

Council**Thursday, 25 May 2017, County Hall, Worcester - 10.00 am****Minutes****Present:**

Mr A P Miller (Chairman), Mr R C Adams, Ms P Agar, Mr A T Amos, Mr T Baker-Price, Mr R M Bennett, Mr C J Bloore, Mr G R Brookes, Mrs J A Brunner, Mr B Clayton, Mr P Denham, Ms R L Dent, Mr N Desmond, Mrs E A Eyre, Mr A Fry, Mr S E Geraghty, Mr P Grove, Mr I D Hardiman, Mr A I Hardman, Mr P B Harrison, Mr M J Hart, Ms P A Hill, Mrs A T Hingley, Mrs L C Hodgson, Dr A J Hopkins, Dr C Hotham, Mr M E Jenkins, Mr A D Kent, Mr R C Lunn, Mr P M McDonald, Mr S M Mackay, Mr L C R Mallett, Ms K J May, Mr P Middlebrough, Mr R J Morris, Mr J A D O'Donnell, Mrs F M Oborski, Ms T L Onslow, Dr K A Pollock, Mrs J A Potter, Prof J W Raine, Mrs M A Rayner, Mr A C Roberts, Mr C Rogers, Mr J H Smith, Mr A Stafford, Ms C M Stalker, Mr C B Taylor, Mr R P Tomlinson, Mrs E B Tucker, Mr P A Tuthill, Mr R M Udall, Ms R Vale, Ms S A Webb and Mr T A L Wells

Available papers

The members had before them:

- A. The Agenda papers (previously circulated);
- B. 14 questions submitted to the Head of Legal and Democratic Services (previously circulated);
- C. The outline of the presentation by Ms Ruth Forecast made under Agenda item 7 – Public Participation (previously circulated); and
- D. The Minutes of the meeting held on 9 February 2017 (previously circulated).

1882 Apologies and Declaration of Interests (Agenda item 1)

Apologies were received from Mr A A J Adams and Mr R W Banks.

Mr J H Smith declared an interest in Agenda item 10 as a relation worked at the Heart of Worcestershire College.

Mrs L C Hodgson declared an interest in Agenda item 10 as a Governor of the Heart of Worcestershire College.

1883 Chairman

The outgoing Chairman described his year of office and

	<p>thanked the Council and its officers for their support.</p>
	<p>RESOLVED that Mrs A T Hingley be elected Chairman of the Council to hold office until her successor becomes entitled to act.</p>
<p>1884 Vice-Chairman (Agenda item 3)</p>	<p>The nomination of Mr B Clayton was moved by Mrs J A Brunner and seconded by Mr T Baker-Price.</p>
	<p>It was then proposed by Mr P M McDonald and seconded by Mr R C Lunn that Mr A Fry be appointed Vice-Chairman of the Council.</p>
	<p>RESOLVED that Mr B Clayton be appointed Vice-Chairman to hold office until immediately after the election of a Chairman at the next Annual meeting of the Council.</p>
<p>1885 Appointment of Leader of the Council (Agenda item 4)</p>	<p>The nomination of Mr S Geraghty was moved by Mr A I Hardman and seconded by Dr K A Pollock.</p>
	<p>RESOLVED that Mr S E Geraghty be appointed Leader of the Council.</p>
	<p>Mr Geraghty thanked Council and announced that he would also serve as Cabinet Member for Finance and that he intended to appoint the following as members of Cabinet:</p>
	<p>Deputy Leader and Cabinet Member for Adult Social Care – Mr A I Hardman Cabinet Member for Communities – Mrs L C Hodgson Cabinet Member for Transformation and Commissioning – Ms K J May Cabinet Member for Children and Families – Mr A C Roberts Cabinet Member for Education and Skills – Mr M J Hart Cabinet Member for Health and Well-being – Mr J H Smith Cabinet Member for Economy and Infrastructure – Dr K A Pollock Cabinet Member for Highways – Mr A T Amos Cabinet Member for Environment – Mr A P Miller</p>
<p>1886 Public Participation (Agenda item 5)</p>	<p>Mr L C R Mallett presented a petition relating to the implementation of a 20 mph zone across the Millfields area of Bromsgrove.</p>
	<p>The Chairman thanked Mr Mallett for the petition and said she would receive a reply from the relevant Cabinet</p>

