

West Sussex County Council – Ordinary Meeting

15 February 2013

At an Ordinary Meeting of the County Council held at 10.30 a.m. on Friday, 15 February 2013, at County Hall, Chichester, the members present being:

Mr M W G Coleman (Chairman)

| | |
|--------------------|--------------------------|
| Mr W E Acraman | Mr P E Jones |
| Mrs P A C Arculus | Mrs A J Jupp |
| Mr L H Barnard | Mrs S Knight |
| Mrs E A Bennett | Mr R A Lanzer |
| Mr B K Blake | Mr S E McDougall |
| Mr G G Blampied | Mrs A F Mills |
| Mr P J J Bradbury | Mrs M E Millson |
| Mr D N Britton | Mrs J S Mockridge |
| Mr M J Brown | Mr J A P Montyn |
| Mrs H A Brunsdon | Mr J J O'Brien |
| Mr R G Burgess | Mr F R J Oppler |
| Mr R D Burrett | Mr C G Oxlade |
| Mr P C Catchpole | Mr N F Peters |
| Mr J L Cherry | Mr A S Rice |
| Mrs C A Coleman | Mr R Rogers |
| Mr B K Coomber | Mrs H J Ross |
| Mr D G Crow | Mr D P Sheldon |
| Mr D R Deedman | Mr A R H Smith |
| Dr N P S Dennis | Mr R J Smytherman |
| Mr C P Duncton | Mr C H Stevens |
| Mr R B Dunn | Mr G M Tyler |
| Mr T M E Dunn | Mrs D L Urquhart |
| Mr P C Evans | Mrs N J Waight |
| Mrs C M Field | Mr S G Waight |
| Ms M L Goldsmith | Dr J M M Walsh, KStJ, RD |
| Mr P A D Griffiths | Mr B R A D Watson, OBE |
| Mrs A B Hall | Mr P C Wells |
| Mr B Hall | Mrs E M Whitehead |
| Mr M N Hall | Mr D R Whittington |
| Mr W J Hellawell | Mr F T Wilkinson |
| Mr M P S Hodgson | Dr C E Wilsdon |

Apologies and attendance

141 Apologies were received from Dr Bloom, Mr Doyle, Mr Graysmark, Mr Livermore, Mr Quirk, Mrs Richards, Mr Simmons and Mrs Smith. Mr Duncton and Mr Hellawell gave their apologies for the afternoon session. Mr Stevens was absent for the afternoon session. Mr B Hall arrived at 10.50 a.m. and left at 3.00 p.m. Mrs Knight and Mrs Ross left at 2.50 p.m. Mr Oppler and Mr Wells gave apologies and left at 3.10 p.m. Mr R B Dunn and Mr Jones left at 3.15 p.m. Mr Deedman, Mr McDougall and Mrs Urquhart left at 4.00 p.m.

Minutes

Death of Mr John Rose

- 142** The Chairman reported the death of Mr John Rose, a former member of the County Council, who had represented the West Tarring electoral division from 1993 to 2001. The Council stood for a minute's silence.

Interests

- 143** Members declared interests as set out at Appendix 1. Mrs Whitehead left the Chamber during discussion of the sixth written question due to her pecuniary interest in the matter.

Minutes

- 144** It was agreed that the minutes of the Ordinary Meeting of the County Council held on 14 December 2012 (pages 323 to 353) be approved as a correct record.

Appointments

- 145** The following changes to appointments were made which took effect from the end of the meeting:

| Committee | Change |
|---------------------------------------|---------------------------------|
| Policy and Resources Select Committee | Add Mr Cherry to fill vacancy |
| Standards Committee | Add Mrs Millson to fill vacancy |

Performance Framework and Revenue Budget and Capital Programme 2013/14 to 2016/17 and Treasury Management Strategy 2013/14

- 146** The Council agreed to waive Standing Order 14(1) to allow a change to the order of business so that the item could be debated in the morning session.
- 147** The Leader moved the section of the report on the Performance Framework, together with the draft Performance Framework (pages 354 to 380). Members also had before them for information copies of the proposed measures and targets for 2013/14 which were included in the Forward Plan for a decision by the Leader in March 2013 and a vision for the county five years from now as described in the 'Future West Sussex' document which had been supported by the Cabinet on 29 January 2013. Copies of a briefing note on funding in the 2013/14 budget and questions and answers in the budget had also been circulated.
- 148** The Cabinet Member for Finance and Resources moved the report on the

Revenue Budget and Capital Programme (pages 354 to 380), together with the draft budget pack. He also moved the report on the Treasury Management Strategy (pages 381 to 411). The Cabinet Member placed on record his thanks to the Director of Finance and Assurance and the Finance team for their work on the budget.

- 149 The following amendment to the Revenue Budget and Capital Programme was proposed by Mrs Millson and seconded by Dr Walsh:

