

## West Sussex County Council – Ordinary Meeting

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**19 July 2013**

At an Ordinary Meeting of the County Council held at 10.30 a.m. on Friday, 19 July 2013, at County Hall, Chichester, the members present being:

Mrs A J Jupp (Chairman)

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

### Apologies and attendance

**20** Apologies were received from Mr Buckland, Mr de Mierre, Mr Wickremarachi and Mr Wilkinson. Mr R J Oakley, Mr Rae and Mr Smytherman gave their apologies for the afternoon session. Mrs Jones and Mr G L Jones gave their apologies and left at 4.00 p.m. and 3.00 p.m. respectively. Mr Oxlade, Mrs Arculus and Mrs Duncton left at 12.10 p.m., 3.20 p.m. and 3.35 p.m. respectively.

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### Death of Mr Stanley Gamble

- 21 The Chairman reported the death of Mr Stanley Gamble, a former member of the County Council, who had represented the Littlehampton North electoral division from 1985 to 1989. The Council stood for a minute's silence.

### Queen's Birthday Honours, 'Best Procurement Team' Award and 'Making a Difference' Staff Awards

- 22 The Chairman congratulated those residents of West Sussex who had received awards in the Queen's Birthday Honours list, particularly Graham Olway, a Capital Programme and Planning Manager in Communities, who had received an MBE for services to education for his work as Chair of the National Education Building Development Officers Group.
- 23 The Chairman also reported that the County Council's Procurement and Contract Services team has received the award for 'Best Procurement Team' in the National Outsourcing Association's professional awards for 2013.
- 24 Finally, as referred to in paragraph 5 of the Cabinet Member Question Time report on page 23, the Chairman offered the Council's congratulations to the individual winners of the 'Making a Difference' staff awards – Gill Avery, Steve Roberts, Gregory Ockwell, Marian Azhar, Jan Hawkins, Shantha Dickinson and Ken Watts - and to the staff of the Library Self-Service Project who had won the team award.

### Director of Health and Social Care Commissioning

- 25 The Chairman informed that Council that Dr Mike Sadler, the Director of Health and Social Care Commissioning, was due to leave at the end of the month. She reported that arrangements for the future management of commissioning across health and social care had been considered by the Chief Executive who had concluded that these responsibilities could be combined with those for Public Health. The Appointing Committee had agreed with the Chief Executive's plan and had considered a proposal from Judith Wright, the County's Director of Public Health, about how she would meet the requirements of this combined post. The Chairman was pleased to report that the Committee had, as a result of this, decided to appoint Judith Wright to the post. Members expressed their congratulations to Judith on her appointment.

### Interests

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

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- 27 It was agreed that the minutes of the Annual Meeting of the County

Council held on 14 May 2013 (pages 15 to 22) be approved as a correct record.

### **Appointments**

- 28** The Council considered a number of appointments to committees and panels and the changes set out below were made which took effect from the end of the meeting:

<b>Committee</b>	<b>Change</b>
Adult Safeguarding Panel	Add Mr Sutcliffe to fill vacancy
Appeals Panel	Add Mr Bradbury to fill vacancy Add Mr High to fill vacancy Add Mr Metcalfe to fill vacancy Add Mrs Whitehead to fill vacancy
Corporate Parenting Panel	Add Ms Kennard to fill vacancy
Rights of Way Select Committee substitutes	Add Mr Bradbury to fill vacancy Add Mr R J Oakley to fill vacancy Add Mr Patel to fill vacancy Add Mr Tyler to fill vacancy
Treasury Management Panel	Mr R Rogers to fill vacancy Mr Watson to fill vacancy Mr Burrett as reserve member

### **Appointment of co-opted member to the Children and Young People's Services Select Committee**

- 29** The Council approved the appointment of Mrs Marie Ryan, Deputy Director for the Catholic Schools Service (Roman Catholic Diocese of Arundel and Brighton), as a voting co-opted member of the Children and Young People's Services Select Committee in place of Mrs Mary Reynolds.

### **Notice of Motion by the Cabinet Member for Highways and Transport**

- 30** The following motion under Standing Order 16(4) was moved by the

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Cabinet Member for Highways and Transport and seconded by Mrs Duncton.

'This Council supports a vibrant, growing economy and the Government's drive for growth for the future economic prosperity of the country.

Gatwick Airport Limited has recently given a clear indication of its intent to publish details of proposals submitted to the independent Airports Commission for future expansion of the airport's capacity, including the addition of a second runway.

This Council, in principle, supports such proposal as conducive to economic growth and prosperity in West Sussex, and is equally cognizant of the environmental and infrastructure issues that may arise from a future increase in airport capacity.

The County Council therefore asks the Leader and Cabinet to exercise influence and pressure in supporting such expansion at Gatwick Airport whilst having due regard to the potential environmental and infrastructure issues and, where possible, to take a lead in addressing these issues and securing benefits for the communities in the county.'

- 31 The motion, as set out above, was agreed.

### Cabinet and Written Questions

#### Written Questions

- 32 Questions and answers pursuant to Standing Order 15(2), as set out at Appendix 2, were circulated. Members asked questions on the answers as set out at Appendix 2.

#### Cabinet Member Question Time

- 33 Members asked questions on the Cabinet Members' reports (pages 23 to 30), as set out at Appendix 3.

#### Leader's Question Time

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

### Annual Report 2012/13

- 35 The Leader moved the Annual Report (pages 31 and 32).
- 36 In response to a comment from Dr Walsh about the Think Family initiative and an issue at the Littlehampton Academy, the Cabinet Member for Children – Start of Life said that he would arrange for an anonymised report to be sent to interested councillors.

- 37 Resolved -

That the End of Year Performance Report 2012/13 be approved.

