

## West Sussex County Council – Ordinary Meeting

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**17 October 2014**

At an Ordinary Meeting of the County Council held at 10.30 a.m. on Friday, 17 October 2014, at County Hall North, Horsham, the members present being:

Mrs A J Jupp (Chairman)

Mr W E Acraman	Mr M G Jones
Mrs P A C Arculus	Ms D M K Kennard
Mr D H Barling	Mr P K Lamb
Mr L H Barnard	Mr R A Lanzer
Mr A J Barrett-Miles	Mrs M E Millson
Mrs E A Bennett	Mrs J S Mockridge
Mr P J J Bradbury	Mr J A P Montyn
Mr M J Brown	Mrs S R Mullins
Mrs H A Brunsdon	Mr R J Oakley
Mr I R J Buckland	Mr S J Oakley
Mr R D Burrett	Mr J J O'Brien
Mr P C Catchpole	Mr C G Oxlade
Mr P J Circus	Mr L W Parsons
Mr M R Clark	Mr A Patel
Mr M A Cloake	Mr A P Petch
Mr D G Crow	Mr N F Peters
Dr N P S Dennis	Mr B J Quinn
Mrs J E Duncton	Mr J G Rae
Mrs E M Evans	Mrs A M Rapnik
Mr P C Evans	Mr J L Rogers
Mrs C M Field	Mr R Rogers
Mr M J Glennon	Mr D P Sheldon
Ms M L Goldsmith	Mr B A Smith
Mr P A D Griffiths	Mrs B A Smith
Mrs P A Hall	Mr A C Sutcliffe
Mr P D High	Mr B W Turner
Mr S R Hillier	Mrs D L Urquhart
Mr J C Hunt	Mr S G Waight
Ms S James	Dr J M M Walsh, KStJ, RD
Mrs A F Jones, MBE	Mr Watson, OBE
Mr G L Jones	Mr Wickremaratchi

### Apologies and attendance

**92** Apologies were received from Mrs Kitchen, Mr McAra, Mr Metcalfe, Mr Oppler, Mrs Phillips, Mr Smytherman, Mr Tyler and Mr Whittington. Mr Griffiths arrived at 12.20 p.m. Mrs Smith gave her apologies and arrived late. Mr Wickremaratchi gave his apologies and left at 12.30 p.m. Mr Barrett-Miles, Mrs Brunsdon and Mrs Jones gave their apologies for the afternoon session.

## Minutes

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### Interests

- 93 Members declared interests as set out at Appendix 1.

### Minutes

- 94 It was agreed that the minutes of the Ordinary Meeting of the County Council held on 25 July 2014 (pages 199 to 224) be approved as a correct record.

### Appointment of Co-opted Member to the Children and Young People's Services Select Committee

- 95 The Council approved the appointment of Canon Dr Ann Holt OBE, Director of Education for the Church of England Diocese of Chichester, as a voting co-opted member of the Children and Young People's Services Select Committee.

### Petition: Fracking in West Sussex

- 96 The Council debated the following petition. A statement from the petitioners and a briefing note from the Director of Strategic Planning and Place had been circulated with the agenda.

#### Fracking in West Sussex

'We call on West Sussex County Council to declare West Sussex a 'Frack-Free Zone'.'

- 97 Mr Phil Donoghue, on behalf of the petitioners, addressed the Council for five minutes in support of the petition.
- 98 The Cabinet Member for Highways and Transport responded to the petition for five minutes on behalf of the County Council.
- 99 The Council debated the petition.
- 100 Mr Phil Donoghue, on behalf of the petitioners, and the Cabinet Member were each given three minutes to make a closing statement.
- 101 A proposition was moved by the Cabinet Member and seconded by Mr O'Brien as set out below:
- 'That the County Council, whilst recognising the public concern on the subject of fracking and the significance of any planning application for our community and our environment, prefers not to adopt a position on the subject which could be seen as constraining the proper exercise of the functions of the Council's Planning Committee.'
- 102 The proposition was put to a recorded vote under Standing Order 36(1).

(a) for the proposition – 52

Mr Acraman, Mrs Arculus, Mr Barling, Mr Barnard, Mr Barrett-Miles, Mrs Bennett, Mr Bradbury, Mr Brown, Mrs Brunson, Mr Burrett, Mr Catchpole, Mr Circus, Mr Clark, Mr Cloake, Mr Crow, Dr Dennis, Mrs Dunton, Mrs Evans, Mr Evans, Mrs Field, Mr Glennon, Ms Goldsmith, Mr High, Mr Hillier, Mr Hunt, Ms James, Mrs Jones, Mr G L Jones, Mrs Jupp, Ms Kennard, Mr Lanzer, Mrs Mockridge, Mr Montyn, Mr R J Oakley, Mr S J Oakley, Mr O'Brien, Mr Parsons, Mr Patel, Mr Petch, Mr Peters, Mr Rae, Mrs Rapnik, Mr J L Rogers, Mr Sheldon, Mr Smith, Mr Sutcliffe, Mr Turner, Mrs Urquhart, Mr Waight, Dr Walsh, Mr Watson and Mr Wickremaratchi.

(b) against the proposition – 6

Mr Buckland, Mr M G Jones, Mr Lamb, Mrs Mullins, Mr Oxlade and Mr Quinn.

(c) abstentions – 3

Mrs Hall, Mrs Millson and Mr R Rogers.

**103** The proposition was carried as set out above.

### **Written Questions**

**104** Questions and answers pursuant to Standing Order 15(2), as set out at Appendix 2, were circulated. Due to the amount of business on the agenda, the Council waived Standing Orders to remove the entitlement of members to ask supplementary questions.

### **Cabinet Member Question Time**

**105** Members asked questions on the Cabinet Members' reports (pages 225 to 231), as set out at Appendix 3. Due to the amount of business on the agenda, the Council waived Standing Orders to reduce the time allocated to questions to one hour.