| | £m | £m |
|---|--------|----------------|
| Total net expenditure in original recommendations | | 534.985 |
| Additional one-off Spending for 2013/14 | | |
| 1. Extra for Community equipment, Telecare and Reablement Services | 1.000 | |
| 2. Contribution from revenue to invest in the provision of extra care housing | 2.000 | |
| 3. Extra for Pavement repairs | 2.000 | |
| 4. Extra for Improvement to road surfaces | 5.000 | |
| Total one off spending proposed | | 10.000 |
| On-going extra spending for 2013/14 | | |
| 1. Expansion of 3-1 travel card to assist: (a) 18-24 age group not in Employment, Education or Training and (b) Looked after children, young carers and young people with learning disabilities | 0.247 | |
| 2. Extension of My Network and My Network Plus, to provide this service more frequently or at more sites | 0.050 | |
| Total on-going spending | | 0.297 |
| TOTAL EXTRA SPENDING | | 10.297 |
| Funded By: | | |
| 1. Additional Business Rate income up to Government's figure in the Settlement | -5.192 | |
| 2. Uncommitted funds available from the 2012/13 Business Infrastructure Fund: | | |
| 2a. Broadband | -1.750 | |
| 2b. Internal kickstart | -1.000 | |
| 2c. Built Infrastructure | -0.750 | |
| 2d. Business Infrastructure | -1.000 | |
| 3. Use of part of the returned funds from Government's national New Homes Bonus Top Slice (from a total of £0.587m) | -0.308 | |
| Total one-off funding applied | | -10.000 |
| On-going Funding | | |
| 1. Axe allowance for 10 Deputy Cabinet Member posts | -0.047 | |
| 5. Reduce Communications Budget | -0.250 | |
| Total on-going funding applied | | -0.297 |
| TOTAL ADDITIONAL FUNDING | | -10.297 |
| Revised total net expenditure | | 534.985 |

The amendment retains the same net revenue spending of £534.985m, with no impact therefore on the council tax freeze. It proposes additional spending funded from a number of sources. The benefits of the additional spending would be:

- More community equipment and other services designed to allow more preventive work with older adults, thus taking pressure of other more expensive care budgets such as residential care.
- Better maintained pavements to help prevent falls and keeping people more active, a further preventative measure.
- A major boost to the integrity of the road network by an injection of £5m for repairs, helping to reduce some of the maintenance back log over the longer term.
- Assistance to help young people stay mobile via public transport and facilitate their search for jobs and commuting.
- Extra resources to help Children in care, younger carers and those Young people with Learning Difficulties access public transport.
- Extension of My Network to enable more people to continue living independently.

The funds to pay for this package would come from:

- Revising the estimate of the County's share of the take from local business rates from the lowest sum to a sum in line with the start-up funding projection supplied by the Government in the Final Local Government Finance Settlement. This would provide £5.192m more income. It is proposed that the £5m for improvements to road surfaces and £0.192m of extra funds for pavement repairs only goes ahead if, during the course of the year, this income is considered to be a reasonable forecast of the likely outturn for business rates. This would provide time for the work to be scheduled and a quick start to be made in year, if the income is forthcoming.
- Using £4.5m from the Business Infrastructure Fund, all of which is currently uncommitted resources.
- Applying £0.308m (out of a total of £0.587m) of windfall income for 2013/14 from a national top slice of funds, where a balance of unused funds has subsequently been returned to local authorities. This is where the Government removed more funding than it actually required to fund the New Homes Bonus and has returned the excess sum it removed to local authorities.
- £47,000 from abolishing the allowance paid to 10 Deputy Cabinet Members and £250,000 taken from the Communications budget. These two aspects would be a permanent reduction with the funds redirected to support the on-going budget expansion of the 3-in-1 card and My Network/My Network plus.

Capital Programme

In line with the above proposals, a £2m revenue contribution would be made to invest in the provision of extra care housing. This would help address the shortage of this type of supported accommodation, particularly

along the coastal strip, and provide better support for vulnerable older people before their care needs become substantial or critical.

150 The amendment was put to a recorded vote under Standing Order 36(1).

(a) For the amendment - 17

Mr Deedman, Dr Dennis, Mrs A B Hall, Mr Hellowell, Mrs Knight, Mr McDougall, Mrs Millson, Mr Oppler, Mr Rice, Mr Rogers, Mrs Ross, Mr Sheldon, Mr Smith, Mr Smytherman, Dr Walsh, Mr Wells and Dr Wilsdon.

(b) Against the amendment - 44

Mr Acraman, Mrs Arculus, Mr Barnard, Mrs Bennett, Mr Blake, Mr Blampied, Mr Bradbury, Mr Britton, Mr Brown, Mrs Brunson, Mr Burgess, Mr Burrett, Mr Catchpole, Mr Cherry, Mr Coleman, Mrs Coleman, Mr Coomber, Mr Crow, Mr Duncton, Mr R B Dunn, Mr T M E Dunn, Mr Evans, Mrs Field, Ms Goldsmith, Mr Griffiths, Mr M N Hall, Mr Hodgson, Mr Jones, Mrs Jupp, Mr Lanzer, Mrs Mills, Mrs Mockridge, Mr Montyn, Mr O'Brien, Mr Peters, Mr Stevens, Mr Tyler, Mrs Urquhart, Mr Waight, Mrs Waight, Mr Watson, Mrs Whitehead, Mr Whittington and Mr Wilkinson.

(c) Abstentions - 2

Mr B Hall and Mr Oxlade.

151 The amendment was lost.

152 Resolved -

That, taking account of member priorities, the finance strategy, local government finance settlement and the results of internal and external consultation, the following items be approved:

- (1)** the Performance Framework 2013/14 (paragraphs 1 to 3 of the report)
- (2)** net revenue expenditure of £535.0m (paragraph 25 of the report and Table 1 of the budget pack)
- (3)** price rise allowance of £7.6m (paragraph 26 of the report and column 2 of Table 2 of the budget pack)
- (4)** service commitments and net additional funding of £11.6m (paragraph 28 of the report and column 3 of Table 2 of the budget pack)
- (5)** savings of £26.4m (paragraph 57 of the report and Table 3 of the budget pack)