### **West Sussex: Our Vision for the County**

- 38 The Leader moved the report on West Sussex: Our Vision for the County which was the County Council's strategic direction and guiding principles for the next four years (pages 31 and 32).

- 39 Resolved -

That the strategic direction as described in West Sussex: Our Vision for the County, as set out at the Appendix to the report, be supported and endorsed.

### **Treasury Management Annual Report 2013/13**

- 40 The Cabinet Member for Finance moved the Treasury Management Annual Report 2012/13 (pages 39 to 55).

- 41 Resolved -

That the Treasury Management Annual Report for 2012/13, as set out at the Appendix to the report, be noted.

### **Annual Report of the Corporate Parenting Panel**

- 42 The Chairman of the Corporate Parenting Panel moved the Annual Report of the Corporate Parenting Panel (pages 56 to 57).

- 43 Resolved -

That the report be noted.

### **Select Committee Debate: Phase One Report of the Scrutiny Task and Finish Group on Support for Carers**

- 44 The Chairman of the Task and Finish Group moved the Annual Report of the Corporate Parenting Panel (pages 58 to 59). The Council debated the report.

- 45 The Leader agreed to a suggestion that there should be a third Member Champion for people with Learning Disabilities.

### **Governance Committee: Minor Changes to the Constitution**

- 46 The County Council was asked to consider and approve minor changes to the Constitution in relation to the Adult Safeguarding Panel, the Health and Wellbeing Board and the Think Family Partnership, in the light of a report

by the Governance Committee (pages 60 and 66).

**47** Resolved -

- (1) That the constitution of the Adult Safeguarding Panel be amended as set out in paragraph 1 to report;
- (2) That the changes to the constitution of the Think Family Partnership Board and Executive Group, as set out at Appendix 1 to the report, be approved; and
- (3) That the changes to the constitution and terms of reference of the West Sussex Health and Wellbeing Board, as set out at Appendix 2 to the report, be approved.

### **Annual Report of the Standards Committee**

**48** The Council considered the Annual Report of the Standards Committee (pages 67 to 68).

**49** Resolved -

That the report be noted.

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

**50** The following motion was moved by Mr Glennon and seconded by Mr Sutcliffe.

'This Council:

Acknowledges the current public antipathy toward the institutions of the European Union and the impositions of European legislation on British law and recognises the closer affiliation of this Council to the United Kingdom, rather than the federation of the European Union.

Accepts the need to continue to apply for EU sources of funding (or more accurately retrieving a fraction of what we pay in to their system) but acknowledges the diminishing relevance of the EU to the County Council, as demonstrated by this Council's withdrawal from the Assembly of European Regions; the abolition of a dedicated Europe Office; and the absence of a Cabinet portfolio containing specific responsibility for Europe.

This Council resolves to ask the County Chairman to approve the removal of the European Flag from the Council Chamber.'

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

(a) For the motion - 9

Mr Clark, Mr Glennon, Mrs Hall, Ms James, Mr Parsons, Mrs Phillips,

Mrs Rapnik, Mr Smith and Mr Sutcliffe.

(b) Against the amendment - 46

Mr Acraman, Mr Barling, Mr Barnard, Mr Barrett-Miles, Mrs Bennett, Mr Bradbury, Mr Brown, Mr Burrett, Mr Catchpole, Mr Cloake, Mr Crow, Dr Dennis, Mr Evans, Mrs Field, Ms Goldsmith, Mr Griffiths, Mr High, Mr Hunt, Mr M G Jones, Mrs Jupp, Ms Kennard, Mr Lamb, Mr Lanzer, Mr McAra, Mr Metcalfe, Mrs Millson, Mrs Mockridge, Mr Montyn, Mrs Mullins, Mr O'Brien, Mr Oppler, Mr Patel, Mr Petch, Mr Peters, Mr Quinn, Mr J L Rogers, Mr R Rogers, Ms Smith, Mr Turner, Mr Tyler, Mrs Urquhart, Mr Waight, Dr Walsh, Mr Watson, Mrs Whitehead and Mr Whittington.

52 The motion was lost.

### **Notice of Motion by Mr Lamb**

53 The following motion was moved by Mr Lamb and seconded by Mrs Smith.

'Blacklisting is an illegal practice, involving the covert gathering, retention and use of information in breach of the Data Protection Act (1998). When the Information Commissioner's Office raided The Consulting Association (TCA) they found that 43 construction companies had paid for information or subscribed to a construction industry blacklist. Local workers are among the thousands of names that were listed by TCA.

Victims of blacklisting find their careers cut short and are left unable to provide for their families. Tragically, at least two workers on TCA lists have committed suicide. Construction is a hazardous industry and those employed in the trade have a legitimate right to raise safety concerns without the threat of blacklisting hanging over their heads.

Councils collectively control billions of pounds of public money and carry out projects involving large sums of capital expenditure. Local authorities have a responsibility to ensure that counter-parties do not break the law in undertaking work for the authority.

Recent comments by Rt. Hon. Francis Maude MP and the Treasury's decision to actively avoid purchasing from firms currently engaged in tax avoidance has highlighted the role that government procurement has to play in discouraging wrong doing and the public sector's responsibility not to reward companies which seek to bend or break the law to gain a commercial advantage over law abiding competitors.

