENV11 18.19
- Mrs Brunsdon as Chairman of North Mid Sussex County Local Committee in relation to Savings Proposals – Reduction to the Community Initiative Fund and as a member of Mid Sussex District Council in relation to Call-in Revisions to Recycling Credit Payments – ENV11 18.19

53. Part I Minutes of the 6 December 2018 meeting

53.1 Resolved – that the Part I minutes of the Environment, Communities and Fire Select Committee held on 6 December 2018 be approved as a correct record, and that they be signed by the Chairman.

54. Responses to Recommendations

a) Cabinet Member's Response to the Committee's Recommendations on the Procurement of a Highways Maintenance Contract

54.1 The Committee noted the Cabinet Member's Response to the Committee's Recommendations on the Procurement of the Highways Maintenance Contract.

b) Cabinet Member's Response to the Committee's Recommendations on the Gatwick Airport Draft Masterplan 2018

54.2 The Committee noted the Cabinet Member's Response to the Committee's Recommendations on the Gatwick Airport Draft Masterplan 2018.

54.3 Members made the following comments:

- Disappointment was expressed that the Cabinet Member for Highways and Infrastructure had shown a preference in support of the proposals in the County Council's response to the Gatwick Airport Draft Masterplan; which didn't reflect the previous position on the airport's expansion taken by the County Council or the Committee. Mr Elkington, Head of Planning Services advised that a number of issues including the concerns over safeguarding and the existing runway had been addressed in the response and that the Committee's recommendations along with key issues debated by members at the full County Council meeting on 14 December 2018 had also been included.

c) Cabinet Member's Response to the Committee's Recommendations on the On-Street Parking to Support Traffic Management

54.4 The Committee noted the Cabinet Member's Response to the Committee's Recommendations on the On-Street Parking to Support Traffic Management.

54.5 Members made the following comments:

- Raised concerns that the County Local Committees (CLCs) had been excluded from the decision making process and that the Cabinet Member for Highways and Infrastructure had not taken the views of the CLC Chairman or the concerns of the Committee into consideration in moving the proposals forward. Mr Ekinsmyth, Head of Transport and Countryside advised that members would be kept further informed as the scheme was developed. The Chairman reiterated the Committee's previously agreed recommendation that members should have a say on any plans that come out of the Road

Space Audits and he agreed to write again to the Cabinet Member to emphasise that members should have more involvement.

55. Operations and Public Protection Savings Proposals

55.1 The Committee considered a report by Executive Director Communities and Public Protection (copy appended to signed minutes).

55.2 The report set out the proposals for achieving the Fire and Rescue Service (FRS) portfolio savings target for 2019/20.

55.3 The Cabinet Member for Safer, Stronger Communities thanked members for their contribution towards the scrutiny of the proposals and their work to address some of the concerns. She advised that in relation to the Technical Rescue Unit (TRU) savings proposals within the report, the County Council had recently received a letter from the government in respect of funding. In light of this, the proposed TRU savings would not be included in the proposals.

55.4 Nicola Bulbeck, Executive Director for Communities and Public Protection added that there had now been alterations to the proposals for the savings, with fewer reductions being sought. She believed that the FRS was an important and valued service, but due to the current unprecedented budget challenges, savings and efficiencies had to be made in order to meet financial constraints. In her view, the proposed savings could safely be made without impacting on the County Council's statutory duties and could be delivered to a safe and satisfactory standard.

55.5 Gavin Watts, Director of Operations and Chief Fire Officer introduced the report and advised that the government grant towards funding the TRU would be removed from April 2020. He recognised that this would leave the County Council with difficult decisions to be made, but that it had been given time to work through what the implications would be. Key points of the proposed savings were:

- Fire Service Operations - there was a proposed reduction of £400,000 in Intervention and Prevention activities. This included the restructure of the Intervention and Prevention team and the removal or cessation of various public awareness schemes or activities, school education visits and electric blanket testing.
- Public Protection - there was a proposed restructure of the Resilience and Emergencies team (RET). This included the removal of some public and parish council training courses and a reduction in assistance to the County Council directorates in terms of Business Continuity Plan preparations and the Sussex Resilience Forum.
- A staff consultation on the proposals was running from 7 to 25 January 2019.