		Member.
		Ms R Forecast commented on Question No. 8 Syrian Vulnerable Persons' Resettlement Programme.
		The Chairman thanked Ms Forecast for comments and said he would receive a reply from the relevant Cabinet Member.
1887	Minutes (Agenda item 6)	RESOLVED that the Minutes of the meeting held on 9 February 2017 be confirmed as a correct record and signed by the Chairman.
1888	Chairman's Announcements (Agenda item 7)	The Chairman referred Members to the printed announcements.
1889	Political Structures and Appointments (Agenda item 8)	<p>a) Political and Constitutional Structures</p> <p>The Council was responsible for establishing the political structures and establishing such Committees as it thinks fit to carry out the discharge of functions which were not the responsibility of the executive (Leader and Cabinet). In consultation with the Leader of the majority Group it was proposed that Council continued the previous Committee and Overview and Scrutiny political structure as adopted under the previous Council.</p> <p>Planning and Regulatory, Pensions, Standards and Ethics and Audit and Governance Committees</p> <p>No changes were proposed to the existence of the 5 standing Committees established under the previous Council - Planning and Regulatory, Pensions Committee, Standards and Ethics, Audit and Governance, and Waste Credit Governance. It was proposed that these Committees continued with seats allocated on the basis of political balance. In addition, individual Appointments etc. Panels (dealing with appointments and terms and conditions of Chief Officers and Heads of Service etc.) would continue to be appointed as necessary from time to time, with membership appointed on an ad hoc basis in accordance with political balance and as nominated by respective Group leaders.</p> <p>Overview and Scrutiny Arrangements</p> <p>It was vital for the Council operating executive arrangements that it had an effective, constructive and (where necessary) challenging Overview and Scrutiny function. In consultation with the majority Group leader it</p>

was recommended that the Overview and Scrutiny political structure continued as under the previous Council.

The Health Overview and Scrutiny Committee (HOSC) also included co-opted members from each District Council. The Council approved the outline Scrutiny programme, leaving flexibility for the OSPB to be able to deal with appropriate matters arising during of the course of a year. The Chairman of the OSPB would continue to report annually to Council on Scrutiny matters.

The Council had allocated the OSPB as the nominated body to deal with crime and disorder scrutiny matters, and the Environment and Economy Panel dealt with the scrutiny of flood risk management, both as required under legislation.

Constitutional Procedures

The Head of Legal and Democratic Services might need to settle any outstanding details and update the Constitution to incorporate the decisions of Council from time to time.

Political Balance

Legislation required that allocation of seats on ordinary committees must, as far as reasonably practicable, be in accordance with the principles of political balance. These principles were based on the membership of political Groups within the Council which members join, rather than political parties as such. These principles were that the majority Group is entitled to a majority on each committee; subject to this, the aggregate allocation of committee seats overall should reflected political balance, and subject to this, individual committee membership should reflect political balance as far as practicable. Council could depart from these principles in allocating seats provided no member votes against doing so. A proposed allocation of seats on Committees was set out in Appendix 1 reflecting the political composition of the new Council, and which would be compliant with the principles of political balance as far as practicable.

Appointments

Once Council had agreed its political structures and allocation of seats on Committees, the Head of Legal and Democratic Services would fill those seats as usual in accordance with the nominations of the respective political Groups from time to time (via their Group leaders) in compliance with the provisions of the Local Government and Housing Act 1989.