The list below originates from the website of the Information Commissioner's Office and details companies which subscribed to TCA:

Amec Building Ltd  
Amec Construction Ltd  
Amec Facilities Ltd

AmeclndDiv  
Amec Process & Energy Ltd  
Amey Construction – Ex Member  
B Sunley & Sons – Ex Member  
Balfour Beatty  
Balfour Kilpatrick  
Ballast (Wiltshire) PLC – Ex Member  
Bam Construction (HBC Construction)  
Bam Nuttall (Edmund Nuttall Ltd)  
C B & I  
Cleveland Bridge UK Ltd  
Costain UK Ltd  
Crown House Technologies (Carillion/Tarmac Const)  
Diamond M & E Services  
Dudley Bower & Co Ltd – Ex Member  
Emcor (Drake & Scull) – ‘Ex Ref’  
Emcor Rail G Wimpey Ltd – Ex Member  
Haden Young  
Kier Ltd  
John Mowlem Ltd – Ex Member  
Laing O’Rourke (Laing Ltd)  
Lovell Construction (UK) Ltd – Ex Member  
Miller Construction Limited – Ex Member  
Morgan Ashurst  
Morgan Est  
Morrison Construction Group – Ex Member  
N G Bailey  
Shepherd Engineering Services  
Sias Building Services  
Sir Robert McAlpine Ltd  
Skanska (Kaverna/Trafalgar House PLC)  
SPIE (Matthew Hall) – Ex Member  
Taylor Woodrow Construction Ltd – Ex Member  
Turriff Construction Ltd – Ex Member  
Tysons Contractors – Ex Member  
Walter Llewellyn & Sons Ltd – Ex Member  
Whessoe Oil & Gas  
Willmott Dixon – Ex Member  
Vinci PLC (Norwest Holst Group)

The Council resolves to ask the Cabinet:

- (1) not to award contracts or invite tenders from companies who have been involved in blacklisting without first taking steps to ensure that such activities have now ceased and that the companies have put measures in place to put matters right in this regard;
- (2) to write to companies listed as having had a relationship with TCA to ask them what measures they have taken to rectify matters in this regard and to warn that failure to comply with the law may affect their chances of being awarded further contracts;

- (3) to write to companies appearing on the list with whom we have a current contractor have a tender under active consideration to invite them to meet to discuss concerns regarding blacklisting.'

**54** The motion was lost.

### **Chairman**

The Council rose at 4.50 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
4 – Notice of Motion on Gatwick Airport	Mr Barrett-Miles	Member of Burgess Hill Town Council and Mid Sussex District Council
	Mrs Bennett	Member of East Grinstead Town Council and Mid Sussex District Council
	Mr Bradbury	Member of Mid Sussex District Council
	Mrs Brunson	Member of East Grinstead Town Council and Mid Sussex District Council
	Mr Burrett	Member of Crawley Borough Council
	Mrs Jones	Member of Mid Sussex District Council
	Mr M G Jones	Member of Crawley Borough Council
	Mr Lamb	Member of Crawley Borough Council
	Mr O'Brien	Member of East Grinstead Town Council and Mid Sussex District Council
	Mr Oxlade	Member of Crawley Borough Council
	Mr Quinn	Member of Crawley Borough Council
	Mr Rae	Member of Horsham District Council
	Mrs Smith	Member of Crawley Borough Council

<b>Item</b>	<b>Member</b>	<b>Nature of Interest</b>
5(a) - Written Question number 8	Mr S J Oakley	Member of Chichester District Council and Tangmere Parish Council
5(b) - CMQT paragraph 6 (Health Peer Challenge)	Mr Turner	Member of the Royal Pharmaceutical Society of Great Britain and licensed by the General Pharmaceutical Council
5(b) - CMQT paragraph 7 (dementia friendly communities)	Mr Griffiths	County Council registered carer
5(b) - CMQT paragraph 13 (Age of Transfer in Worthing)	Mr R Rogers	Governor of Durrington High School
5(b) – CMQT paragraph 20 (Operation Watershed)	Mr Buckland	Member of Littlehampton Town Council
5(c) – Leader’s Question Time	Mr Bradbury	Vice-Chairman of the Board of Directors of Warden Park Academy Trust
6 - Annual Report 2012/13	Mr Buckland	Vice-Chairman of Governors at Cornfield SEBC School, Littlehampton
8 – Treasury Management Annual Report 2012/13	Ms Goldsmith	Daughter is a partner of Deutsche Bank
10 - Select Committee Debate	Mr Catchpole	Wife employed by Carer Support West Sussex
	Mr Griffiths	County Council registered carer
All items	Mr Evans	Governor of Littlehampton Academy and Ferring CE Primary School

**19 July 2013**

1. Written question from **Dr Walsh** for reply by the **Chairman of Governance Committee**

### **Question**

When will the scrutiny arrangements for the Health & Wellbeing Board be presented to the Council for discussion and approval?

### **Answer**

The Health and Social Care Act 2012 anticipated that local authorities' scrutiny arrangements would consider the work of the Health and Wellbeing Board. In response to this, revised terms of reference for the West Sussex Health and Wellbeing Board were agreed by the Governance Committee and the County Council in March 2013. These included the following paragraph about scrutiny arrangements:

'To submit reports and information on the work of the Health and Wellbeing Board to the scrutiny of the County Council's Health and Adult Social Care Select Committee or other County Council Select Committees when appropriate. For some specific issues there may be opportunities for joint scrutiny with district and borough councils.'

Whilst it is expected that the Health and Adult Social Care Select Committee will play a lead role in scrutinising the Health and Wellbeing Board, there may be issues of relevance to other select committees (e.g. matters relating to the commissioning of children's social care services may be more appropriately scrutinised by the Children and Young People's Services Select Committee).

### **Supplementary Question**

When will commissioning proposals be available for formal scrutiny, either at HASCSC or at another relevant committee?

### **Supplementary Answer**

Commissioning plans will be considered by the Health and Wellbeing Board in the autumn. Where relevant, items will also be taken to the Health and Adult Social Care Select Committee in consultation with the Chairman of the Select Committee.