55.6 The Chairman then read a statement submitted to the Committee by Joe Weir, Regional Secretary of the Fire Brigades Union (FBU).

Members had received copies prior to the meeting.

55.7 The Committee made comments including those that follow. It:

- Queried the legality of withdrawing any preventative work that had previously been included in the Integrated Risk Management Plan (IRMP), which had undergone a public consultation and been formally adopted. Also whether reputational damage to the County Council had been factored into the decision process. Mr Watts advised that in his view a further public consultation was not necessary, as these were not statutory functions that were being proposed for withdrawal. Reputation had to be factored in and opportunities for alternative funding were currently being pursued.
- Raised concerns over the reduction in strength and expertise of the RET team and the reduction of support for Business Continuity Plans and questioned whether the proposals should be held back until the UK had withdrawn from the European Union. Mr Watts advised that although some support provided by the RET was being withdrawn, the County Council would continue to keep working collaboratively with partners. The Business Continuity Plans would still be in place, but a lot of responsibility would be put back onto directorates.
- Highlighted the importance of prevention and the effectiveness of education, raising concerns at the removal of the 'Safe Drive Stay Alive' and 'Firebreak' courses aimed in particular at young people; noting that if they be ceased they may be harder to resurrect subsequently. Also whether the Safer Sussex Roads Partnership (SSRP) could take over responsibility for funding 'Safe Drive, Stay Alive'. Mr Watts advised that alternative funding was actively being sought for this important scheme to ensure its continuation. Currently there were different methods of delivery throughout the country, but a national 'joined-up' approach was being looked at, in which WSFRS was heavily engaged. He added that the SSRP currently paid towards the film used on the course, as it was partnership funded, but that it was traditionally an FRS-led project across the country. He agreed to write to the Chair of The SSRP to seek his view on funding for this project.
- Raised concerns that as previous objections by the County Council to the proposals to move WSFRS under the control of the Police and Crime Commissioner (PCC) had highlighted the work of the Intervention and Prevention service, the withdrawal of this service could leave the FRS exposed to a further take-over by the PCC. Also that alternative sponsorship opportunities for this service could be difficult to source and maintain. Mrs Bulbeck advised that there were opportunities for more collaborative prevention work, including engaging with other services within the County Council, possible commercial sponsorship and other ways of delivering preventative work which were being explored. *The Cabinet Member for Safer, Stronger Communities added that alternative sources were being explored to mitigate the impacts of any funding reduction for the 'educational' services and was happy to provide the Committee with*

a report setting out the work being undertaken with the Commercial Team on this. Member input with any expertise and experience in this area would also be welcomed.

- Raised concerns over any reduction in trained posts that would erode service knowledge, lessen career opportunities and reduce the appeal of the Service.
- Raised concerns over the reduction of safety testing electric blankets, particularly for the elderly or infirm.
- Suggested the savings proposals were delayed until after Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) report, which was due in the spring, had been received. *The Cabinet Member for Safer, Stronger, Communities, advised HMICFRS had looked at the recent IRMP report and the proposed savings.* Mr Watts added HMICFRS may make recommendations in the report that would then be brought back to the Committee together with any subsequent action plans.

55.8 Mr Jones made the following proposal, seconded by Mr Purchase which the Committee considered: -

55.9 That the Cabinet Member for Safer, Stronger Communities either:

- 1) Abandons these proposed savings; or
- 2) Reviews the proposals in the light of the published conclusions of the HMICFRS Inspection report, the outcome of consultation with staff and service users and provides a further report to the Committee in June prior to taking any decisions affecting the services.