RESOLVED: that

- a) **the continuance of the political structures established under the previous Council and set out in the Constitution updated in April 2017 (summarised in the report) be confirmed;**
- b) **the size of its ordinary committees and proposed allocation of seats between the political Groups on those committees and on Hereford and Worcester Fire and Rescue Authority be agreed as set out in Appendix 1 (Final version attached to these Minutes);**
- c) **the individual members be appointed to those committees in accordance with the nominations from time to time of the respective political Groups in accordance with the Local Government and Housing Act 1989, and the Head of Legal and Democratic Services be required to give effect to such wishes expressed by the political Groups; and**
- d) **the Head of Legal and Democratic Services be authorised to settle any outstanding details relating to the political structures and to make changes as necessary to the Council's Constitution (Articles and Appendices) to give effect to the Council's decisions and any other revisions necessary to reflect needs or circumstances.**

b) Constitutional and Other Appointments

The Council needed to appoint Chairmen and Vice-Chairmen of member bodies, and lead Scrutiny members, to fill certain positions within the structures decided above.

The Council was represented on a number of other bodies and external organisations. Following the elections the Council's representation on these organisations was being revised. Some appointments needed to be made promptly e.g. due to timescales for meetings of external bodies.

For a significant number of those bodies there was either a requirement, or the Council had chosen, to allocate places to reflect the political balance of the Council. Nominations either had been or would be sought from

Group Leaders for political nominations to these bodies, which included:

- Hereford and Worcester Fire and Rescue Authority
- Local Government Association and associated bodies
- SACRE
- West Midlands Employers – Regional Employers Organisation.

A formal meeting of the Fire and Rescue Authority (FRA) was scheduled for 22 June 2017, with an induction session taking place on 12 June 2017. In the light of this, nominations to the FRA would have been provisionally agreed in conjunction with respective Group Leaders (in accordance with the breakdown of the 19 places matching the political balance of the Council) and forwarded to the FRA. This was subject to ratification by Council of the allocation of places.

In the ensuing debate, the Leader updated Council on finalising Appendix 2. It was proposed that Ms P A Hill be Vice-Chairman of the Standards and Ethics Committee.

RESOLVED: that

- a) the Constitutional Appointments be made as set out in Appendix 2 (Final version attached to these Minutes) ; and**
- b) the Head of Legal and Democratic Services be authorised to finalise appointments to outside bodies in consultation with Group Leaders as set out in the report.**

(c) Council Meeting Dates 2018

County Council meeting dates were currently scheduled up to November 2017. To enable the 2018 meetings programme to be produced and help members plan their commitments, the Head of Legal and Democratic Services suggested that further meetings of the Council be now scheduled for 2018. In accordance with the usual practice and pattern of meetings, further meetings (Cabinet, Committees and Panels) would be arranged in the light of the Council dates and members notified in due course.

RESOLVED that the programme of meetings for 2018 be approved as follows:

1890 Constitutional Matters - Appointment of Head of Paid Service/Chief Executive (Agenda item 9)

18 January 2018
15 February 2018
17 May 2018
19 July 2018
13 September 2018
8 November 2018

Clare Marchant, the Council's Chief Executive (who held the statutory post of Head of Paid Service), had tendered her resignation. The cessation date of employment was June 29 with the last working day being June 27. The Council needed to make interim arrangements for her replacement in order to comply with its legal obligations.

The Council was required by law to have a Head of Paid Service (HPS) appointed by full Council, and the law did not distinguish between interim or permanent appointments. There was no legal requirement to have a Chief Executive (CX) as such, but to date this was the model the Council had operated, with the CX holding the role of statutory HPS. The Council could choose whichever model it wished. The law required that full Council decided the appointment of the HPS, and our Constitution provided for the Appointments etc Panel to make recommendations on such an appointment.

It was not feasible to recruit to a permanent HPS/CX by the end of June (given search, select and notice requirements and the need for full Council to approve any appointment) and therefore an interim option needed to be selected to ensure compliance with the law.

The Appointments etc Panel met on 18 May to consider its recommendations to Council for the appointment of an interim replacement for the current Chief Executive. The Panel interviewed suitable candidates and decided to recommend that Mr Stephen Stewart be appointed as Interim Chief Executive upon Clare Marchant's departure on 29 June. It was anticipated that this appointment would last for 6 to 9 months to allow for further consideration of the nature of the permanent post and recruitment to it.