2. Written question from **Mr Clark** for reply by the **Leader**

### **Question**

- (a) Small and medium enterprises (SMEs) account for a large proportion of local business and employment. Economic recovery in this country will be dependent in part on the health of SMEs. An awards event recently took place at number 10 Downing Street to reward those councils considered the

most supportive of local SMEs throughout the country. Surrey County Council and East Sussex County Council were included as one of the top ten winners, following the submission of a joint bid. Can the Leader confirm please if West Sussex County Council was invited to this event or if an application was submitted?

- (b) I understand that the County Council has a policy to pay invoices to qualifying SMEs within 20 days of receipt of invoice. I have seen data that shows compliance with this target and it is pleasing that over the past year a high proportion of invoices have been paid within the 20-day period. Cash-flow is a significant concern to SMEs and is one of the primary reasons that small businesses struggle. Has the Leader considered shortening the current 20-day target for payment of invoices? By reducing the target the County Council can help offset some of the problems encountered by SMEs caused by less prompt customers.
- (c) I note that in the past procurement services at the County Council have hosted events for local businesses to help with tendering and to assist them to seek inclusion on the approved suppliers list. Can the Leader confirm what policies she is developing to assist local SMEs particularly how she is encouraging and supporting local SMEs to tender for appropriate contracts at the County Council?
- (d) I understand that West Sussex is working alongside four local colleges that are running apprenticeship schemes to enable people to gain experience in a job role at the County Council. How is the Leader seeking to encourage local SMEs to also take part in the apprenticeship schemes run by local colleges? Would she consider preferential treatment, including early payment of invoices, for SMEs which participate in the apprenticeship schemes?

### Answer

- (a) During January 2013 the Department for Communities and Local Government issued a competition to find out which the best councils to do business with are in England. The application form asked councils to provide detailed procurement information. The closing date for applications was 22 February 2013. A County Council application was considered but not pursued due to the resource required to collect the information within the timescales available. The County Council understands the importance of SMEs and started a trial of a new integrated spend management and contract database system in early January 2013. This is a relatively new system in the market and has been tested over the last two years by at least two other county councils. The new system is now being fully implemented, following a successful trial period and, among other things, offers the County Council a more complete baseline of how much the Council spend currently accrues to local businesses and SMEs. The system will not however become fully operational until late summer/early autumn 2013.
- (b) A further reduction on the current 20 days' payment target for qualifying SMEs is a good idea, which the Council is already delivering in two ways:

- With lodged procurement cards with certain categories of suppliers, which enables those suppliers to be paid almost immediately on delivery of the service/goods, without the need to first present a monthly invoice; and
- Embedded procurement cards, which have been integrated into qualifying suppliers payments systems in lieu of a post-invoice payment system.

The Council is also currently scoping work with its partners (including Capita) to develop other innovative ways of utilising similar payment methods that would benefit local businesses and SMEs and the Council.

- (c) Procurement opportunities are posted on the West Sussex e-Sourcing Portal. Local suppliers and small businesses therefore have the opportunity to register via the Portal, after which they will be alerted to tendering opportunities that match their supplier profile. In some instances more targeted programmes of capacity building and readiness to tender have also been used, to promote opportunities to local businesses, to get them ready to do business with the Council. These are requirements of the Council's Procurement Strategy and are considerations for each and every procurement project as appropriate. An example includes the Social Transport Framework (valued at £5 to £7m per year), whereby County Council contract managers have actively encouraged local transport providers to consider tendering for contracts within the framework, through a programme of supplier briefing and training days. A help desk was also set up to respond to specific enquiries by local businesses considering a response to an invitation to tender. The County Council is also working with partners on the Sussex Energy Savings Programme, to secure delivery partner and SME sub-contractor commitments on developing opportunities for local jobs and apprenticeships (the process is currently at dialogue phase with potential delivery partners).

Procurement Services continue to offer contract-specific events to local businesses to help them respond to tendering opportunities, and the approaches used on the Social Transport Framework and the Sussex Energy Savings Programme provide examples of how models can be designed that meet the needs of specific procurement processes. The Chief Executive's Corporate Leadership Team and the Commissioning Board are also currently considering how the requirements of the Social Value Act (2012), which came into effect during January 2013, can be used in the context of the County Council's existing Sustainable Procurement Policy, to inform future commissioning and procurement of goods and services. A key part of this process includes reviewing what social value means for the Council and its communities. This may cover a focus on outcomes that lead to provision of local job and apprenticeship opportunities; enable local SMEs to tender for contract opportunities; support opportunities for social enterprise; address environmental and carbon reduction issues; provide work and training opportunities for excluded communities and individuals; and improve public health.

- (d) West Sussex works in partnership with local colleges, training providers and other agencies and it leads by example using its own apprenticeship

campaign to highlight and encourage other businesses to do likewise. The County Council is very proud of the take up of apprenticeships with SMEs in West Sussex with 1,179 apprenticeships created last year. The County Council uses its experience of employing and training its own apprentices to inform activity and engagement with employers. The County Council has helped communicate about campaigns, given presentations about apprenticeships at business breakfast meetings and spoken to employers considering taking on an Apprentice. The County Council actively participates in National Apprenticeship Week campaigns which encourage Apprenticeship recruitment to new businesses including SMEs. It has issued press releases through Council media to promote the Government's 'Employer Apprenticeship Grant', to help colleges launch their '100 Apprentices in 100 days' campaigns and to invite SMEs to attend apprenticeship breakfast meetings through its Buy with Confidence and Business Information databases. The County Council is currently considering other ways to incentivise SMEs to take on Apprentices via for example the Kick-start Business Infrastructure Be the Business project.