### **Leader's Question Time**

**106** Members questioned the Leader on matters currently relevant to the County Council, as set out at Appendix 3.

### **Select Committee Debate: Carers Task and Finish Group**

**107** The Council debated the interim findings of the Carers Task and Finish Group (TFG) on support provided to carers (pages 232 to 244).

**108** Mrs Millson, as Chairman of the TFG, introduced the interim findings. She asked the Council to join with her in commending the dedication and

## Minutes

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support provided by all carers throughout West Sussex. Mrs Millson thanked the members of the TFG, Jennie Musgrove from Carers Support West Sussex and a number of other people, both County Council staff and external witnesses, who had given their time. She also expressed thanks to Helen Kenny who had supported the work of the TFG.

- 109** In response to a request from Mrs Mullins for copies of a booklet on the Care Act which had been available at a recent Member Day to be made available to all members, the Chairman said the request would be followed up.

### **Sussex Police and Crime Panel Report 2012-14**

- 110** Mr Watson, as Chairman of the Sussex Police and Crime Panel, moved the Panel's Report for 2012-14 (pages 245 to 247).

- 111** Resolved - That the report be noted.

### **Governance Committee: Openness of Meetings and changes to Pension Fund Governance**

- 112** The Council considered amendments to Standing Orders following the issuing of regulations which extended the filming and reporting by the public through social media to all meetings of the Council and noted the work of the Governance Committee in relation to changes to Pension Fund governance (pages 248 to 250).

- 113** Resolved -

- (1) That the proposed changes to Standing Orders, as set out in the Appendix to the report, be approved; and
- (2) That the action in relation to the establishment of a Pension Board and the appointment of an independent Chairman be noted.

### **Local Government Boundary Commission**

- 114** The Council received a report from the Chairman on the plans for a review of the County Council's electoral boundaries in 2015/16 and the proposals for preparing for the review (page 251).

- 115** Resolved - That the report be noted.

### **Notices of Motion**

#### **Notice of Motion by Mr Glennon**

- 116** The following motion was moved by Mr Glennon and seconded by Ms James.

'This Council recognises:

- the current Leader and Cabinet governance model at the County Council only resulted from the imposition of new forms of governance by an earlier Government;
- the democratic deficit inherent in the current Leader and Cabinet governance model with its low level of transparency in decision making;
- the political balance in Select Committees dominated by a majority party, does not constitute an effective check and balance on the decision-making powers of the Leader and Cabinet;
- that with significant cuts to be realised at the County Council, it is imperative that major decisions relating to the Savings Programme are taken in a more open and transparent forum, involving more members and with emphasis on collective decision-making and consensus;
- the importance of allowing residents affected by major decisions - particularly in relation to the Savings Programme - to attend decision-making meetings and participate where appropriate; and
- that other comparable upper-tier authorities have returned to Committee governance, including the county councils of Norfolk, Cambridgeshire and Nottinghamshire.

This Council therefore asks the Governance Committee to establish a working party to develop detailed, formal proposals to change West Sussex County Council's governance to a Committee system in accordance with the provisions of the Localism Act 2011.'

**117** The motion was put to a recorded vote under Standing Order 36(1).

(a) for the proposition – 18

Mr Clark, Dr Dennis, Mr Glennon, Mrs Hall, Ms James, Mr G L Jones, Mr M G Jones, Mr Lamb, Mrs Mullins, Mr Oxlade, Mr Parsons, Mr Quinn, Mrs Rapnik, Mr R Rogers, Mr Smith, Mrs Smith, Mr Sutcliffe and Dr Walsh.

(b) against the proposition – 38

Mr Acraman, Mrs Arculus, Mr Barling, Mr Barnard, Mrs Bennett, Mr Bradbury, Mr Brown, Mr Burrett, Mr Catchpole, Mr Cloake, Mr Crow, Mrs Duncton, Mrs Evans, Mr Evans, Mrs Field, Ms Goldsmith, Mr Griffiths, Mr High, Mr Hunt, Mrs Jupp, Ms Kennard, Mr Lanzer, Mrs Millson, Mrs Mockridge, Mr Montyn, Mr R J Oakley, Mr S J Oakley, Mr O'Brien, Mr Patel, Mr Petch, Mr Peters, Mr Rae, Mr J L Rogers, Mr Sheldon, Mr Turner, Mrs Urquhart, Mr Waight and Mr Watson.

(c) abstentions – 2

Mr Buckland and Mr Circus.

**118** The motion was lost.

### Notice of Motion by Mrs Arculus

- 119** The following motion was moved by Mrs Arculus and seconded by Dr Walsh.

'This Council notes with very grave concern the recent events in Rotherham surrounding child sexual exploitation, and pledges to do everything possible to ensure that nothing similar ever happens in West Sussex. The Council welcomes the pan-Sussex strategy to combat child sexual exploitation that was agreed last year and recognises that it is the responsibility of each and every councillor to ask appropriate questions in order to hold the relevant authorities to account in ensuring that every effort is made to prevent similar events occurring in its area.

In the light of this, the Council resolves to ask the Cabinet Member for Children – Start of Life to write to the Children's Minister asking him to make it compulsory for all privately-run children's homes and foster agencies to notify the relevant local authority when children from outside the area are placed within their care, thus ensuring that all local authorities have an up-to-date record of exactly which children from outside the authority's boundaries are currently residing within their area.

The Council also asks the Cabinet Member and Leader to reassure the Council that the Independent Chairman of the West Sussex Local Safeguarding Children Board will be keeping members informed regarding the ongoing scrutiny of the pan-Sussex strategy.'

- 120** The motion, as set out above, was carried.

### Notice of Motion by Mr M G Jones

- 121** The following motion was moved by Mr M G Jones and seconded by Mr Lamb.

'This Council recognises the significant public concern and opposition to the recent decision by the Cabinet Member for Residents' Services to implement £1.6m of cuts to West Sussex Fire and Rescue Services (WSFRS).