55.10 A recorded vote was held with the following results:

For:

Mr Baldwin

Lt Col Barton

Mrs Brunsdon

Mr Jones

Mr McDonald

Mr S Oakley

Mr Purchase

Against:

Mr Barrett-Miles

Mrs Purnell

55.11 The vote was carried.

55.12 Resolved – That the Committee recommends that the Cabinet Member for Safer, Stronger Communities either:

- 1) Abandons these proposed savings; or

- 2) Reviews the proposals in the light of the published conclusions of the HMICFRS Inspection report, the outcome of consultation with staff and service users and provides a further report to the Committee in June prior to taking any decisions affecting the services.

56. Savings Proposals - Reduction to the Community Initiative Fund

56.1 The Committee considered a report by Director of Law and Assurance (copy appended to signed minutes).

56.2 Tony Kershaw, Director of Law and Assurance introduced the report which proposed that the budget for the Council's Community Initiative Fund (CIF) be reduced from £280,000 per year to £140,000 per year, or £2,000 per member of the Council, from April 2019. He advised that member feedback would feed into the Cabinet Member decision.

56.3 The Chairman added that the use and effectiveness of the 'West Sussex Crowd' funding platform previously adopted in May 2018 for all CIF applications would be subject to a 12 month review by the Committee.

56.4 The Committee made comments including those that follow. It:

- Recognised that the current financial environment meant that spending by the County Council had to be prioritised, but suggested that the vast majority of County Local Committees (CLCs) had been consistently spending their CIF funding and since demand for funding was not falling, queried the rationale for the proposed reduction when the existing funding was already considered low. Mr Kershaw advised that the proposal was based on the regular overall underspend of CIF funds and the arrangements in place since the crowdfunding model had been introduced had shown an increase in funding from other sources.
- Welcomed that other sources were contributing towards funding local projects, but raised concerns that the crowdfunding application process was lengthy and difficult and could hinder accessibility for smaller groups and businesses. Nick Burrell, Senior Advisor, Democratic Services advised that in terms of system usability the questions were similar to the previous CIF application process, so there was little difference in process. Different ways of breaking up the amount of information required for lesser funds were also being explored. *The Cabinet Member for Safer, Stronger Communities added that information was currently being collated to help inform the review, including usability and accessibility, in particular for smaller groups.*
- Queried what the early termination costs and consequences of the 3-year contract with current providers of the crowdfunding platform 'Spacehive' would be, and what the current costs were in administering the platform were.

- Raised concerns over the role of CLCs and their ability to have a positive impact on communities, as evidence pointed to CIF being a well-used fund to assist local good causes.

56.5 Mr Oakley made the following proposal, seconded by Mrs Purnell which the Committee considered: -

That the allocation for CIF Funds be reduced to £0.

56.6 A vote was held and the proposal was lost.

56.7 Mr Jones made the following proposal, seconded by Mr Purchase which the Committee considered: -

That the Cabinet Member for Safer, Stronger Communities postpone her decision until after the review of the 'West Sussex Crowd' has concluded in the spring; and that any CLC underspending this year is not put back into the County Council's reserves but is carried over to next year's CLCs' CIF funds.

56.8 A vote was held and the proposal was carried

56.9 Resolved – That the Committee:

Recommends that the Cabinet Member for Safer, Stronger Communities postpone her decision until after the review of the 'West Sussex Crowd' has concluded in the spring; and that any CLC underspending this year is not put back into the County Council's reserves but is carried over to next year's CLCs' CIF funds.

57. Requests for Call-in

57.1 The Environment, Communities and Fire Select Committee Business Planning Group (BPG) received a request to call-in the proposed decision by the Cabinet Member for Highways and Infrastructure concerning the Bus Strategy 2018-2026 and Financial Changes to the Non-Commercial Bus Network HI23 (18/19) – decision published on the Executive Decision Database on 19 December 2018 and in the Member's Information Service 19 December 2018. The BPG declined the request.