The payment of apprenticeship training is direct with the training provider/ college who would invoice the employer when an apprenticeship training fee was payable. This arrangement does not involve the County Council. The payment of Employment Grants is through the learning provider/ college who first receive the payment from central government and then pass this on to the SME. The County Council is actively encouraging all SMEs to consider taking on apprentices, but it is also aware that in many cases other approaches, such as shorter term internships and work placements, might be more appropriate for a business. All SMEs that do business with the County Council benefit from the 20-day payment of invoices policy, and some of the more innovative payment methods outlined above at (b). As mentioned, this compares favourably with many private and public sector organisations, which operate a 30-day policy. On-going work, and the potential of the Social Value Act, offers additional scope for encouraging SMEs to tender for County Council contract opportunities, and where appropriate commit to taking on apprentices as part of a contract award. This approach is for example, forming part of the current discussions with potential Sussex Energy Savings Programme delivery partners.

### **Supplementary Question**

Could preferential invoice payment to suppliers be linked to participation in the apprentice scheme?

### **Supplementary Answer**

The Council is looking at how it works to help small businesses and I will speak to the Cabinet Member for Finance about the suggestion.

### 3. Written question from **Mr G L Jones** for reply by the **Leader**

#### Question

The UKIP Group is broadly in support of the objectives of the Green Deal programme to improve the energy efficiency of people's homes and to begin to address fuel poverty over the long term. However, a number of reports have emerged recently which have begun to question the soundness of elements of the programme and highlight the very low number of properties that have had work undertaken following assessment. Surveys of home buyers have found that people are wary of buying property with outstanding Green Deal loans and focus groups commissioned by the Department for Energy and Climate Change (DECC) have found that the elderly and disabled are discouraged by the notion of taking on a debt and by the general complexity of the scheme. It appears that the complexity of passing on the loan liability to future house buyers is unpalatable and their reluctance is compounded by the loan rate (around 7%), which is significantly higher than commercial mortgage rates.

- (a) Is the Leader concerned at recent reports of public apprehension regarding the Green Deal programme? What reassurances has she sought from DECC that a national promotion of the scheme will occur to combat this prevailing negative perception of press and public?
- (b) Can the Leader explain what market assessment of eligible households was conducted during development of a Green Deal scheme for West Sussex to ascertain the potential uptake of the programme among local residents? Can the Leader share the results of any such assessment?
- (c) What preliminary assessment was undertaken of the level of interest of businesses in West Sussex becoming installers under the scheme? How many eligible small businesses have applied for the grant funding up to £1,000 to help achieve accreditation under the scheme?

#### Answer

The County Council is leading a partnership of 14 public authorities to procure a major private sector partner to develop and deliver a Sussex-wide energy-saving partnership. This will create local jobs, deliver the health benefits of warmer homes for the most vulnerable residents and reduce the County Council's carbon footprint. The focus is very much on energy-saving and how the Council can work with residents and local community groups to deliver energy saving or renewable energy measures in a 'joined-up way' using a range of funding streams, such as Energy Company Obligation (ECO), Green Deal, Renewable Heat Incentive (RHI), Feed-In-Tariffs (FITs) and residents' contributions, where they so choose. The delivery partner will be committing to work in a 'whole-house' approach which should help to address the complexity of different funding streams. The Green Deal is an innovative self-financing funding source; it is effectively a 'pay as you save' scheme which could help residents who cannot access other forms of cheaper finance to make the investment that is required. The Minister's view, supported by the business sector, is that the Green Deal will take some time to establish itself as the general public gets used to this different model of investment. The County Council believes that there also will be opportunities for

the delivery partner to 'blend' different funding streams, when working on schemes across communities. The County Council already learnt a great deal from its agreement with British Gas to bring in Energy Company Obligation (ECO) funding for up to 3,000 homes (potentially up to £30m investment which targets more vulnerable residents' properties or so-called 'hard-to-treat' properties).

The Department for Energy and Climate Change (DECC) has recently published figures showing that there have been about 38,000 Green Deal assessments nationally since January; 78 per cent of people who had received an assessment said they either had or were getting energy saving measures installed, or would get something installed. It has also published some very new research into the housing market showing that nationally there is a strong correlation between properties with a greater increase in value and properties with energy saving measures and that this increase could amount to 14% on average.

- (a) The Minister with responsibility for Energy Saving is an East Sussex MP who has been following the development of our approach in Sussex with keen interest. There will no doubt be a place for further national publicity to address some of the negative press perceptions in relation to Green Deal. However, I am particularly keen that the County Council works with the expertise and resources of the delivery partner to work with its residents and local community groups to deliver what is likely to work locally.
- (b) The decision to move to the procurement of a delivery partner was based on an independent business case, commissioned from the Energy Savings Trust and Marksman Consulting, considered by the then Cabinet Member and the appropriate Select Committee. The Business Case identified 250,000 properties in West Sussex alone that require some form of eco-refurbishment. This report has always been available to elected members.
- (c) The new funding streams of Green Deal and ECO bring with them more stringent accreditation requirements for assessors and main contractors. The Sussex Learning Network (a consortium of Sussex councils, universities, trainers and colleges of further information) has commissioned a gap analysis of the skills in the local market. We expect that the full report will show that there are existing suppliers with some gaps, for instance accredited solid wall cladding companies, based in Sussex. So far one small business has applied to the fund of £20,000 which the West Sussex Sustainable Business Partnership (WSSBP) has made available over the last two months to West Sussex businesses with up to 49 employees to help meet the cost of Green Deal Installer certification. Application forms have been requested by six other businesses. The WSSBP has been working hard to promote the grants since late May and is confident that they will be allocated as small businesses gain further understanding of the market opportunities in the next few months. The challenge for the delivery partner will be to work with the supply chain to develop local businesses as the demand for energy-saving measures increases.

### Supplementary Question

Given that only seven businesses in the county have thus far registered an interest in participation, could the Leader outline what marketing efforts are

envisaged to draw in broader commercial interest in the Green Deal?