This Council believes that these cuts will increase risks to safety both to members of the public and firefighters right across West Sussex, and requests the Cabinet Member abandons the process, and instead retains WSFRS at its current capacity and levels of resilience.

The Council requests the Cabinet pays for this, and also the plan to make Littlehampton a 24-hour immediate response fire station, by making use of part of the millions of pounds in revenue available from budget underspends made this year across all departments of the County Council.'

- 122** The motion was put to a recorded vote under Standing Order 36(1).

(a) for the proposition – 17

Mr Buckland, Mr Clark, Mr Glennon, Mrs Hall, Mr G L Jones, Mr M G Jones, Mr Lamb, Mrs Mullins, Mr Oxlade, Mr Parsons, Mr Petch, Mrs Rapnik, Mr R Rogers, Mr Sheldon, Mrs Smith, Mr Sutcliffe and Dr Walsh.

(b) against the proposition – 28

Mr Barnard, Mrs Bennett, Mr Brown, Mr Burrett, Mr Catchpole, Mr Cloake, Mrs Duncton, Mrs Evans, Mr Evans, Mrs Field, Ms Goldsmith, Mr High, Mr Hunt, Mrs Jupp, Ms Kennard, Mr Lanzer, Mrs Mockridge, Mr Montyn, Mr R J Oakley, Mr S J Oakley, Mr O'Brien, Mr Patel, Mr Peters, Mr Rae, Mr J L Rogers, Mr Turner, Mr Waight and Mr Watson.

(c) abstentions – 2

Mr Acraman and Dr Dennis.

**123** The motion was lost.

### **Notice of Motion by Mrs Smith**

**124** The following motion was moved by Mrs Smith and seconded by Mrs Mullins.

‘Developers are currently seeking the inclusion of the West of Ifield site in the local plans being prepared by Horsham District Council. The development of this site would result in an increase in local traffic and exacerbate existing problems with congestion in the area. A relief road in this area has been sought by the County Council (although there is no approved alignment). Crawley Borough Council members and local residents to address traffic issues. The County Council is currently involved in discussions with the developer’s transport consultants regarding traffic modelling for the site to determine if the traffic impacts of the development would require a relief road (to mitigate the transport impacts of the site in compliance with the National Planning Policy Framework).

In the event that traffic modelling determines that a full relief road is a requirement of the site, this Council should make strong representations to the developer and Horsham District Council that any plans for development on the West of Ifield site must include provision for a full relief road which would be a condition of the County Council’s support for the allocation of the site in the local plans. Even if the evidence does not support the provision of a full relief road, the development of the West of Ifield site should not prejudice the delivery of a full relief road and there should be a requirement for the developer to make provision for part of the relief road through their site (as is the case for the Kilnwood Vale development to the south).

Therefore, this Council resolves to:

- (1) acknowledge the traffic congestion within the Horsham/Crawley area and the adverse impact that a development of the West of Ifield site could have upon the problem;
- (2) encourage potential developers of the site to include provision for a full relief road in any plans or proposals;
- (3) if traffic modelling determines that it is required to mitigate the impacts of the development, ask the Cabinet Member to make the construction of a full relief road a condition of the County Council's support for any development on the West of Ifield site; and
- (4) if traffic modelling determines that a full relief road is **not** required to mitigate the impacts of the development, ask the Cabinet Member to make representations to potential developers and Horsham District Council and Crawley Borough Council (a) to safeguard a possible route through the West of Ifield site for a full relief road and (b) to secure the provision of the part of the relief road within the site.'

**125** An amendment was moved by the Cabinet Member for Highways and Transport and seconded by Mr Watson as set out below.

'Developers are currently seeking the inclusion of the West of Ifield site in the local plans being prepared by Horsham District Council. The development of this site would result in an increase in local traffic and exacerbate existing problems with congestion in the area. A relief road in this area has been sought by the County Council (although there is no approved alignment). Crawley Borough Council members and local residents to address traffic issues. The County Council is currently involved in discussions with the developer's transport consultants regarding traffic modelling for the site to determine if the traffic impacts of the development would require a relief road (to mitigate the transport impacts of the site in compliance with the National Planning Policy Framework).

In the event that traffic modelling determines that a full relief road is a requirement of the site, this Council should make strong representations to the developer and Horsham District Council that any plans for development on the West of Ifield site must include provision for a full relief road which would be a condition of the County Council's support for the allocation of the site in the local plans. Even if the evidence does not support the provision of a full relief road, the development of the West of Ifield site should not prejudice the delivery of a full relief road and there should be a requirement for the developer to make provision for part of the relief road through their site (as is the case for the Kilnwood Vale development to the south).

Therefore, this Council resolves to:

- (1) acknowledge the traffic congestion within the Horsham/Crawley area and the adverse impact that a development of the West of Ifield site could have upon the problem;
- (2) encourage potential developers of the site to include provision for a full relief road in any plans or proposals;
- (3) if ***an appropriate transport assessment*** ~~traffic-modelling~~ determines that it is required to mitigate the impacts of the ***West of Ifield*** development, ask the Cabinet Member to ***ensure that the County Council, as the local transport authority, objects to the allocation of the site in a local plan or to a planning application for the site unless a full relief road is provided*** ~~make the construction of a full relief road a condition of the County Council's support for any development on the West of Ifield site;~~ and
- (4) if ***an appropriate transport assessment*** ~~traffic-modelling~~ determines that a full relief road is ***not*** required to mitigate the impacts of the ***West of Ifield*** development, ask the Cabinet Member to ~~make representations to potential developers and Horsham District Council and Crawley Borough Council~~ ***ensure that the County Council, as the local transport authority, objects to the allocation of the site in a local plan or to a planning application for the site unless*** (a) ~~to safeguard a possible route through the West of Ifield site for a full relief road~~ ***is safeguarded*** and (b) ~~to secure the provision of the part of the relief road within the site~~ ***is secured***.