- (6) capital payments in 2013/14 of £145.0m (paragraph 62 of the report and Table 8 of the budget pack)
- (7) proposed methods of financing capital payments between 2012/13 and 2015/16 (paragraph 64 of the report)
- (8) a maximum operational borrowing limit of £588.228m for outstanding debt and an authorised borrowing limit of £628.228m, including £40m of borrowing for temporary cash flow purposes (paragraphs 69 and 70 of the report and Table 7 of the budget pack)
- (9) a limit of 100% on borrowing at fixed rates and 25% on borrowing at variable rates (paragraph 71 of the report and Table 7 of the budget pack)
- (10) headcount projections to fall from 4,872 fte at 31 December 2012 to under 4,800 fte by the end of 2013/14 (paragraph 72 of the report)
- (11) the assumptions underpinning the Director of Finance and Assurance's assessment of the robustness of estimates and the adequacy of reserves (paragraphs 73 to 87 of the report)
- (12) the following amounts be approved for the financial year 2013/14 in accordance with Section 42A of the Local Government Finance Act 1992:
- (a) That the budget requirement to meet net expenditure of the County Council for the financial year 2013/14 is £534.985m, and the council tax requirement for 2013/14 is £349,341,254.60.
- (b) That the following sums be payable for the year into the County Council's revenue fund:
- | | |
|--|-----------|
| Business Rate Retention Scheme - Start-up Funding | £168.125m |
| Local Council Tax Transition Grant | £0.880m |
| New Homes Bonus Grant | £2.114m |
| Education Services Grant (ESG) | £11.800m |
| Local Services Support Grant | £1.020m |
| Net surplus from District Council Collection Funds | £1.705m |
- (c) The council tax base for the year 2013/14 is the aggregate amount calculated by the billing authorities to which the County Council issues precepts totalling 300,640.50 Band D equivalents.

(d) The amount of council tax being the budget requirement at 12(a) above, less the amounts receivable in 12(b) above, all divided by the council tax base at 12(c) above, shall be £1,161.99 to the nearest penny.

(e) The amount of council tax payable for dwellings listed in a particular valuation band, calculated in accordance with the proportion set out in Section 5(1) of the Act, shall be as follows:

| Valuation Band | Amount | Valuation Band | Amount |
|----------------|-----------|----------------|-----------|
| A | £774.66 | E | £1,420.21 |
| B | £903.77 | F | £1,678.43 |
| C | £1,032.88 | G | £1,936.65 |
| D | £1,161.99 | H | £2,323.98 |

(f) That the district councils be requested to make payments of sums due under precepts calculated in proportion to their council tax Band D equivalents as follows:

| | |
|-----------------------------|----------------|
| Adur District Council | £22,868,776.59 |
| Arun District Council | £64,065,156.66 |
| Chichester District Council | £57,189,080.84 |
| Crawley Borough Council | £36,939,662.10 |
| Horsham District Council | £62,908,976.61 |
| Mid Sussex District Council | £64,370,643.83 |
| Worthing Borough Council | £40,998,957.97 |

(g) That the district councils be required to make payments of precept by equal instalments of the above sums due on or before:

| | | |
|------------------|------------------|-----------------|
| 18 April 2013 | 23 May 2013 | 27 June 2013 |
| 1 August 2013 | 5 September 2013 | 10 October 2013 |
| 14 November 2013 | 12 December 2013 | 16 January 2014 |
| 20 February 2014 | | |

(h) Additionally, that payments be made by the district councils in respect of the estimated surplus on their collection funds on 31 March 2013:

| | |
|-----------------------------|---------------|
| Arun District Council | £1,699,000.00 |
| Crawley Borough Council | £193,668.11 |
| Mid Sussex District Council | £523,050.00 |

And payments be made to the district councils in respect of the estimated deficits on their collection funds on 31 March 2013:

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| | |
|-----------------------------|-------------|
| Adur District Council | £34,911.52 |
| Chichester District Council | £506,414.00 |
| Worthing Borough Council | £169,399.00 |

- (i) That should the final precept and collection fund payments differ from the provisional figures above, the impact of this shall be mitigated by an offsetting adjustment to the contingency budget.
- (13) the County Council accepts a Council Tax Freeze Grant of £3.849m, payable by central government for two years commencing 2013/14 (paragraphs 10 and 13 of the report)
- (14) the context of the Equalities Act 2010 in making budget proposals (paragraphs 90 and 91 of the report)
- 153** The report and recommendations on the Treasury Management Strategy 2013/14, as set out below, were approved.

Resolved -

- (1) That the Treasury Management Strategy 2013/14, as set out at the Appendix to the report, be approved;
- (2) That the investment policies approved for 2013/14 be implemented with immediate effect for the remainder of 2012/13; and
- (3) That future mid-year treasury management reports be submitted to the Policy and Resources Select Committee, following Treasury Management Panel approval.

Cabinet and Written Questions

Written Questions

- 154** 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

- 155** Members asked questions on the Cabinet Members' reports (pages 412 to 418) and a supplementary report (pages 418A to B), as set out at Appendix 3.

Leader's Question Time

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

Governance Committee: Transfer of Public Health Functions to the County Council - Governance Arrangements

157 The County Council was asked to consider and approve the allocation of responsibilities for discharging the public health functions of the County Council from April 2013, in the light of a report by the Governance Committee (pages 419 and 420).

158 Resolved -

That the proposals for the allocation of responsibilities for discharging the public health functions of the County Council from April 2013 be approved.

Governance Committee: Review of Petitions Scheme

159 The Council considered changes to the Petitions Scheme, in the light of a report by the Governance Committee (pages 421 to 423).

160 Resolved -

That the proposed revisions to the Petitions Scheme, as set out in the Appendix to the report, be approved.