### Supplementary Answer

There will be marketing once the procurement for the company to deliver the Green Deal has been completed.

#### 4. Written question from **Mr Smith** for reply by the **Leader**

##### Question

I note from a response to a question, from August 2009, regarding translation costs on the West Sussex County Council website that an amount of £117,340.78 was spent during 2008/09. The response claims that the policy of the County Council was closely aligned with government guidance with no presumption in favour of translation, which was undertaken only where necessary. Can the Leader confirm:

- (a) The amount spent on foreign language translation during 2012/13?
- (b) The range of translation (and interpreting) services provided, e.g. the translation of information leaflets, the hiring of translators (and interpreters) and the translation of elements of the West Sussex County Council website?
- (c) The range of languages, for which translation services are provided?
- (d) If there is any statutory requirement for the translation of certain documents?
- (e) If she agrees with Eric Pickles that: 'Translation undermines community cohesion by encouraging segregation'?
- (f) That she is seeking to implement Mr Pickle's guidance to stop the automatic use of translation services with certain exceptions, such as emergency situations?

##### Answer

I would like to reassure you that, as an authority, we do follow the current guidance given by the Department for Communities and Local Government. This encourages non-English speakers to learn English as soon as possible, given the importance of language skills when it comes to integrating into society and accessing the labour market. County Council information is not routinely printed in languages other than English. It is only published in other languages where there is a strong reason to do so. The County Council accepts there will always be a need for some translation services, especially where it helps to build integration and cohesion between communities such as work promoting awareness of hate crime and racist incidents. This type of work has to be requested specifically and is uncommon. The County Councils sees translation services as a stepping stone to speaking English, and can never be a substitute for it.

I can confirm that:

- (a) Since joining a contract with several other public sector organisations four years ago, the County Council spends considerably less on interpretation and translation services now than in 2008/09. In 2012/13 the figure was £86,397;
- (b) Different services draw on the translation contract, although Social and Caring Services account for 38% of the expenditure. The cost of translation is sometimes included in other services costs, such as documents for court cases. Most of the translation services the County Council does pay for are for face-to-face or telephone interpretation. A significantly smaller proportion of cost is for the translation of information leaflets. The need for translation and interpretation services includes work required of the County Council when people pass through Gatwick Airport;
- (c) The range of languages for which translation services are provided is extensive. The County Council can seek translation services for most languages but do not have a record of which languages need most translation most regularly;
- (d) There is no statutory requirement for the translation of certain documents. However, statutes apply to the provision of some services so, if it is necessary for the customers of those services – perhaps child protection or adult care – the County Council might have to provide translation or interpretation;
- (e) I agree that barriers in the way of community cohesion should be overcome or removed. Integration is key to harmonious and inclusive society. However, there might be occasions, especially in urgent cases, where translation is required perhaps for the safety of an individual; and
- (f) The County Council has already implemented Mr Pickle's guidance. Translation is not automatic. It only uses it where there is a sound business case, such as in emergency situations.

### **Additional Question**

An additional question was asked by Ms James.

5. Written question from **Dr Walsh** for reply by the **Cabinet Member for Adult Social Care and Health**

### **Question**

What is the average time of a social care home visit, excluding any travel times?

### **Answer**

I was pleased to answer a similar question for Dr Walsh at County Council on 20 July 2012. The response to this question is as follows:

Customers in the community have 'personal budgets'. The customer and the care provider agree how their services and timings of services are supplied (within the personal budget). It is difficult to be precise about the average time for home visits. However, I have been informed by the Care Commissioning Teams that most calls are between 30 minutes and 45 minutes (excluding any travel times). Customers can commission short calls known as 'pop ins'. These are used for specific purposes such as for administration of medication or perhaps heating a frozen meal. The longest length of care provision is 24 hours a day seven days a week, as some customers do have live-in carers. Urgent needs that care workers may find when they attend a customer are dealt with in accordance with the care provider's protocol to ensure that customers are safe and their immediate needs are addressed. On occasion this could mean a careworker waiting with a customer for an ambulance or a family member to arrive.

### Supplementary Question

What is the average time of social care home visits?

### Supplementary Answer

The amount of work needed to work out the figure is significant. I therefore suggested that I meet Dr Walsh discuss the matter outside the meeting.

### 6. Written question from **Mrs Phillips** for reply by the **Cabinet Member for Children – Start of Life**

#### Question

The 39 Youth Club in Bognor has been very keen to participate in the Community Asset Transfer scheme and made great efforts to meet the requirements of the County Council to bring the Neighbourhood Centre under the control of the local community. The local community is greatly disappointed by the County Council's U-turn and feels strongly that the faith it showed in West Sussex County Council has not been reciprocated. The Management Committee has followed all the instructions from the West Sussex County Council officers, producing a business plan, a yearly forecast timetable and finance report, and have had numerous meetings with Youth Service officers at the County Council.

The 39 Youth Club was a very active and vibrant place, popular with the local youths and its retention is considered vital to the local community. It is noted from the report considered by the Children and Young People's Services Select Committee on 19 June that negotiations are being conducted about the possibility of shared usage of the neighbourhood centre between specialist youth services, the 39 Club Charity and Hotham Park Trust.

Can the Cabinet Member confirm:

- (a) What stage he has reached in negotiations with the 39 Club Charity regarding the possibility of shared usage of the building?

- (b) What plans have been drawn up to co-locate the two charities in the Neighbourhood Centre alongside specialist youth services? Will he commit to including provision for shared usage with the 39 Club Charity in the Cabinet Member decision he eventually takes on the Youth Support Development Service – Bognor Area Review?