**126** The motion, as amended, was carried.

### Report of Urgent Action

**127** The report of urgent action taken under regulation 11 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 (pages 252 and 253) was noted.

### Chairman

The Council rose at 5.35 p.m.

## Minutes - Appendix 1

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### Agenda Item No. 1 - Interests

Members declared interests as set out below. All the interests listed below were personal but not pecuniary or prejudicial unless indicated.

Item	Member	Nature of Interest
Item 6(b) CMQT paragraph 1 (Coast to Capital Infrastructure Committee)	Dr Dennis	Annual season ticket holder on the rail route through and including Gatwick Airport Railway Station
Item 6(b) CMQT paragraph 7 (Think Family Partnership)	Mr Bradbury	Member of Mid Sussex District Council
	Ms James	Member of Hambrook and Chidham Parish Council
Item 6(b) CMQT paragraph 9 (special educational needs and disabilities)	Mr Griffiths	Governor of Chailey Heritage School
Item 6(b) CMQT paragraph 16 (A Level and GCSE results)	Mr Bradbury	Director of Warden Park Academy Trust and Trustee of Brantridge School, part of the Radius Trust
	Mr R Rogers	Governor of Durrington High School, Worthing
Item 6(b) CMQT paragraph 17 (Academies and Free Schools)	Mr Bradbury	Director of Warden Park Academy Trust and Trustee of Brantridge School, part of the Radius Trust
	Mr R Rogers	Governor of Durrington High School, Worthing
Item 6(b) CMQT paragraph 18 (Universal Free School Meals)	Mr Bradbury	Director of Warden Park Academy Trust and Trustee of Brantridge School, part of the Radius Trust
	Mr R Rogers	Governor of Durrington High School, Worthing
Item 6(b) CMQT paragraph 21 (West Sussex Pension Fund)	Mr Burrett	Member of the Local Government Pension Scheme and of Local Government Pensions Committee, appointed by the LGA Conservative Group

<b>Item</b>	<b>Member</b>	<b>Nature of Interest</b>
Item 6(b) CMQT paragraph 21 (West Sussex Pension Fund) (cont)	Mr Waight	Deferred member of the Pension Fund
Item 6(b) CMQT paragraph 23 (Winter Maintenance Plans)	Mr Bradbury	Member of Mid Sussex District Council
	Ms James	Member of Hambrook and Chidham Parish Council
Item 6(b) CMQT paragraph 27 (West Sussex Fire and Rescue Service – Future Fire and Rescue Phase Two)	Mr Parsons	Son-in-law works for West Sussex Fire and Rescue Service
	Mr Petch	Member of the Fire Brigades' Union
Item 7 – Select Committee Debate: Carers Task and Finish Group	Mr Catchpole	Wife works for Carers Support West Sussex
	Mr Griffiths	Registered carer
	Mrs Millson	Carer and Associate Governor at Queen Elizabeth II School, Horsham
	Mrs Smith	Carer
Item 8 – Sussex Police and Crime Panel Report 2012-14	Mr G L Jones	Member of Police and Crime Panel
	Mr Watson	Chairman and member of Police and Crime Panel
Item 9 – Governance Committee: Changes to Pension Fund Governance	Mr Burrett	Personal Interest as an individual member of the Local Government Pension Scheme and as a member of the Local Government Pensions Committee, appointed by the LGA Conservative Group
	Mr Lanzer	Personal Interest as member of the Local Government Pension Scheme

## Minutes - Appendix 1

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<b>Item</b>	<b>Member</b>	<b>Nature of Interest</b>
Item 11(a) Notice of Motion (Committee System)	Mr Burrett	Member of Crawley Borough Council
Item 11(c) – Notice of Motion (Fire and Rescue Service)	Mr Parsons	Son-in-law works for West Sussex Fire and Rescue Service
	Mr Petch	Member of the Fire Brigades' Union
Item 11(d) Notice of Motion (West of Ifield Development)	Mr Circus	Member of Horsham District Council
	Mr Rae	Member of Horsham District Council
	Mr Sheldon	Member of Horsham District Council
	Mrs Smith	Member of Crawley Borough Council

**17 October 2014**

1. Written question from **Mrs Mockridge** for reply by the **Cabinet Member for Corporate Relations**

### **Question**

Following yet another year of distress brought to the residents in West Sussex by illegal encampments of gypsies and travellers, and in particular Southwick, where they parked on the Village Green:

- (a) Can the Cabinet Member confirm that the new transit site, a really excellent example of joint working between the County, district and borough councils, will be operating early next year and have they had discussions with Sussex Police to confirm that they will be issuing section 62 notices to illegal encampments once it is up and running.
- (b) Will the Cabinet Member commit to working with our Members of Parliament to impress upon the Government that the law and/or Police procedures need changing to protect law abiding residents from these illegal encampments?

### **Answer**

- (a) The building on the transit site is on track and works commenced on the site on 22 September. The projected completion date is the end of February with the site becoming operational soon thereafter. Officers are working with Sussex Police on the plans for changes to enforcement options (the section 62A Criminal Justice and Public Order Act 1994 police power to require trespassers to move is available when a transit site is in place) and will continue to work with the force's lead on travellers on this specific issue.
- (b) In relation to police procedures, Sussex Police has a very robust assessment for intervention in place and this has operated well. They must currently use the power in section 61 of the Act which requires an assessment of public order risk and offending behaviour. Over this year the police have used this power on numerous encampments, the main factors being significant disruption to community, economic loss or loss of amenity, balanced against an assessment of the consequences of any action to remove the trespassers. There is an initial visit by the local Police officer who will assess the site and report back for decision by a Superintendent whether to use their powers.

I understand that, in the case at Southwick this year, the assessment led to a decision not to act at the outset but that was changed after a review in the light of changes to the impact assessment – and so the issue is one of operational judgment not adequacy of procedure.

The working relationship with councils and the Police has improved tremendously and there is now a consistent approach by the police across the county.