RESOLVED that the appointment of Stephen Stewart as Interim Chief Executive be approved.

1891 Reports of Cabinet - Matters which require a

Adult Social Care: Increased Funding

Councils would receive an additional and one-off £2 billion over the next three years for social care, with £1 billion of this to be provided in 2017/18. The County

**decision by
Council -
Central
Government
Budget 2017
(Agenda item 10
(a))**

Council's allocation of the additional monies was as follows:

- 2017/18 - £10.1m
- 2018/19 - £6.8m
- 2019/20 - £3.4m

The additional funding was one off to be spent on adult social care and used for the purposes of meeting adult social care needs, supporting reducing pressures on the NHS and stabilising the social care provider market.

Schools Maintenance

An additional £216 million investment in school maintenance is to be provided nationally to improve the condition of the school estate. At present the specific allocation to the County Council is not known.

Extended rights to free travel

Central Government announced an increase in the entitlement to the rights for free travel to some schools. Further detail on how this scheme would operate and the grant that would be made available to the County Council to support this additional expenditure had not been provided yet. Confirmation had also not been provided at the point of writing this report of the existing grant award.

Infrastructure and Transport Investment

Central Government provided more details on the £23 billion National Productivity Improvement Fund (NPIF) announced in the Autumn Statement in 2016. The Budget papers included further details of how the fund will be invested including:

- The launch of a £690m fund to tackle urban congestion. The Budget papers stated that this funding would be "competitively allocated to local authorities". The County Council would be providing an application to Central Government for a share of this funding
- Confirmation that the County Council would receive £2.7 million from the Regional allocations within the previously announced £220 million NPIF investment for pinch points on the strategic road network within Worcestershire.

Local Business Rates Reliefs

Central Government would provide £300 million over four years to support those businesses most affected by the revaluation of business rates, due to take effect from April 2017. District Councils within Worcestershire had been

allocated £1.8 million. Central Government has issued a consultation on how the scheme should be implemented.

Following the announcement of the Midlands Engine Strategy on 9 March 2017, each LEP within the Midlands Engine received formal notification of its allocation for 2017/2018 – 2020/2021. For Worcestershire's LEP this equated to the allocation of an additional grant totalling £17.5 million for the following projects:

- A38, Bromsgrove - £7.5 million
- Pershore Northern Link Road - £5 million
- Engineering Faculty at Heart of Worcestershire College - £4 million
- Churchfields, Kidderminster - £1 million

This brought the total funding for Worcestershire's LEP from the 3 growth deal schemes to £71.7 million.

Central Government has confirmed that each LEP will continue to receive £0.5 million of core funding. This provided a base level of funding for all LEPs to cover overheads and running costs. This core funding for 2017-2018 was supported by matched funding from local partners including District Councils and the County Council.

The Secretary of State for Business, Energy and Industrial Strategy ("BEIS") had confirmed the allocation of £0.2 million to the County Council, as Accountable Body for Worcestershire's LEP for the "Growth Hub".

In the ensuing debate, the following principal points were raised:

- The proposals for funding of the improvements to the A38 in Bromsgrove through the Local Growth Deal 3 showed that the Council's transport strategy did not align with the local development plan policies for Bromsgrove. In addition, Bromsgrove District Council had withdrawn their support for LTP4. The residents of Bromsgrove had expressed their wish for a new bypass to the west of the town rather than improvements to the A38
- The Leader of the Council responded that the improvement to the A38 was a key project for addressing infrastructure requirements in the area in support of the Strategic Economic Plan (SEP). The project and SEP had been supported by the Worcestershire LEP, local MPs, district councils

and the business community as part of the Strategic Economic Plan. The LTP4 was a separate issue and was currently out for consultation.

RESOLVED that the changes being made to the 2017 County Council Budget as a result of Central Government's Budget 2017 be approved and that the cash limits are updated accordingly.