### Answer

- (a) Negotiations are continuing with both the 39 Club Charity and Hotham Park Trust with regards to the possibility of shared usage of the building. A further meeting is being arranged to progress this matter. At the moment all parties are committed to agreeing an arrangement which meets the needs of each respective vision.
- (b) Detailed plans will be drawn up with regards to any potential co-location of activities pending reaching an agreement with the respective charities over the issue of shared usage. It is the intention of the County Council hopefully to reach agreement on shared usage given the importance of this type of provision for young people and the benefits it brings for the wider community. This commitment is recognised within the recommendations following the outcome of the Select Committee discussion on this matter and will therefore be considered in the final decision.

7. Written question from **Dr Walsh** for reply by the **Cabinet Member for Children – Start of Life**

### Question

What was the total cost of building additional capacity at St Richard's Primary School, Chichester, and how many additional places were provided, and how many taken up?

### Answer

The gross cost of the basic need project at St Richard's Catholic Primary School (including building, fees, ICT and furniture and equipment) is £1.1m. The project is in response to rising numbers in the Chichester locality and allows the school to admit 45 pupils in the Reception year, an increase of 15 per year. The capacity of the school has been increased from 210 to 315. The expansion was strongly supported by the Arundel and Brighton Catholic Diocese which had identified many new parents in the area seeking places for children at a Catholic primary school. In September 2013, 38 places have been allocated at St Richard's Catholic Primary School in Year R.

8. Written question from **Mr S J Oakley** for reply by the **Cabinet Member for Finance**

### Question

Could an itemised list of the costs incurred by the County Council as a result of

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the Traveller incursions onto County Council owned land in Tangmere Parish so far this year be provided and what measures are being taken to avoid future Traveller incursions onto its property and the resultant detrimental effect on the wellbeing of residents?

### Answer

This year to date there have been two instances of trespass by travellers onto County Council-owned land in the parish of Tangmere and two instances of trespass onto Highway Agency land adjoining the A27 where the County Council assisted in obtaining the vacation of the site. The costs of dealing with these trespasses on the County Council owned land, not including officer time, are as follows:

For the first trespass:

Agent's fees £500  
Court fee £200  
Clear up costs £931.68

For the second trespass:

The costs for this current incursion are not fully known, as the process was still on going at the time when this response was prepared. The County Council is attempting to mitigate clear up costs by working with Chichester District Council to coordinate some formal rubbish collection.

The County Council owns those parts of the former Tangmere airfield comprising the concrete apron, land formerly used as a skidpan and the former airfield perimeter roads. There are formal rights of way across the concrete apron and the perimeter roads in favour of other landowners at the former airfield including the Church Commissioners and Tangmere Airfield Nurseries. There are no formal public rights of access to these lands although some informal access does occur by users of the Parish Council's allotments and visitors to the museum. There are difficulties in securing the site against trespass by those committed to gaining access and with the tools necessary to remove padlocks and other security devices. The gate known as the 'museum entrance' is one of a number of access points to the County Council's land. Despite repair and the installation of a chain lock it has been repeatedly vandalised and damaged over a number of years; the installation of permanent barriers which would assist the situation is not legally permissible due to the third party rights that exist. The use of security guards would be an extremely expensive option in the current climate. Furthermore mobile or indeed permanent guards might not be a deterrent to a determined and sizable group of trespassers intent on gaining access. The County Council will continue to secure this and other entrances, as far as it is possible, in a legal and cost effective manner and will take robust enforcement action, as and when required, against those who trespass onto its property.

### Supplementary Question

Will the County Council make representations to central government to change the law and police guidance so that travellers can no longer get a free ride on and

intimidate the settled population?

### Supplementary Answer

I suggest that I arrange for a meeting be held between Mr Oakley, the Cabinet Member for Community Wellbeing and me about what can be done in the specific case raised.

### 9. Written question from **Dr Walsh** for reply by the **Cabinet Member for Highways and Transport**

#### Question

Is the Cabinet Member aware of a recent article in the Scientific American detailing serious problems with drinking water aquifers associated with 'fracking', and what steps are being taken to ensure that similar problems do not occur if and when fracking takes place in West Sussex?

#### Answer

Yes the Cabinet Member is aware of the article dated 17 May 2013 which can be found at the following website: <http://www.scientificamerican.com/article.cfm?id=can-fracking-be-done-without-impacting-water&print=true>. It is for the Environment Agency to scrutinise development proposals, including any involving hydraulic fracturing ('fracking') to ensure they would not result in adverse impacts on drinking water, including aquifers. In determining any planning applications for fracking, the County Council would rely on advice from the Environment Agency (EA) with regard to these matters.

To respond specifically to the issues raised in the article, it is for the Health and Safety Executive to ensure that the casing around the well is sufficient to protect people and the environment. It is for the EA to ensure that the chemicals to be used in fracking can be used safely in the dilutions proposed. It is also for the EA to ensure that the waste from the site is disposed of appropriately and safely. If an Environmental Permit is required from the EA to prevent or minimise the effects of pollution, the EA are responsible for enforcing any conditions attached to a permit, for example, the requirement for monitoring by the operator. The EA also undertake their own monitoring as necessary to ensure that there are no breaches of control. The County Council's responsibility is to deal with the principle of the development, should a proposal come forth, and to monitor any planning conditions imposed on a planning permission. In monitoring permitted operations, the County Council will liaise with the EA where there are matters controlled by both the planning and the environmental permitting regimes. No applications for planning permission relating to fracking have been received by the County Council. Although Cuadrilla has an extant planning permission to use fracking at a site near Balcombe, they have confirmed that they will not be doing so.

### Supplementary Question

Does the Cabinet Member agree that the Council should be adopting the

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precautionary principle to make sure there is absolutely no risk to drinking water supplies and aquifers in West Sussex, irrespective of the responsibilities of the Environment Agency?