## Minutes - Appendix 2

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It is unlikely that a change in legislation will lead to any greater powers than are available already. The powers are adequate but there will always be difficult judgments to be made about how to act in particular instances. My preference is to continue to work closely with the police and to review the situation in the light of the delivery of the transit site early next year, when the additional power provided by section 62A can be used.

### 2. Written question from **Mr G L Jones** for reply by the **Cabinet Member for Education and Skills**

#### Question

The change in School Governance Regulations provides individual governing bodies with the final decision as to whether to appoint candidates nominated by local authorities by applying their own person specifications and eligibility criteria.

If a governing body declines to appoint a governor nominated by West Sussex County Council what formalised mechanism exists to ensure that liaison and a dialogue is retained between the school management and the local authority, particularly in the case of non-maintained schools?.

#### Answer

The County Council recognises and values the significant contribution that governors make within schools to give children the best start in life. With the changes in regulation, it would still wish to retain strong links with all school leaders, including governors, in all schools including academies.

The appointment of governors is only one way in which the local authority seeks to work with and influence schools in West Sussex. The County Council has established procedures to monitor and, where required, support school leaders and governors through mechanisms, including desktop scrutiny of performance, regular monitoring visits by officers where required and liaison meetings with both school leaders and the West Sussex Governors Association.

For members to exert influence through their democratic mandate it is important that they continue to build relationships with the head teacher and chair of governors of the schools within their division. For governor appointments, local members will be expected to discuss all the applications received with the Chairman of the governing body and/or head teacher of the relevant school before they are considered at the County Local Committee (CLC) meeting. The Chairman and/or head teacher will be looking for particular knowledge or skills to fill gaps in the governing body profile rather than simply seeing the Authority's point of view.

It should be noted that there is no government guidance on what is required of any of the types of governor (parent/co-opted (formerly community)/authority) other than the people appointed should meet the criteria a school has already established to ensure a balanced and effective governing body. This will be their primary concern and the local member will need to be clear which candidate(s) meet(s) them so they can advise the CLC when it comes to making a decision

about who to nominate. The governing body should be able to provide the criteria for appointment (person specification) to aid any discussion. Therefore this discussion is far more important than it was in the past. It is hoped that this dialogue will enable members to provide an important link between the schools, the County Council and the local communities.

With regards to Academies, CLCs will make nominations or appointments for the County Council to governing bodies of Academies in accordance with either the funding agreement with the relevant government department or instrument of governance, as appropriate.

### 3. Written question from **Mr Acraman** for reply by the **Cabinet Member for Highways and Transport**

#### Question

Can the Cabinet Member offer guidance on the following points in relation to potential expansion at Gatwick Airport:

- (a) How the County Council intends to influence the Airports Commission that if it maintains its 'in principle support' it will be contingent on all necessary funding to deliver the essential infrastructure being forthcoming from the airport developer?
- (b) What work is being done to draw up specific lists (with estimated costs) of the County Council's extra infrastructure requirements for highways, schools and hospitals above and beyond the current requirements?
- (c) What potential funding mechanisms is the Council looking to demand from the airport developer for compensation and mitigation packages to support the local residents and the local rural economy as well as the county-wide infrastructure needs?
- (d) What questions are being considered to enable airport expansion to happen without an unacceptable increase in the number of people affected by noise and the loss of valuable countryside?
- (e) What measure of detailed assessment is being sought regarding air pollution impacts, and the measures required to mitigate these, and ensure rapid compliance with EU limits?
- (f) What thoughts have been put forward for the establishment of Community Forums, independent from the airports, and similar to the ones created at Schiphol (Amsterdam) and Frankfurt?
- (g) Can the Cabinet Member assure me that the upcoming seminar on Gatwick will be properly balanced between pro- and anti-second runway advocates? It will be preferable for those advocates to be outside bodies rather than in house officer advocates.

### Answer

(a) The County Council has already provided the Airports Commission with its initial views on the proposals by Gatwick Airport Limited (GAL) to expand Gatwick Airport including the provision of a second runway. It will provide the Commission with its views on the revised proposals in response to the Commission's consultation. Without pre-empting the outcome of the debates about that response, it is highly likely that it will contain the Council's views on investment and infrastructure needs. The County Council's response to the Commission might identify and perhaps stress the need to ensure that GAL, the Government and other bodies commit to the investment needed in, for example, road and rail improvements. The Council's response might also comment on GAL's pledges to help meet the cost of new or improved services and infrastructure including:

- £46.5m to help local authorities deliver essential community infrastructure;
- improvements to local transport links and a commitment to ensure local roads are no busier than they are today, with a £10m local highway development fund in place to meet any additional works; and
- a new Business Engagement Charter to help local landowners and businesses affected by the Airport's expansion.

(b) The modelling work conducted so far by GAL's consultants using the County Council's transport model has indicated a number of junctions and links where traffic increases associated with Gatwick Airport would contribute to the overall increase in traffic movements. It is worth noting that the timescale for developing a larger Airport, including a second runway, is such that it pushes the boundaries of the projections that are used in preparing plans for transport, land use and other matters.

Future planning and modelling work relating to housing, education and healthcare, among others, will have to take account of likely factors such as Gatwick Airport's operation along with other changes in the economy, social behaviours, demographics and so on.

(c) GAL will be subject to existing legal arrangements for assessing the need for compensation and mitigation packages. GAL has pledged that, for those homes that need to be compulsorily purchased, a Property Market Support Bond fund of £131m will offer owners 25% above market value for their properties. In addition, GAL has pledged a £14m Home Owners Support Scheme to buy any homes that would be subject to high levels of aircraft noise (above a set noise level). For those businesses affected by the purchase of premises to facilitate the Airport's expansion, GAL has pledged to support and work with each party to agree compensation measures at an early stage and to help facilitate their replacement property search wherever possible. The County Council might wish to press for legal arrangements to ensure that these pledges become commitments.