1892 Report of Cabinet - Summary of Decisions Taken (Agenda item 10 (b))

The Leader of the Council reported the following topics and questions were answered on them:

- Children's Social Care – Service Improvement Plan update
- Resources Report

1893 Notices of Motion - Notice of Motion 1 - Post of Chief Executive/Head of Paid Service (Agenda item 11)

The Council had before it a Notice of Motion standing in the names of Mr P M McDonald, Mr R C Lunn, Mr A Fry, Ms P Agar, Mr R M Udall, Ms P A Hill and Mr P Denham.

The motion was moved by Mr P M McDonald and seconded by Mr R C Lunn.

The Council agreed to deal with the motion on the day.

Those in favour of the motion made the following comments:

- The resignation of the current Chief Executive provided the ideal opportunity to reign in the pay of the Chief Executive which was in excess of that of the Prime Minister. The salary of the Chief Executive was claimed to have increased at a time when the majority of Council staff were the subject of a pay freeze and services including youth provision and homecare were subject to budget reductions
- The appointment of an interim Chief Executive gave the new Council time to properly examine the job description, salary, and terms and conditions of the post and to determine the appropriate leadership model for the Council. The Council did not necessarily need a traditional Chief Executive post
- The post was in relation to the whole Council, not just the administration. The appointment of the Chief Executive should be a cross-party decision. The OSPB should be given the time to come to a

conclusion on the future of the role based on the relevant facts and evidence

Those against the motion made the following comments:

- The Leader of the Council thanked the Chief Executive for her work on behalf of the Council. He argued that the Council needed strong managerial leadership to complement political leadership. It was vital to attract the right calibre of candidate to the role in order to drive the Council's Strategic Economic Plan forward. July Council would debate the nature of the permanent role. The precise nature of the role would be considered by a cross-party Appointments Panel with a recommendation to Council
- The request for the OSPB to undertake an investigation into the role of the Chief Executive would unnecessarily delay the appointments process. The position should be filled as soon as possible
- The recruitment of the Chief Executive was a matter of research not a scrutiny issue
- The comparison to the Prime Minister's salary was misleading.

On a named vote the Motion was lost.

Those voting in favour were:

**Ms P Agar, Mr C J Bloore, Mr P Denham, Mr A Fry, Ms P A Hill, Dr C Hotham, Mr M E Jenkins, Mr R C Lunn, Mr P M McDonald, Mr L C R Mallett, Prof J W Raine, Mrs M A Rayner, Ms C M Stalker and Mr R M Udall.
(14)**

Those voting against were:

Mrs A T Hingley, Mr R C Adams, Mr A T Amos, Mr T Baker-Price, Mr R M Bennett, Mr G R Brookes, Mrs J A Brunner, Mr B Clayton, Ms R L Dent, Mr N Desmond, Mrs E A Eyre, Mr S E Geraghty, Mr P Grove, Mr I D Hardiman, Mr A I Hardman, Dr P B Harrison, Mr M J Hart, Mrs L C Hodgson, Mr A J Hopkins, Mr A D Kent, Mr S M Mackay, Ms K J May, Mr P Middlebrough, Mr A P Miller, Mr R J Morris, Mr J A D O'Donnell, Mrs F M Oborski, Ms T L Onslow, Dr K A Pollock, Mrs J A Potter, Mr A C Roberts, Mr C Rogers, Mr J H Smith, Mr A Stafford, Mr C B Taylor, Mr R P Tomlinson, Mrs E B Tucker, Mr P A Tuthill, Ms

1894 Notices of Motion - Notice of Motion 2 - Use of Schools as Polling Stations (Agenda item 11)

R Vale, Mr S A Webb and Mr T A L Wells. (41)

The Council had before it a Notice of Motion standing in the names of Mr P M McDonald, Mr R C Lunn, Mr A Fry, Mr R M Udall, Ms P A Hill and Mr P Denham.

The Motion was moved by Mr P M McDonald and seconded by Ms P A Hill.