### Supplementary Answer

The precautionary principle is well embodied in the current regulations and the Environment Agency and the Health and Safety Executive are the experts. The County Council's role is to consider planning applications. There are tests that have to be carried out before, during and after fracking in relation to both seismic activity and also water quality. In addition, the Environment Agency require the chemicals used to be made public to ensure that they are safe.

### Additional Questions

Additional questions were asked by Mr Bradbury and Mrs Millson.

In response to a question from Mrs Millson about when Cuadrilla had stated that it would not be taking up the extant planning permission to use a site near Balcombe the Cabinet Member said he would find out and let Mrs Millson know.

### 10. Written question from **Mrs Hall** for reply by the **Cabinet Member for Residents' Services**

#### Question

It has been reported that 200 libraries in the UK were closed last year. Libraries are an important element of local communities and provide a service which goes far beyond the borrowing of books. People see their local library as a key asset of their community and regard it in some cases as not only a source of information, but also a place for social interaction.

I am encouraged by the statement in the West Sussex Conservative's 2013 local election manifesto that the Cabinet Member is committed to the provision of 21st Century library services. Although the notion of 21st Library services requires some clarification, it seems that the appointment of a Deputy with responsibility for libraries is a positive move for the local library service.

Continuing austerity and the impact of the recent spending review could see the spectre of library closures entering discussions around required cuts/savings at the County Council. The Community Asset Transfer scheme offers local communities a great opportunity to manage local assets while providing the County Council with a method to stimulate localism.

- (a) Can the Cabinet Member confirm if he would support the Community Asset Transfer of a library if an appropriate application were received from the local community?
- (b) Can the Cabinet Member assure the Council that in the event of prospective library closures in West Sussex, he would undertake every effort to promote the Community Asset Transfer of local libraries to local communities?

### Answer

There are currently 36 libraries plus mobile services in West Sussex and it is acknowledged that access to library services for local communities can be important. The Library Service is constantly evolving to best meet the needs of residents within the budget currently available and achieving effective change to this is both complex and difficult.

- (a) The Cabinet Member is always willing to engage with local communities and organisations to maintain and improve library services. If an application for Community Asset Transfer of a library was received the Cabinet Member would consider it very carefully.
- (b) In the event of any prospective library closures in West Sussex the Cabinet Member would consider all options and this would include consideration of Community Asset Transfer.

### Additional Questions

Additional questions were asked by Mr Glennon and Mr Parsons.

Mr Parsons asked the Cabinet Member whether, in the light of the community asset transfer scheme, the Big Society Fund Members' Fund could be targeted at local community organisations which expressed an interest in running local services such as libraries? The Cabinet Member said that from the point of view of libraries all options will be looked at. In terms of the Big Society Fund he suggested Mr Parsons takes his question up with the Cabinet Member for Finance.

### **Agenda Item No. 5(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.

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

The Cabinet Member answered questions on paragraph 7, dementia friendly communities, from Mrs Jones, Mrs Millson, Mr J L Rogers and Mrs Smith.

In response to a question from Mrs Millson about how long it would be until the forums were rolled out across the whole county, the Cabinet Member said he would let her know once the co-ordinator was appointed and the time scale was known. Mrs Millson asked what actions would be taken to ensure the forums produced action on the ground and were not just talking forums and the Cabinet Member said he would talk to the co-ordinators about the most appropriate way of measuring the outcomes from what was a local and personalised response to those with dementia.

In response to a request from Mrs Smith for information about when those diagnosed before September 2012 would have access to services, the Cabinet Member said he was not aware of differences within the service but would look into the matter. The Cabinet Member also agreed to consider a suggestion from Mrs Smith that, as it had not yet been possible to recruit to three admiral nurses posts for the north of the county funded by the Prime Minister's Office, it might be possible to appoint dementia support workers to take on the additional work of people assessed pre-September 2012.

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

The Cabinet Member answered questions on paragraph 13, age of transfer in Worthing, from Mr Cloake, Mr High and Mr R Rogers.

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

The Cabinet Member answered questions on paragraph 15, Strategy for Domestic and Sexual Violence and Abuse, from Mr Bradbury and Ms James.

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

The Cabinet Member answered questions on paragraph 16, County Local Committees, from Mr Barling and Mr Hunt.

#### **Cabinet Member for Finance**

The Cabinet Member answered questions on the following paragraphs.

Paragraph 17, Heritable Bank, from Ms James and Mr Burrett.

Paragraph 18, Chancellor's statement on the standing review, from Dr Walsh and Mr Watson.

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

The Cabinet Member answered questions on paragraph 22, Westminster Energy, Environment & Transport Keystone Seminar, from Mrs Arculus, Dr Dennis, Mr Hunt and Dr Walsh.

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### **Agenda Item No. 5(c) - Leader's Question Time**

The Leader answered questions from members on the following topics:

Pearson Teaching Award for Warden Park Academy School, from Mr Bradbury.

Free School in Crawley in special measures, from Mrs Mullins.

Proactive Care, from Dr Walsh.

In response to a question from Dr Walsh about what evidence there was the proactive care was achieving its stated objectives of reducing hospital admissions and achieving savings and a request to share performance indicators, the Leader said that she would be happy to share the results of the current evaluation with members. Dr Walsh commented that proactive care might be having a detrimental effect and the Leader said she would raise the matter at a meeting with the Chief Executives of the Hospitals in West Sussex.

Meeting with MPs, from Ms James.

Level 3 Heatwave alert, from Mr Crow.

Cost of Shoreham Footbridge, from Mr R Rogers.

In response to a question from Mr Rogers about the final cost of the repair of the Shoreham Footbridge, the Leader said the Cabinet Member for Finance would provide him with the figures.