GAL's Council Tax Initiative would see those homes most affected by noise from a second runway receiving annual compensation equivalent to Band A

council tax (currently £1,000) if and when the runway becomes operational. GAL has expanded its noise insulation scheme by increasing the noise boundary by 15km each end of the existing runway, making it available to over 40% more homes. The scheme provides hundreds more local homes with up to £3,000 towards double glazing and loft insulation.

- (d) The operation of Gatwick Airport can affect nearby communities through the activities on the ground, such as maintenance machinery and taxiing aircraft. GAL has included, in its submission to the Airports Commission, plans for avoiding, reducing or mitigating these effects near communities close to the Airport's boundary. The County Council might wish to comment on these plans in its response to the Airports Commission's consultation.

The flights associated with the operation of Gatwick Airport, in its current form or if expanded, will, like other airports in London and the south east, be subject to the changes required to make efficient and safe use of the airspace over London and the UK more widely. Management of that airspace is the responsibility of NATS (National Air Traffic Services). NATS has plans for making the necessary changes over the coming years. These changes will determine the routes and widths of flight paths and what form and scale of respite might be possible. NATS and GAL have recently agreed to postpone implementation of the first phase in changes to airspace relating to Gatwick Airport. This will allow for further planning and consultation on the routes to be adopted and the matter of respite for communities and open countryside.

Much of the development required to increase the capacity of the Airport, including the second runway, will be within the existing boundary, on land immediately adjacent to the Airport or on land safeguarded for that purpose, rather than open countryside.

- (e) GAL has provided the Airports Commission with information drawn from modelling of aircraft, road traffic and other emissions. Once that information is publicly available, the County Council will work with district councils, through their environmental health responsibilities, to establish whether the modelling suggests that the expanded Airport's operations and associated traffic growth will be compliant with air quality objectives and limit values. Any views that the County Council has on the potential effects of the expanded Airport and its operation on air quality could be included in the Council's response to the Airports Commission's consultation.

There is currently an agreement over how GAL's activities, obligations and commitments are monitored and reported. It has operated well for many years and ensures that GAL keeps on top of its promises. There is no reason why there should not be a similar agreement in future in respect of obligations that flow from an additional runway in addition to the on-going issues related to the Airport's present configuration. Such an agreement would be binding on the current owners and could be structured in such a way that future owners will be bound.

The present agreement is with the County Council and Crawley Borough

Council as the two authorities within whose administrative areas the Airport is located. To ensure that the other affected areas are included there is a Memorandum of Understanding which requires the Borough and County Councils to consult the other local councils on any proposals coming forward and to keep them informed of developments. Those authorities were consulted and involved in the current agreement so that its provisions met their needs.

- (f) GAL already engages with all the directly affected local authorities in West Sussex (Horsham District, Mid Sussex District, Crawley Borough and West Sussex County Councils as well as Rusper Parish Council whose administrative area abuts the Airport boundary), through its statutory independent consultative committee GATCOM. The County Council is a member of GATCOM. In addition to that mechanism GAL continues to maintain direct engagement with those individual councils.

GATCOM is aware of the Civil Aviation Authority's recommendation to establish specific community engagement forums with an express objective of looking at how new runway provision should be used and how the noise impacts can be managed and, where possible, mitigated. GATCOM is generally of the view that airport consultative committees are already in place as the statutory mechanism to ensure consultation between airports and local interests and that, wherever possible, existing mechanisms should be used and where necessary amended/adapted, rather than inventing new bodies to deal with specific issues.

It should be noted that in relation to the fora set up at both Frankfurt and Schiphol airports, which influenced the Civil Aviation Authority's recommendation, neither airport had established mechanisms to consult/engage with local communities as there are in the UK. Those fora were structured differently to the existing airport consultative committees. The Frankfurt and Schiphol fora have consensus-based decision making, a sole public spokesperson and limited transparency.

GATCOM is actively looking at how it can better engage with the wider communities around Gatwick Airport which will complement the existing governance structures already in place for the Airport. The County Council, as well as all the relevant local authorities, will be involved in considering those ideas emerging from GATCOM.

- (g) Arrangements for the member development session are well progressed. Invitations to participate have been accepted by GAL and the Gatwick Area Conservation Campaign. The Airports Commission has yet to reply to the invitation. The session will focus on fact-finding and information-gathering on both sides of the debate. Information gathered through the session will inform the preparation of the County Council's draft response to the Airports Commission's consultation. That draft response will be considered and debated at the Environmental and Community Services Select Committee in November.

**4. Written question from Mrs Evans for reply by the Cabinet Member for Highways and Transport**

**Question**

Planning is a controversial subject and here in the Chichester District Area we have the added problem of the South Downs National Park which squeezes nearly all the required number of houses into the small coastal plain area.

The Manhood Peninsula, south of Chichester, is also an unique area as there are only two roads leading on and off the Peninsula which restricts traffic and therefore the number of new builds.

Please could I ask the Cabinet Member to request of our MPs that they support our request that the South Downs National Park be made to take more of their share of new homes, and/or relax the number of houses required in the Chichester and other Coastal areas in West Sussex so relieving some of the pressure on the Coastal Strip.

**Answer**

The seven borough and district councils in the county and the South Downs National Park Authority (SDNPA) are the local planning authorities with statutory responsibility for housing; it is not the responsibility of the County Council.

One of the duties of those authorities is to prepare a local plan for their area that addresses the need for new homes over the long-term (i.e. 15 years from adoption of the plan). Accordingly, the local plans must include strategies and policies that address both the quantum of new housing development that is required and the sites or areas where such development will be acceptable in principle.

With regard to planning for new homes within the Chichester District Area, it is the specific responsibility of Chichester District Council and the SDNPA. In preparing their local plans, both authorities have to meet the legal 'duty to cooperate' and to ensure that such plans meet the 'positively prepared' test of soundness.