Consideration of Business at the March County Council Meeting

161 The Council considered a report by the Head of Law and Governance which sought agreement to the waiving of Standing Orders in relation to the business to be considered by the meeting of the County Council on 22 March 2013 (page 424).

162 The Chairman agreed to give further consideration to whether to allow written questions at the March meeting [Note: the Chairman has since confirmed that there will not be written questions at the March Council meeting.]

163 Resolved -

That, with regard to the meeting of the County Council to be held on 22 March 2013, Standing Orders 15(2), 15(11), 15(12) and 16(1) be waived to allow the meeting to deal only with reports from the Governance and Standards Committees and any other business which, in the view of the Chairman, should be dealt with at that meeting.

Chairman

The Council rose at 4.20 p.m.

Minutes - Appendix 1

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 5 – Performance Framework and Revenue Budget and Capital Programme 2013/14 to 2016/17 and Treasury Management Strategy 2013/14 | Mrs Knight | Trustee of West Sussex Carers Support Service and governor of Oakmeeds Community College, Burgess Hill |
| | Mr Lanzer | Member of Crawley Borough Council |
| | Mr McDougall | Distributorship with the utility 'Warehouse' |
| | Mr Rice | Member of Worthing Borough Council |
| | Mr Rogers | Chair of the Maybridge Keystone Club |
| | Mr Smytherman | Member of Worthing Borough Council |
| Item 6(a) Written Question 2 – PFI schools and academies | Mr Burrett | Governor of Thomas Bennett Community College |
| Item 6(a) Written Question 6 – Street Lighting Contract | Mrs Whitehead | Pecuniary interest as a shareholder in SSE |
| Item 6(b) CMQT paragraph 7 (Local Authority Competition – Pioneer Places Fund) | Mr Lanzer | Member of Crawley Borough Council |
| Item 6(b) CMQT Paragraph 11 (transfer between school settings) | Mrs Arculus | Governor of West Chilmington School |
| | Mr Bradbury | Vice-Chairman of the Board of Directors of Warden Park Academy Trust, Governor of St Marks Church of England Primary School, Staplefield and wife is employed by the County Council as a teacher |
| | Mr Rogers | Governor of Durrington High School, Worthing |

| Item | Member | Nature of Interest |
|---|---------------|---|
| Item 6(b) CMQT paragraph 12 (Sussex Arts Academy) | Mr Coleman | Chairman of the Sussex Arts Academy |
| Item 6(b) CMQT paragraph 14 (Local Government Pension Scheme) | Mr Blake | Member of the Local Government Pension Scheme |
| | Mr Burrett | Member of the Local Government Pension Scheme, and as a member of the Local Government Employers Local Government Pensions Committee, appointed by the LGA Conservative Group |
| | Mr Lanzer | Member of the Local Government Pension Scheme |
| Item 6(b) CMQT paragraph 15 ('build to rent') | Mr Rice | Member of Worthing Borough Council |
| Item 6(b) CMQT Paragraph 16 (systems of local welfare provision) | Mr Sheldon | Chief Executive of Horsham Matters |
| Item 6(b) CMQT paragraph 20 (Operation Watershed) | Mr Rice | Member of Worthing Borough Council |
| Item 6(b) CMQT paragraph 28 (proposals to improve the six key junctions on the A27 at Chichester) | Mr Smith | Member of Chichester District Council |

15 February 2013

1. Written question from **Mr Smytherman** for reply by the **Leader**

Question

Figures recently published by the Alzheimer's Society, based on the NHS Quality and Outcomes Framework (QOF) estimate that 39% of people with dementia in West Sussex have been diagnosed with the illness. The County Council's performance objectives under Age With Confidence state the intention that more people should benefit from an early diagnosis of dementia to maintain quality of life and independence. Under this objective the baseline of 32% for 2011/12 is used and a target for March 2013 of 35%.

Can the Leader confirm:

- (a) the source of her figures for dementia diagnosis;
- (b) clarify the discrepancy between her figures and those published by the Alzheimer's Society?

Following the publication of the figures from the Alzheimer's Society the Secretary of State called on local areas to set ambitious targets for improved dementia diagnosis. The proposed target in the draft performance objectives and measures for 2013/14 is to identify 35% of people with dementia expressed as a percentage of dementia prevalence.

- (c) Does the Leader believe that the proposed target of 35% as increased from a baseline of 32% provides an ambitious target?
- (d) According to the Alzheimer Society's study the diagnosis rate in other local authorities of Portsmouth City Council and Hampshire County Council is 62% and 45% respectively. Is the Leader aware of the higher diagnosis rates in other local areas and what is she doing to learn from the examples set?

Answer

- (a) The source for the figures is the Alzheimer's Society's report, which is based on the NHS Quality and Outcomes Framework reports. The 32% baseline was based on the 2011 Alzheimer's Society report.
- (b) The figure of 39% quoted in the above question is from a recently published report, based on 2012 figures. The Joint Commissioning Unit (JCU) originally set the target for 2012/13 (35% by March 2013) based on the most recent data available when the Memory Assessment Service was being modelled, which was the 2010/11 data (32%). The 39% thus represents a modest over performance.
- (c) The target the set is to reach a diagnosis rate of 60% by March 2015, with an interim target of 45% by March 2014 (not 35% as quoted in the question). (Source: JCU Directorate Plan 2013-16). Part of the Prime

Minister's Dementia challenge included an ambitious increase of 10% in diagnosis rates per annum, which West Sussex has responded to.