The Council agreed to deal with the Motion on the day.

In the ensuing debate, the following principal points were raised:

- Schools were required to make their premises open for use as a polling station if requested to do so by the Returning Officer. However the election dates were set with no consideration of the impact on schools or parents. Schools were unable to make up the teaching time lost and children were losing a day's education. In addition parents were being inconvenienced and forced to make childcare arrangements. There was a consequent impact on the local economy as a result of parents needing to time off work
- In some schools in the County, children had lost 4 days education in the last year as a result of the elections
- It should be acknowledged that only a small percentage of schools were being used as polling stations in the County. 25 schools were used out of 376 polling stations. It was a choice for the school whether they closed or not, and only 10 closed for the recent County elections. However it was recognised that for those schools, the inconvenience was considerable
- It was recognised that fundamentally it was a matter for the District Councils in setting the polling places and the motion anticipated the County Returning Officer to ask the Districts to consider their approach.

On being put to the meeting the following Notice of Motion was carried:

"The general election and elections in general means huge disruption for teachers, parents and pupils as schools are forced to become polling booths.

Closing a school for a day does not just inconvenience parents, it's also a headache for the

1895 Notices of Motion - Notice of Motion 3 - Mercury Payroll and HR System

school. As holiday dates are set by the local authority and individual schools can't change them, staff are not given leave and are still expected to do some form of work, so the school cannot make up the day's lost teaching time later in the year, which means that pupils have a day less education.

Therefore we ask the Returning Officer to ensure that all other alternative locations are looked at and schools are used as a last resort as far as practicable".

The Council had before it a Notice of Motion standing in the names of Mrs E B Tucker, Prof J W Raine, Mr M E Jenkins and Mrs F M Oborski.

The Motion was moved by Mrs E B Tucker and seconded by Prof J W Raine.

The Council agreed to deal with the Motion on the day.

Comments made in favour of the Motion included:

- The introduction of the new Mercury Payroll and HR system had been poorly managed and led to innumerable problems for academies and maintained schools as well as causing financial difficulties for small businesses and external contractors and serious data protection breaches. The system was not fit-for-purpose. The problems should be urgently addressed and councillors kept informed of progress
- The Worcestershire Schools Forum had met recently to a chorus of dismay and frustration about the absence of lead members and officers, anger about the fiasco that had unfolded and scepticism about Liberata's promises to resolve matters. This was the worst example of the commissioning and out-sourcing of services. Head teachers and staff were not receiving their pay or expenses and this was leading to personal debt in certain circumstances
- The problems associated with the system should be tackled in an open and transparent way. Consideration should be given to imposing some form of sanction/penalty on the contractors
- The Council should have run the old system alongside the new system for a period of time. Council should be informed of the total cost of the exercise to resolve these difficulties. As a minimum, the relevant Cabinet Member should issue an apology to all schools

Comments made against the Motion included:

- The Council had already initiated an independent review of the service to establish what happened and whether any lessons could be learned. The Review would commence on 12 June 2017 and its Terms of Reference and scope could be shared with all councillors. The Independent Review would look at the whole project but also recognise the huge undertaking of modernising the HR and payroll system. It was acknowledged that things could have been done better and that the service faced a number of challenges. The Review was the proper way forward rather than applying sanctions against the contractor at this stage
- The Leader of the Council commented that the Chief Executive had written to all Head teachers to apologise for the difficulties caused by the introduction of the Mercury system and he added his own apologies. It was important that lessons were learned from this process to improve future contract arrangements.

On being put to the meeting the Motion was lost.

**1896 Question Time
(Agenda item
12)**

Fourteen questions had been received by the Head of Legal and Democratic Services and had been circulated before the meeting. Eleven questions were asked at the meeting within the half hour allowed. (All answers are enclosed with these minutes.)

**1897 Reports of
Committees -
Summary of
decisions taken
- Audit and
Governance
Committee
(Agenda item 13
(a))**

The Council received the report of the Audit and Governance Committee containing a summary of decisions taken.