57.2 The BPG also received a request for call-in of the proposed decision by the Cabinet Member for Highways and Infrastructure concerning the Interim Highway Maintenance Term Contract HI21(18/19) – decision published on the Executive Decision Database on 18 December 2018 and in the Member's Information Service 19 December 2018. The BPG declined the request.

57.3 Two further requests for call-in of the proposed decisions by the Cabinet Member for Environment concerning Revisions to Recycling Credit Payments (ENV11 18.19) and by the Cabinet Member for Highways and Infrastructure concerning Highways Maintenance Term Contract Procurement (HI22 18.19) were accepted by the BPG and heard in item no's 12 and 13.

58. Forward Plan of Key Decisions

58.1 The Committee considered the Forward Plan dated 2 January (copy appended to signed minutes).

58.2 Resolved – That the Forward Plan be noted.

59. Date of Next Meeting

59.1 The Committee noted that its next scheduled meeting will take place on 13 March 2019 at 10.30am at County Hall, Chichester.

59.2 An additional meeting of the Committee has also been scheduled for 30 January 2019 at 10.30am at County Hall, Chichester.

60. Call-in: Revisions to Recycling Credit Payments - ENV11 18.19

60.1 Mrs Mullins introduced the request, in the absence of Mr Oxlade, to call-in the decision by the Cabinet Member for Environment concerning the Revisions to Recycling Payments – ENV11 18.19; (call-in request appended to the signed minutes) and highlighted the following points:-

60.2 In her view, the key reasons for disputing the decision were that it was a bad example of partnership working with the district and borough councils, with no lead-in time for the changes or support for the County Council's partners; and she further believed the decision was potentially open to legal challenge. Added to this, for areas with more densely populated housing and flats it could mean that future recycling rates would be lower, which could see an increase in waste to landfill.

60.3 *Deborah Urquhart, Cabinet Member for Environment addressed the Committee, highlighting the following points:*

60.4 The County Council had always endeavoured to adopt the best recycling approach. In order to drive up performance rates, and together with the district and borough councils, as much as possible needed to be removed from the waste stream to deliver cleaner and improved recycling. More effective collection arrangements were needed and as the current payments were unusually generous, with a lack of clarity as to what the funding was actually being spent on, it was therefore no longer fit for purpose to deliver the required improvements.

60.5 Legal advice received had advised that the County Council having provided the required infrastructure and receiving no contribution from collection authorities for this had no duty to support the financial cost to collection authorities in respect recycling collection. The proposal was to develop joint plans so that payments to the district and borough councils would be to reduce waste, but still give enough scope to allow for performance related funding. Overall the waste and recycling diversion process fell short of its potential, with the current system not delivering value for money.

60.6 Mr Kershaw, Director of Law and Assurance advised that there was no explanation given in the call-in to support the claim the proposals were

unlawful. The County Council has a statutory duty to safely dispose of waste, whilst district and borough councils undertake collection. The system of credits should be used to compensate collection authorities for additional costs associated with recycled waste they deal with.

60.7 The Chairman then referred the Committee to two statements, one collectively received from Arun District Council, Adur & Worthing Councils, Chichester District Council, Crawley Borough Council, Horsham District Council, and one from Mid Sussex District Council which were distributed to members prior to the meeting.