- (d) Commissioners are aware of the higher diagnosis rates in Portsmouth and Hampshire. The Portsmouth Memory Assessment Service has been established for a number of years, whereas the West Sussex Memory Assessment Service has been operational since August 2012, meaning that our local diagnosis rate is lower in comparison to the neighbouring local authorities. However, the County Council has placed clear targets for an improving and robust trajectory, and commissioners remain confident that the diagnosis rate will rise to 60% by March 2015.

Supplementary Question

What percentage of GPs are currently referring to the new Memory Assessment Service and what can be done to ensure that all the GPs in West Sussex are doing so?

Supplementary Answer

My understanding is that 100% of doctors are making referrals.

2. Written Question from **Mrs Smith** for reply by the **Cabinet Member for Education and Schools**

Question

Three Secondary schools in Crawley; Ifield Community College, Oriel High School and Thomas Bennett Community College, were the subject of the Crawley Schools Private Finance Initiative (PFI) contract awarded to HBG Projects Ltd in 2004. Under the terms of the contract HBG Facilities Management were contracted to maintain the schools for a 30-year term. Recently Thomas Bennett Community College converted to an Academy.

Can the Cabinet Member confirm:

- (a) What special provisions are required for a PFI school converting to an Academy;
- (b) What variation to the original project agreement was required at Thomas Bennett;
- (c) If any other PFI schools in West Sussex have indicated a wish to convert to Academies; and
- (d) What assistance was provided to the Academy Sponsor (Kemnal Academies Trust) at Thomas Bennett Community College to facilitate the conversion of the school to an Academy?

Answer

- (a) The manner in which a maintained school (PFI or otherwise) may apply to the Secretary of State to become an Academy is set out in the Academies Act 2010. Essential differences in the manner of conversion of a PFI School to an Academy compared to conversion of other schools lie in the requirement for additional safeguards/changes (involving additional documentation) as follows:
- **A School Agreement** - The Academy Trust enters into a 'school agreement' with the Authority. This effectively replaces the agreement between the governors of the school and the Authority. It commits the Academy Trust to reimbursing the Authority the cost of PFI services which the Authority is obliged to pay under the PFI contract and entitles the Academy to continue to receive the PFI services (there may also be agreement covering matters such as ICT services if these are provided to the school under an arrangement between the Authority and a private sector provider outside the main PFI contract).
 - **A Principal Agreement** - To deal with Authority concerns in contracting with an independent Academy Trust, this contract between the Secretary of State, the Authority and the Academy Trust is aimed at ensuring that the Authority is not financially worse off as a result of the conversion, for example should the Academy Trust fail to make payment to the Authority under the School Agreement.
 - **Deed of variation to PFI contract** - Finally, the PFI contractor (and its funders) will require the variation of the PFI contract between the Authority and the PFI contractor so that the terms of the PFI contract take account of an Academy Trust being involved rather than a maintained school.
- (b) In relation to Thomas Bennett Community College, the PFI contract between the Authority and the PFI contractor was amended:
- to allow the Authority to grant a lease of the site and certain property-related rights to the Academy Trust.
 - to add the Academy Trust as a named insured party to a number of insurance policies procured by the PFI contractor.
 - to ensure that the introduction of the Academy Trust did not comprise a breach of the PFI contract.
 - to ensure that revised certificates under the Local Government (Contracts) Act 1997 would be issued by the Authority to the PFI contractor and its funders in relation to the conversion.
 - to state that the Authority would not 'maintain' the Academy within the meaning of s6(2) and s6(2a) of the Academies Act 2010.
 - to ensure that the Academy would not make claims against the PFI contractor in relation to certain events.
 - to approve changes to ancillary documents which form part of the PFI suite of documents.
- (c) Children's Services, Learning is not aware of any other PFI school in West Sussex wishing to convert to academy status.

- (d) The Department for Education (DfE) provides a flat-rate grant of £25,000 to a school's bank account after an Academy Order has been issued to enable a school to convert to Academy status. This may not cover the whole cost involved, but the DfE expects the obligation to require schools to contribute the remaining cost will ensure that costs are kept to a minimum. By way of further assistance and to reduce potential legal costs the DfE has produced model legal documentation. In exceptional circumstances support above this level may be agreed. Both of these methods of support were made available to the Thomas Bennett Community College in relation to its conversion to Academy status.

3. Written question from Mr Smytherman for reply by the Cabinet Member for Education and Schools

Question

It has recently been highlighted that Academies are not bound by legislation to ensure that schools provide food that meets national food standards for schools. Academies are able to sell food classed as junk food, which maintained schools are banned from selling. The County Council will be taking on responsibility for Public Health from April and will be responsible for tackling childhood obesity.

Can the Cabinet Member confirm:

- (a) How he is working in partnership with Academies in West Sussex to ensure that pupils at these establishments are provided with healthy meals?
- (b) How he plans to emphasise to prospective Academy sponsors the importance of providing healthy alternatives to fatty and sugary foods?
- (c) Will he lobby the minister for a change to legislation to require Academies and Free Schools to provide healthy food and ban the sale of junk food?

Answer

- (a) The West Sussex approach to working with Academies and Free Schools is to invite them into locality partnerships so that the County Council can include them in opportunities for the wider benefits of schools. The County Council Catering Service offers a Service Level Agreement (SLA) to all schools and Academies which, just as now, can decide whether to purchase /buy back this service. As part of this SLA a robust recipe folder was produced in 2011 that can be used as a tool for Academies to produce healthy, nutritious and well balanced menus. Academies can draw on the knowledge and support of the County Council Catering Service through the SLA and attendance of six-monthly training days for kitchen unit managers. These training days cover areas such as healthy eating options, marketing, recent changes in nutritional guidelines and are proactive with what the schools ask us for guidance with.
- (b) Locality group meetings, conferences and the wider opportunities that have been offered to schools in West Sussex for some years. Government advice

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and guidance can be found on the School Food Trust website and as part of a schools business plan to convert to Academy status they/ their sponsor should consider the provision of the school meals service. There is currently a mandatory commitment to provide free school meals to those who are eligible.