**1898 Reports of
Committee -
Summary of
decisions taken
- Pensions
Committee**

The Council received the report of the Pensions Committee containing a summary of the decisions taken.

**(Agenda item 13
(b))**

The meeting ended at 1.15pm

Chairman

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25 May 2017

Political Structures - Proposed Allocation of Places

A - Committees

	TOTAL	CON	LABOUR	2017	IND
Planning & Regulatory Committee	15	10	3	1	1
Standards & Ethics Committee	8	6	2	0	0
Pensions Committee	5	4	1	0	0
Waste Credit Governance Committee	8	6	1	0	1
Audit & Governance	8	6	1	1	0
Appointments etc Panel	6	4	1	1	0
Scrutiny					
OSPB	8	6	1	1	0
HOSC	9	6	1	1	1
Children and Families	9	6	2	1	0
Corporate and Communities	9	6	1	1	1
Economy and Environment	9	6	2	1	0
Adult Care and Well Being	9	6	2	1	0
TOTAL	103	72	18	9	4

B - HEREFORD AND WORCESTER FIRE AUTHORITY

TOTAL	19	13	3	2	1
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Appendix 2

Constitutional Appointments

- Chairman, Vice-Chairman, Leader of the Council (dealt with under separate agenda items)
- **Committees**

	Chairman	Vice-Chairman
Planning and Regulatory	Mr R C Adams	Mr P Denham
Standards and Ethics	Mr P Tomlinson	Ms P Hill
Audit and Governance	Mr N Desmond	Mr L Mallett
Pensions	Mr R W Banks	Mr R Lunn
Waste Credit Governance	Mr P Grove	Mr L Mallett

- **Scrutiny bodies**

	Chairman	Vice-Chairman
Overview and Scrutiny Performance Board	Mr C Bloore	Mrs E A Eyre*
	Additional Lead Scrutiny Member – Mr P Middlebrough*	
Health Overview and Scrutiny Committee	Mr P A Tuthill	District Council Representative (TBC)
Children and Families Panel	Mrs F M Oborski	Mrs J A Potter
Economy and Environment Panel	Mr A A J Adams	Mr P Denham
Adult Care and Well-being Panel	Mrs J A Brunner	Mrs E A Tucker
Corporate and Communities Panel	Mr C B Taylor	Mrs M Rayner

Lead Scrutiny members are as asterisked*

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COUNCIL 25 MAY 2017 - AGENDA ITEM 12 – QUESTION TIME

Questions and written responses provided below. Questions 7, 10 and 11 were not asked on the day.

QUESTION 1 – Mr McDonald will ask Ms K J May:

"Would the relevant Cabinet Member with Responsibility please inform me of the total cost of removing all asbestos from Council Maintained Schools?"

Answer

This is not a straightforward question to answer. To start with, does all mean every piece and scrap of asbestos from everywhere in a school building. As of the 2 May 2017 there are one hundred and forty schools with recorded asbestos (FOI Request: #297307). To removal all asbestos from these schools would be an enormous cost to the Council and in the limited time from when the question was received it has not been possible to provide an estimate.

What must also be considered is that there are 33 buildings in 28 of the schools that are system built. In these buildings the asbestos is part of the fabric of the building (fire protection to steel columns). The guidance from the Health and Safety Executive (HSE) is to seal these columns to prevent fibre release rather than remove the asbestos. Total removal of the asbestos would require these buildings (schools) to be closed for the duration of removal and may entail demolition and rebuild. There may also be other schools where asbestos is used as insulation between steel girders (as yet unidentified by surveys) where total removal would also mean demolition and rebuild.

The Council's position for many years has been to manage asbestos in situ and progressively remove asbestos based on the risk of damage and disturbance. This follows current legislation and guidance from the HSE. The Council, working with Place Partnership, have an asbestos management plan and have a schedule of surveys and asbestos removal works for 2017-18.