60.8 Mrs Purnell as a member of Chichester District Council didn't take part in the debate.

60.9 The Committee made comments including those that follow. It:

- Raised concerns over the possible legal challenge arising from the proposals with a suggestion that the legal advice received by the County Council be made available to partners in order to mitigate the risks. Mr Kershaw advised that if there was uncertainty over the legal position then this legal advice could be supplied.
- Raised concerns over the approach taken by the County Council towards its partners, the lack of Business Case, consultation and appropriate lead-in time for the proposals; and that not enough recognition had been given for the increase in recycling rates and reduction in waste contamination achieved by the district and borough councils.
- Requested that reassurance be given that the entire credits scheme would not be removed. Mr Read, Director of Energy, Waste and Environment agreed that there is no "one size fits all solution" and different models may be required in very urban areas but it was important to work together with partners to come up with a new model which would be suitable for the majority of households across the county. He advised that, in July 2018 he had written to the Chief Executives, Cabinet Members and officers of the district and borough councils in order to set out the County Council's position and voice concerns at performance figures. A trial scheme to include weekly collection of food waste and absorbent hygiene products had been proposed by WSCC to the partnership in October 2017 but to date only Mid Sussex DC had agreed to take part. Discussions with the Inter Authority Waste Group had also taken place last year in relation to the government's expected waste strategy and associated targets, including those for food waste collection by 2023. These had emerged in the strategy as anticipated. He highlighted the areas where recycling rates had increased over the last few years – which were largely due to WSCC initiatives. He could not see how, with collection systems well established, reducing the funding would be a retrograde step.
- Raised concerns that incentives to increase recycling rates could be hindered by removing the payments and that the issue of contamination also needed to be addressed in order to avoid an

increase in waste to landfill and subsequent under-achievement of targets. Mr Read advised that incentives to recycle didn't just rely on funding from the County Council and that the focus was on working in partnership to develop better arrangements and trying to find a way forward that benefited everyone.

- Queried whether it was reasonable to rescind the whole of the current Memorandum of Understanding (MOU). Mr Read advised that only the current funding elements of the MOU were being ceased and that the County Council along with the West Sussex Waste Partnership (WSWP) were working towards formulating a better and more straightforward MOU.

60.10 *The Cabinet Member for Environment summed up by saying that she stood by the decision while the best way forward was being agreed. She added that the County Council would work with all of the district and borough councils in order to increase future recycling and reduce contamination rates.*

60.11 Mrs Mullins summed up by saying that she agreed with the Cabinet Member that the County Council as a local authority was determined to increase its recycling rates and had good facilities in place around the County. She added that although the public were generally more aware, there was still some confusion over what waste could be recycled. She felt that the approach was not quite right, and that collaborative working was important to tackle this task.

60.12 A recorded vote was held on whether to support the proposal, on the understanding that the County Council's legal advice would be shared with the districts and borough councils and the decision only related to the removal of the proportion of the recycling credit identified in the Decision Report, not the whole recycling credit payment; with the following results:

For:

Mr Baldwin

Mr Barrett-Miles

Mr McDonald

Mr S Oakley

Against:

Mr Jones

Mr Purchase

Abstain:

Mrs Brunsdon

60.13 The vote was carried.

60.14 Resolved – That the Committee supports the proposal.

61. Call-in: Highways Maintenance Term Contract (HMC) Procurement - HI22 18.19 and Highways Maintenance Term Contract - Options Appraisal

61.1 Mrs Mullins introduced the request to call-in the decision by the Cabinet Member for Highways and Infrastructure concerning the Highways Maintenance Term Contract Procurement – HI22 18.19; (call-in request appended to the signed minutes) and highlighted the following points:-

61.2 In her view, the Cabinet Member decision had been premature as road-related issues were of major concern to many residents in West Sussex and it was important to give the Committee the ability to scrutinise the options available before a new contract, which could be in place for up to 10 years, was awarded.

61.3 She believed that a collaborative approach with partners was needed and a summary of best practice based on visits to other local authorities (LAs), with further detail would be helpful to members, as there had been no identification of how the £1.5 million of savings required would be achieved.

61.4 She also added that with the implementation of outsourcing within the contract, there was always a risk to reputational damage, so to avoid further loss of money it was essential to get the procurement right and ensure previous mistakes weren't made.

61.5 The Cabinet Member for Highways and Infrastructure advised that a Local Government Association (LGA) Peer Review had been carried out in 2016, a summary of which was available to members. Feedback had been given on the previous contract, but no underlying facts were discussed. Detail had also been included in the report, but best practice based on LA visits was in reference to the earlier contract. The Options Appraisal also included detail over delivery and further opportunities. In respect of the in-house sourcing option, there had been detailed consideration but there were risks in delivering this model due to the considerable expertise and skills needed, which were difficult to attract in the public sector. The added risk would be increased overheads and liability for any faults in works carried out, otherwise covered by the contractor.