In summary, planning for new homes in West Sussex is not the responsibility of the County Council and neither it nor the county's Members of Parliament can 'make' a local planning authority plan for a specific quantum of new housing.

**5. Written question from Mrs Millson for reply by the Cabinet Member for Highways and Transport**

**Question**

The Cabinet Member will be aware of the increasing number and range of obstacles which can block a pedestrian's free use of the county's pavements. These obstacles include wheelie bins, street furniture and advertising 'A Boards', as well as parked cars and other vehicles. For most people, these obstacles

## Minutes - Appendix 2

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constitute a nuisance that we have to negotiate, but for many people with restricted mobility, (whether through age, disability or responsibility for young children, either in buggies or on foot), they can cause risk to life or limb.

The national charity 'Guide Dogs' has called for a nationwide law on pavement parking in a response to a Government consultation. 'Guide Dogs' wants to bring the rest of the country into line with Greater London where pavement parking is prohibited except in areas where it is expressly permitted.

Despite the significant risks parking on pavements poses, a 2013 survey by Guide Dogs found that 90% of respondents (including blind, partially sighted and fully sighted individuals) reported pavement parking to be a problem in their areas. From my own experience in Horsham and other towns, pavement parking is an issue in West Sussex.

- (a) Does the Cabinet Member support the concept of national legislation against pavement parking, and if he does, would he be prepared to write to the Secretary of State for Transport to encourage him to bring forward such legislation?
- (b) Can the Cabinet Member highlight any local action he intends to take to discourage pavement parking in West Sussex, whether by means of introducing local by-laws or a campaign to publicise the dangers associated with pavements being blocked by parked vehicles or other obstacles?

### Answer

The Cabinet Member agrees that inconsiderate parking on pavements, forcing pedestrians onto the road, is a serious safety concern. It is also a major barrier for people with visual or mobility impairments, wheelchair or mobility scooter users, families with pushchairs, and our young cyclists. In addition it can cause long-term damage to pavements and the utility company apparatus beneath.

A national pavement parking ban already exists for heavy goods vehicles and a Private Members' Bill is being brought forward to seek to promote a national pavement parking ban for other motor vehicles. This would have the advantage of clarifying the position to motorists on a national basis and would not require a large number of expensive individual Traffic Regulation Orders (TROs) or the associated 'sign clutter'. A pavement parking ban already exists for Greater London and, if the Bill is successful, it is anticipated the national ban would work in the same way.

- (a) The Cabinet Member would be pleased to write in support of a national pavement parking ban and, in addition, broadly supports the principles outlined in the Private Members' Bill.
- (b) Whilst byelaws are often an option for borough or district councils, they are complicated, and difficult to enforce. It has also recently become possible to introduce a TRO preventing pavement parking. However, such schemes have the potential to generate a huge number of individual TROs and would be very expensive to implement, as well as increasing 'street clutter' with

additional signs. Officers are currently working through some of the technical issues associated with an area-based TRO but are mindful that a national pavement parking ban, should it be brought forward, might render this work superfluous.

The Cabinet Member will continue to encourage and support local campaigns like the recent 'Pavements are for People' campaigns in Burgess Hill and Haywards Heath. Those particular campaigns are multi-agency and include Guide Dogs, The Disability Trust, the respective town councils, Mid Sussex District Council, 4Sight, Sussex Police and of course, this Council.

**6. Written question from Mrs Mullins for reply by the Cabinet Member for Highways and Transport**

**Question**

Lately I have observed a number of areas of the highway network, in West Sussex, where the road markings are very badly worn. The large roundabout, just outside Chichester, and the junction of the Horsham Road and the A23 in Crawley are in a particularly faded condition. Especially difficult to see at all, during the recent heavy rain.

I understand that there may be a very limited budget in the current year for the repainting of road markings.

Where repair and resurfacing has taken place and new white lines painted, the continuation and upgrading of white lines on adjoining areas has not taken place, making for great confusion and danger for road users.

With winter now approaching, road markings will further deteriorate in cold and wet weather and worn markings will undermine safety for road users on darker evenings. Drivers have to make split second decisions, often at high speeds, as to their lane positions, when negotiating our busy roads and there can be no room for unclear or misleading markings.

Can the Cabinet Member please:

- (a) Confirm the budget for renewing road markings, for the past two years and for the current year?
- (b) Provide details of the repainting schedule undertaken during this year?
- (c) Give an estimate as to the budget for the next financial year for this service?
- (d) Ensure that contractors repairing and resurfacing road surfaces, who are responsible for re-painting white lines, make sure that the continuity of marking is continued at junctions and filter lanes, so as not to confuse drivers?

## Minutes - Appendix 2

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### Answer

Both roundabouts referred to in Mrs Mullins' question are on the trunk road network and as such are the responsibility of the Highway Agency (HA) and not the County Council. Officers have referred these locations to the HA.

- (a) The current budget for lining is £300k and has been for the last few years.
- (b) An annual inspection is undertaken of road markings on all A and B class roads from which a forward plan is prepared. Other classes of road are only subject to scheduled and ad hoc safety inspections. Replacement is only considered when 75% of road marking is worn which is determined from the area of the underlying road surface showing through. Lining on unclassified roads is only replaced where there are safety concerns following risk assessment.
- (c) All budgets for next year are in the process of being reviewed.
- (d) Where any resurfacing works are considered then the existing and surrounding road markings are reviewed to ensure that they are fit for purpose. In addition to the routine maintenance budget, an approximate further £250k has been spent through the annual works and Better Roads Programme on replacing and altering road markings.

Replacement of lines following works is currently done within a maximum of one week; during peak delivery in the summer it was up to five weeks, purely because of the volume of works the County Council has undertaken this year on the unclassified road network. The replacement of lines following surface dressing is normally done after four weeks to allow for sweeping to clear loose chips and the surface to bed in, during which time signs will be displayed warning there are no road markings.