- (c) The Education Minister, Michael Gove, has already had powerful representations on this issue ranging from the Local Authority Caterers Association (LACA) to celebrity chefs (Jamie Oliver). Recently the two founders of the high street restaurant chain Leon, John Vincent and Henry Dimbleby, have been engaged by Mr Gove to produce a report of the current state of school meals and this includes the issue of academies. The County Council has engaged fully with this report and met Mr Vincent and Mr Dimbleby on several occasions to input in to the report and support any such review by government. The current opinion of the Secretary of State (in a statement delivered to LACA members in summer 2011) is that academies will want to do the best for the health of the young people in their care and that the nutritional standards adhered to since 2006 in secondary schools had been embedded in culture and would not be changed in pursuit of profit. I also appreciate that coalition government ministers take the view that it is important to relieve academies and free schools from bureaucratic burdens and I am sure that they will wish to test the outcome of this approach by looking at the evidence. I am certainly not aware of any of our academy sponsors changing their approaches.

Supplementary Question

Have secondary schools provided the same reassurance as primary schools in relation to horse meat in meals?

Supplementary Answer

The secondary school contractor has sent a questionnaire to all its contractors to ensure they are adhering to specifications and to provide reassurances about DNA testing and product specification.

Additional Questions

Additional questions were asked by Mr Bradbury, Dr Walsh and Dr Wilsdon.

4. Written question from **Mr Rogers** for reply by the **Cabinet Member for Health and Adults' Services**

Question

From April 2013 the County Council will be responsible for a local welfare provision scheme which has been delegated by the Department for Work and Pensions. Following the decision in December, please can the Cabinet Member:

- (a) Provide an update and confirm if he is confident a scheme will be developed in time for April 2013?

- (b) Confirm which statutory, community and voluntary sector organisations have been identified to assist in the delivery of the scheme?
- (c) Provide greater detail of the number of applications for funding and amount distributed across West Sussex by the Department of Work and Pensions over the last two years?
- (d) Confirm what work has been undertaken on projections for the take-up of the scheme in West Sussex following April?
- (e) Confirm how he will target the scheme to ensure that those most in need receive assistance and;
- (f) How he will keep members informed of the progress made in establishing the system to allow local residents to be informed of where and how to apply for Local Welfare Provision?

Answer

- (a) Since December the officer working group has been contacting potential delivery partners, predominantly third sector organisations already working in the area of crisis support. They have been supportive and enthusiastic about the County Council's approach and I am satisfied that the model, as set out in the decision, will be in place from 1 April. The position will be reviewed soon after that for quality assurance.
- (b) Having sent invitations to a large range of stakeholders from across the county, approximately 60 representatives of interested groups and organisations attended the three consultation sessions that took place in November and helped develop the approach. Since December, an officer has spoken directly with potential delivery partners, which have included borough and district colleagues, groups working in the areas of housing, advocacy and advice, financial services, food supply and furniture reuse. Many of these already work with the County Council to provide related services. The County Council has 'in principle' agreements with a range of different partners covering the geographic spread of the county. Details of the partners involved will be made available once their involvement is confirmed formally.
- (c) One of the difficulties in establishing the County Council's approach is that the data from the Department for Work and Pensions (DWP) has not been sufficiently detailed to do more than estimate past demand for their scheme, which was very different from our approach. The DWP have blamed this on the antiquity of their data management system. From information the DWP provided to us relating to crisis loan applications only, it has been estimated that anything up to 12,000 applications (both successful and unsuccessful) may have been considered within West Sussex annually. DWP figures also suggest that the average value of agreed crisis loan payments was in the region of £50. The County Council's approach has been to identify groups that are working with people experiencing genuine crisis need and use the available funding to help these groups build their capacity to work with these clients.

- (d) As the County Council is not replicating the DWP model of apportioning cash based payments and it has a strictly limited transfer fund available from the DWP (£1,030,763 each year for 2013 and 2014 plus an approximately 20% administration amount all of which will then be reviewed by the Government in the CSR) it has had to consider in a very different way what 'genuine crisis need' its support might help to address. The officer group has consulted stakeholders working with people in crisis to identify genuine areas of need, such as food, basic household goods and furniture etc. The County Council will be making contractual agreements to support service providers who work to meet these needs. Demand will be identified and managed by the provider partners and funding will be managed in such a way as to allow for some additional support to some groups that experience greater than expected levels of demand. The funding transferred from the DWP represented a proportion of the money DWP would have expected to spend, costed on a 2005/06 base year. The funding is to mitigate the impact of the abolition of the Social Fund and is not expected to make up for additional demand arising from the cumulative impact of the wider welfare reform programme.
- (e) The County Council's approach is to assist groups already working with people experiencing crisis need. These existing providers are already doing a good job of identifying and meeting genuine need, so support will aim to help them build their capacity. The County Council will be focusing its help on those groups that specialise in providing crisis assistance to those in the greatest need. Creating the additional bureaucracy required to assess need and administer support within the County Council would not be a good use of this limited resource. The administrative funding saved will be added to the support being distributed.
- (f) Further information will be made available to members and the public about the support the County Council is giving to participating groups as contractual arrangements are confirmed ahead of April. Signposting will be provided, the Citizens Advice Bureau have indicated they would be willing to do this, to help those in need identify where they may be able to get the help they require.