61.6 The Mixed Economy Single Supplier Framework option was currently considered the most favourable, as greater flexibility could be achieved when a number of contractors delivered services. Savings were not intended to be achieved just through the procurement of the service contract, but more would be known once the process had been completed. All the options had now been refined and it was hoped that some of the savings outlined would be achieved.

61.7 Matt Davey, Director for Highways and Transport, added that preparatory work on service delivery had already been undertaken, including detailed conversations with suppliers, as the current process was an extension of the previous procurement process which begun in 2016. He had appointed someone to carry out the independent Options Appraisal which included a comprehensive evaluation of all service options. This had then been narrowed down to 3 options that were deemed appropriate to look at in more detail.

61.8 On reflection, the previous single supplier option was now not thought to be the best solution, mainly due to a change in the market with fewer suppliers available and various disruptions in the market including

the collapse of Carillion. Also uncertainty over future government funding had led to a need for greater flexibility and continued delivery of high service regardless of the level of funding available.

61.9 The length of the contract was still yet to be determined, and discussions with suppliers would take place to see what term would be most attractive and deliver the best value for money. It wasn't necessary to award all the contracts for the same term if this wasn't considered favourable.

61.10 The current interim contract had been awarded until March 2020, so there was a need to carry out the procurement process, which an independent project manager was running, within the planned timeline. The County Council had not yet committed to any particular model, but a Business Case developed from the Options Appraisal, including more detail and reflecting the most favourable options, would be brought back to the Committee as the process developed. There was an exposure to risks the longer the process took, but it was important to be in a position to deliver a high level service in the future.

61.11 The Committee made comments including those that follow. It:

- Raised concerns that the proposals would entail quite a significant change to the management structure in order to ensure Key Performance Indicators (KPI's) were managed to maintain the whole service with multiple contractors; querying how would this lead to the overall savings required. *The Cabinet Member for Highways and Infrastructure advised that at this stage it wasn't yet known whether it would be multiple contractors or just one, but that provisions had been made to ensure upskilling and tighter supervision in the event of managing a range of contractors. The procurement stage was not intended to provide savings so these remained unknown, but multiple contractors would ensure greater flexibility and be good for local contractors, potentially leading to a quicker response in some areas.*
- Requested details of the £1.5 million savings for next year, how these were expected to be delivered if new staff were employed with the necessary skill sets needed, and whether any service changes were anticipated. Mr Davey advised that there was already a broad spectrum of skills within the County Council and staff would be given the opportunity to further develop in new roles. *The Cabinet Member for Highways and Infrastructure added that this also included current in-house contract managers.*
- Requested further detail on the in-house sourcing option, including comparison with other options, set up costs and pension liability.

61.12 The Cabinet Member for Highways and Infrastructure summed up by adding that the preferred Mixed Economy Single Supplier Framework option provided greater flexibility and was an opportunity to use county wide companies. It was expected that any contractor would have to adhere to the County Council's social ethos and encourage people into the industry. The in-house option had been explored but he hoped that members would support the chosen option as the best way forward. He acknowledged that there was no guarantee that a legal challenge wouldn't reoccur, but believed it was important that other cases were looked at to ensure the same situation didn't occur again. The ultimate aim was to fulfil the County Council's obligations as a highways department and he looked forward to bringing the full Business Case back to the Committee in due course.

61.13 Resolved – That the Committee supports the proposal, with a request that the Business Case for potential savings for 2019/20/21, to include any in-house changes, be brought back to the Committee in due course.

62. Part II Minutes of 6 December 2018 meeting

62.1 Resolved – that the Part II minutes of the Environment, Communities and Fire Select Committee held on 6 December 2018 be approved as a correct record, and that they be signed by the Chairman.

The meeting ended at 5.07 pm

Chairman