### 7. Written question from **Mr Sutcliffe** for reply by the **Cabinet Member for Highways and Transport**

#### Question

- (a) Does the Cabinet Member agree that roadside car sales, other than the private sale of a single vehicle, are undesirable and should be actively discouraged?
- (b) Does he have any proposals for doing so?

#### Answer

Mr Sutcliffe will be aware of the updates to Joint Area Committees on this issue.

- (a) Although I understand that roadside car sales can cause frustration amongst local communities, it is not illegal to sell vehicles on the public highway, providing certain requirements are met, such as vehicles needing to be taxed

and insured and traders needing to clearly indicate that this is not a private sale. The County Council's Trading Standards department can provide support if traders are not abiding by the law.

As the Highway Authority, the County Council may obviously be concerned if parked vehicles are a distraction or cause an obstruction; Sussex Police can provide support if this is a problem.

- (b) Borough and district councils have powers to establish local byelaws to prohibit sales on the public highway, though this is by named streets and may result in a problem being pushed into an adjacent road.

As a result of concerns raised within communities in the Arun District area, a 12-month pilot was established in September 2012. This was aimed at removing vehicles for sale from locations, typically laybys, where several cars were for sale. The County Council's Community Development team set up a joint action group with Arun District Council to target locations where traders persistently sold vehicles.

It was reported that through the publicity, action and raised profile of the laws governing vehicle sales on the highway very few vehicles were impounded (two in 12 months, both in the first week of operation). Since then there have been very few reported instances of such traders' sales. Therefore the decision has been taken not to expand or continue this activity.

If local communities or members consider such a problem exists then they should contact their Principal Community Officer to see if working with the vendor solves the problem or if enforcement is necessary.

## **Minutes - Appendix 3**

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### **Agenda Item No. 6(b) - Cabinet Member Question Time**

Members asked questions on the Cabinet Members' reports as set out below. In instances where a Cabinet Member undertook to take follow-up action, this is also noted below.

#### **Leader**

The Leader answered questions on the following paragraphs.

Paragraph 1, Coast to Capital Infrastructure Committee, from Dr Dennis.

Paragraph 2, Cornerstone development, Crawley, from Mr Glennon and Mr Crow.

Paragraph 3, Child Poverty Action Group Annual Conference, from Ms Kennard.

#### **Cabinet Member for Adult Social Care and Health**

The Cabinet Member answered questions on the following paragraphs.

Paragraph 4, West Sussex Health and Social Care Commissioning Framework for Adults with Learning Disabilities, from Mrs Jones and Mr Sutcliffe.

The Cabinet Member agreed to accompany Mrs Jones to visit the proposed site in Burgess Hill to see its potential.

Paragraph 5, Rother Valley Together Community Club, from Mrs Duncton, Mr R Rogers and Dr Walsh.

#### **Cabinet Member for Children – Start of Life**

The Cabinet Member answered questions on the following paragraphs.

Paragraph 8, funded early learning places for two-year-olds, from Mr Patel.

Paragraph 9, special educational needs and disabilities, from Mr Bradbury, Mr Buckland, Mr Parsons and Mrs Rapnik.

In response to a query from Mrs Rapnik, the Cabinet Member said he would let her know how many young people and their families were receiving a personal budget.

#### **Cabinet Member for Community Wellbeing**

The Cabinet Member answered questions on the following paragraphs.

Paragraph 10, Better Care Fund Plan, from Mrs Evans.

Paragraph 11, NHS 'Five Communities Plan', from Mrs Millson and Dr Walsh.

The Cabinet Member commented that the paragraph should refer to a 'conversation' on the Plan rather than 'consultation'.

Paragraph 12, Public Health initiatives', from Mr M G Jones.

### **Cabinet Member for Corporate Relations**

The Cabinet Member answered questions on paragraph 15, Workforce and Organisational Development Strategy, from Mr Burrett, Ms James and Mr M G Jones.

In response to questions from Ms James and Mr Jones the Cabinet Member agreed to arrange for members to comment on the draft strategy before it was finalised.

### **Cabinet Member for Education and Skills**

The Cabinet Member answered questions on the following paragraphs.

Paragraph 16, A Level and GCSE results, from Mr G L Jones.

Paragraph 18, Universal Free School Meals, from Mrs Mullins and Mr R J Oakley.

In response to a request from Mrs Mullins about ensuring children ate a balanced lunch and not just carbohydrates, the Cabinet Member agreed discuss with officers whether it was possible with schools to monitor what children were choosing to eat.

### **Cabinet Member for Finance**

The Cabinet Member answered questions on paragraph 21, West Sussex Pension Fund, from Mr Waight and Dr Walsh.

### **Cabinet Member for Highways and Transport**

The Cabinet Member answered questions on paragraph 22, A27 Action campaign, from Ms James and Dr Walsh.

### **Cabinet Member for Residents' Services**

The Cabinet Member answered questions on paragraph 26, 'Great War Britain: West Sussex Remembering 1914-18', from Mrs Hall.

## **Minutes - Appendix 3**

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### **Agenda Item No. 6(c) - Leader's Question Time**

The Leader answered questions from members on the following topics:

Lack of information to local members on issues relating to academies, from Mr Quinn.

In response to a comment from Mr Quinn about a lack of information for local members in relation to performance of academies, in particular the recent removal of the Head of Thomas Bennett Academy in Crawley, the Leader agreed to take the matter up with the Cabinet Member for Education and Skills.

Ebola, from Mrs Arculus.

Cost of head hunters, from Mr Glennon.

Rampion wind farm and options for increased jobs and tourism, from Mrs Urquhart.

In relation to a question from Mrs Urquhart on actions to maximise the opportunities for education, skills and apprenticeships as well as tourism and jobs from the Rampion wind farm, the Leader agreed to forward to Mrs Urquhart a copy of a presentation she had heard at a recent meeting of the Greater Brighton Economic Board.

Representations on the Chichester District Council Local Plan on infrastructure, from Ms James.