Supplementary Question

I believe that the grant provided by the Department for Work and Pensions is not ring-fenced. Has the Cabinet Member therefore considered allocating part of the funding to early intervention measures to reduce the demand on welfare provision?

Supplementary Answer

Yes, the money is not ring-fenced. It will be used to help existing organisations to enhance their ability to develop sustainable services for those in crisis needs or housing or domestic problems, including helping people in the longer term. I will provide members with further information once the details of how the scheme would operate are clear.

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

Question

Recent wintery weather has placed a great strain upon local highways with the obvious impact all too apparent in the number of potholes and deteriorating road surfaces. The pothole patrols instituted by Balfour Beatty and the commitment of funding to restore damage to the highway network caused by flooding under Operation Watershed are welcomed.

Can the Cabinet Member confirm:

- (a) How the pothole patrols will co-ordinate with the objectives under Operation Watershed?
- (b) Will he seek to co-ordinate all necessary repairs to sections of road to avoid maintenance crews needing to visit the same stretch of road on multiple occasions?

In Bath and North East Somerset highway maintenance is undertaken by Inspector Gangs. Under the model a maintenance crew from the highways contractor is assigned to a highways manager to collaborate closely on repairs required to sections of road. The intention of the scheme is to ensure that when a pothole is being repaired other defects identified in that section of road will also be addressed. It is reported that this approach has resulted in improved levels of customer satisfaction and a reduction in enquiries.

Can the Cabinet Member confirm:

- (c) If he has considered other schemes in existence across the Country, most notably the Inspector Gangs in Bath and North East Somerset?
- (d) Does he feel that a similar scheme in West Sussex could improve highway maintenance programmes and provide a co-ordinated, comprehensive approach to repairing badly affected sections of the network?

Answer

- (a) The County Council has six pothole patrols funded by Operation Watershed, specifically to deal with potholes.
- (b) Pothole gangs are deployed to sections of roads with multiple problems and their remit is to repair everything, even where the potholes would normally be considered too small to meet the County Council's intervention levels. However, there is a need to balance safety issues with the desire to make long lasting repairs. Two methods of repair are therefore used: 'cut out square' which uses hot material, takes longer to do and is longer lasting and 'cow patting' which is quicker but has a greater risk of failure. There may be the need for revisits to make repairs more permanent at a later date.

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- (c) The Cabinet Member is aware that there are various ways of prioritising and fixing highway problems but has asked the team to look at what is being done in Bath and North Somerset to see if there are more lessons to be learnt.
- (d) The existing highway contract incentivises the contractor to optimise the resources at his disposal in order to achieve best value for money. It is recognised by the Government initiated 'Highways Maintenance Efficiency Programme' as best practice and is achieving the County Council's performance targets for planned and reactive maintenance. The aim of the contract is that it is operated to provide a co-ordinated response to issues.

Supplementary Question

With reference to your recent statement that up to 1,250 potholes are being repaired a week can you tell me the proportions of the 'cut out square' repairs versus the 'cow patting' repairs being used?

Supplementary Answer

First of all may I pay tribute to the work of the gangs who are dealing with about 500 repairs a week and the Contact Centre for the way they are dealing with referrals. In terms of the breakdown of methods used it is about half and half.

Additional Questions

Additional questions were asked by Mr Acraman, Mrs Urquhart and Mr Wells.

6. Written question from **Mr Oxlade** for reply by the **Cabinet Member for Highways and Transport**

Question

I have received several complaints from local residents in Crawley regarding the positioning of streetlights which have been replaced under the Private Finance Initiative (PFI) contract with Scottish Southern Electric (SSE) Contracting.

Can the Cabinet Member confirm:

- (a) What penalties are incurred or what deductions are made from payments to the PFI contractor SSE Contracting as a result of delayed delivery of contractual obligations;
- (b) How much has been deducted from payments to SSE Contracting over the course of the current year;
- (c) How have those deductions been used; and
- (d) If any of the deductions could be set against costs to resolve issues relating to the positioning of streetlights as raised by local residents?

Answer

- (a) The contract has a range of performance standards that can lead to adjustments/deductions to the monthly payment made to the contractor. These performance standards measure the contractor's performance against the contractual obligation which include operational delivery, information system accuracy, customer care etc. The largest deduction for non-performance against contractual obligations are incurred through Performance Standard 1 (PS1) 'Core Investment Lighting Installation', with deductions being made based upon the number of columns installed and certified against the delivery milestones within the contract.
- (b) There is projected underspend of £1.3m against the unitary charge base budget for this year. This is largely attributable to column installations being behind the delivery profile.
- (c) The underspend has been used to offset other pressures within the Highways and Transport portfolio - £0.6m towards Concessionary Fares, £0.3m towards clearing the backlog of Traffic Regulation Orders, and £0.1m towards clearing the backlog of Blue Badge applications and assessments - and has also contributed £0.3m into the Early Intervention Reserve.
- (d) Prior to the installation of any lighting units residents receive an information document 'Street Lighting in Your Road' via the post. The document contains information about what can be expected during the installation and gives contact details to be used in the event that an individual has concerns. There is also an opportunity for residents to attend public exhibitions or visit the mobile information vehicle; these events are advertised in the local area. Further information for residents is also available by following the street lighting links on the West Sussex internet site. These mechanisms are part of the contract and do not therefore require additional funding.

Supplementary Question

With reference to paragraph (d) of the answer, can the deductions be set against resolving the issues relating to the positioning of streetlights?

Supplementary Answer

The placing of the lights is worked out carefully. The new lights throw out a wider pattern of light although are not so bright. I am however looking into a complaint from a resident that their safety has been compromised by the positioning of a light.

Additional Questions

An additional question was asked by Mr Acraman.

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

Question

At the County Council meeting on 19 October 2012, I advised the Cabinet that all the School Keep Clear (SKC) markings outside West Sussex Schools are not legally enforceable due to the lack of Traffic Regulation Order's and the relevant signage. This means that Police Officers are unable to take action against errant drivers who park without due care. I said that that I care deeply about the safety of our schoolchildren in and around our schools. The Leader said at the time that she would look into this.

At the last County Council on the 14 December 2012, I asked the Leader for an update and she stated that investigations were on-going.

Bearing in mind that it is now almost four months since my initial enquiry; can the Cabinet Member tell me when these School Keep Clear markings will become legally enforceable so that our schoolchildren can be protected in and around our schools?

Answer

The majority of the 278 schools in West Sussex have a least one school keep clear (SKC) line - many will have more than one as they have multiple entrances. In order for Civil Enforcement Officers to enforce SKC lines, a Traffic Regulation Order (TRO) must be in place. Approximately 10% of SKC lines have TROs and are therefore enforceable. Addressing the remaining 90% is a sizeable task. The total cost of making all SKC lines in West Sussex enforceable is expected to be in the region of £150,000 and, even at its quickest, will take at least a year to complete given the need to check and amend the existing markings and consult on and introduce a significant number of TROs, assuming there are no objections.

The County Council's approach is therefore to consider a phased programme over a number of years dealing with the most crucial first. Officers are therefore liaising with the schools to determine that priority list and at the same time helping the schools to advise and educate drivers how and where to park when dropping off their children. The priority list will be available by the end of March 2013. Officers are also considering ways in which the programme might be funded.

Supplementary Question

Is the Cabinet Member happy with the answer given or does he want to try to bring the programme forward?

Supplementary Answer

Yes, I am happy - it is a matter of finding the best way to create the TRO(s) and to establish priorities.

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 3, Local Government Association Community Wellbeing Board, from Mr Bradbury.

Paragraph 5, Shadow Health and Wellbeing Board, from Mr Burgess and Dr Walsh.

Deputy Leader and portfolio for Communities, Environment and Enterprise

The Deputy Leader answered questions on the following paragraphs:

Paragraph 6, broadband, from Mr T M E Dunn and Mr B Hall.

In response to a request from Mr Dunn the Deputy Leader said he would send him a copy of the map which showed the areas which would be covered by the new broadband arrangements.

Paragraph 7, Local Authority Competition - Pioneer Places Fund, from Mr Smytherman.

Cabinet Member for Children and Families

The Cabinet Member answered questions on the following paragraphs.

Paragraph 8, fostering service has been judged 'good' with some 'outstanding' features in a recent Ofsted inspection, from Mr Blampied.

Paragraph 9, staff mutual at Bewbush Nursery, Crawley, from Mrs Mockridge and Mr Oxlade.

Cabinet Member for Education and Schools

The Cabinet Member answered questions on the following paragraphs:

Paragraph 10, church schools and conversion to academy status, from Mrs Coleman, Mrs A B Hall and Dr Walsh.

Paragraph 11, transfer between school settings, from Mrs Arculus and Mrs Waight.

Paragraph 12, Sussex Arts Academy, from Mr Watson.

Paragraph 13, school closures, from Mr M N Hall, Mrs Mills and Mr Wilkinson.

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Cabinet Member for Finance and Resources

The Cabinet Member answered questions on paragraph 15, 'Build to Rent', from Mr Burrett and Mrs Millson.

Cabinet Member for Health and Adults' Services

The Cabinet Member answered questions on the following paragraphs.

Paragraph 17, socially isolated people, from Mrs Jupp.

Paragraph 19, Developing Day Activities Project, from Mr Blampied.

Cabinet Member for Highways and Transport

The Cabinet Member answered questions on the following paragraphs:

Paragraph 20, 'Operation Watershed', from Mr Rice and Mr Smith.

In response to a question from Mr Rice the Cabinet Member said he would investigate whether the flooding problems in east Worthing (the Hospital, Homefield Park and Davison School) referred to by Mr Rice were in the plan, and if not, would let Mr Rice know works or improvements which were planned for those particular areas.

Paragraph 22, Airports Commission, from Dr Dennis and Dr Walsh.

Paragraph 28, proposals to improve the six key junctions on the A27 at Chichester, from Mr Smith and Mr Wilkinson.

Cabinet Member for Public Protection

The Cabinet Member answered questions on the following paragraphs:

Paragraph 25, Sussex Control Centre, from Mr T M E Dunn and Mr Watson.

Paragraph 29, process meat products, from Mrs Urquhart.

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

The Leader answered questions from members on the following topics:

Use of narrow rural roads by large vehicles, from Mr T M E Dunn.

In response to a request from Mr Dunn for action to tackle the problem of larger vehicles using narrow rural roads, particularly where they already had a width restriction, the Leader said she would speak to the Cabinet Member for Highways and Transport to see if the Council could lobby the Government to take action.

Built Infrastructure for Older People's Care in Conditions of Climate Change, from Mrs Millson.

Abolition of the South East Plan, from Mr Acraman.

The Francis Inquiry report into Mid-Staffordshire NHS Foundation Trust, from Dr Walsh.

Heritable Bank, from Mr Burrett.

'Operation Watershed', from Mr Watson.

Road Safety Schemes, from Mr Rogers.

In response to a request from Mr Rogers for the Council to look again at whether it would be possible to do low-cost improvements for the A24, Long Furlong and Titnore Lane on safety grounds, the Leader said she would respond to Mr Rogers with an answer.