If the question refers to removing all the asbestos currently known and being managed then again the timescale from the question to this response has been too short to give an estimate. A Service Instruction has been raised with Place Partnership for this information and as soon as costs for the removal of known asbestos is provided a complete response to this question will be given.

Supplementary Question

In response to a supplementary question, Ms May indicated that the Council took advice from the HSE regarding asbestos in school buildings and would never knowingly endanger the health of children.

QUESTION 2 – Mr L Mallett will ask Dr K A Pollock:

"Would the relevant Cabinet Member with Responsibility please confirm the total cost of developing and implementing the now discredited BaRHAM (Bromsgrove and Redditch Highways Model)"

Answer

By operation of a mechanism within the Council's contract with its consultant, the Council has recovered all of the monies paid which relate to the Bromsgrove and Redditch Highways Assignment Model (BaRHAM). There will then be a review of what, if any, value can be extracted from it. The Council also reserves its position in relation to any other costs that it may incur as a result of issues with BaRHAM and officers from the Council are working closely with planning officers in Bromsgrove to contain and mitigate their effects. As we move forward, the Council is optimistic that the arrangements which have led to successful Local Plan outcomes in other Worcestershire Local Planning Authorities can be replicated in Bromsgrove as its position on issues such as housing growth become clearer. Local Transport Plan 4 (LTP4), upon which consultation has just closed, will provide enough details of current outline schemes and policy anchors to allow the promotion of schemes as the level of ambition for the new Local Development Plan emerges for the Bromsgrove area for beyond the current 2023 site allocations.

Supplementary Question

In response to a supplementary question, Dr Pollock confirmed that the total cost of BaRHAM was zero. He emphasised that where a contractor had made a mistake in one area it did not justify cancelling the entire contract. The Council was introducing the necessary remedial measures to resolve the transport issues in Bromsgrove.

QUESTION 3 – Mr C Bloore will ask Mr S Geraghty:

"The leader of the Council is probably aware that despite being six months over schedule residents in my division are still facing sleepless nights as six lanes of traffic are redirected passed their homes because of closures on the M5. What steps is he taking to hold Highways England to account for causing this misery?"

Answer

Firstly I would like to thank Chris for his question.

I understand the concern he raises in relation to the impact on local residents over a significant period due to the works carried out along the M5 by Highways England.

The relevant officers are in regular contact with Highways England and adjacent authorities in connection with this matter. Specifically, I am advised that the West Midland and Shires Traffic Manager's Group have met with Highways England and expressed their discontent with the number and extent of road closures on their network. This group is currently scrutinising HE network closure approval process. Whilst we cannot prevent these road closures as Highway England have powers similar to us as a Highway Authority, they do have a duty to liaise and consult with us and we have tried to mitigate the impact and reduced their requests in this way.

We will continue to scrutinise their processes to ensure minimum disruption for residents in Worcestershire. The works on the M5 are now almost complete with no further closures for this project expected after mid- June. However, I will ask the new Cabinet Member for Highways to look at whether there is any more we can do to try to influence Highways England future plans.

Supplementary Question

In response to a supplementary question, Mr Geraghty explained that Highways England were accountable to the Government and therefore the Council was only in the position to

exert influence over them. He would investigate the legal capacity of the Police and Crime Commissioner to bring the actions of Highways England to account.

QUESTION 4 – Mrs F M Oborski will ask Mr A T Amos:

"Roadside verges provide valuable sites for wild flowers and are vitally important as habitats for many insects and birds particularly for bees. Whilst mowing of grass on verges is important at road junctions, at visibility splays and where pedestrian doorways might otherwise be impeded I hope the relevant Cabinet Member would agree with me that in other areas we should allow the verges to look " somewhat overgrown" to preserve their ecological value. If this is the case can the relevant Cabinet Member please explain the "heavy mowing" of the verges alongside the Bewdley By Pass where there are no junctions and where there is no pedestrian footway?"

Answer

Many thanks for taking the time to report your concerns to us regarding the biodiversity of highway verges. As you point out, the safety of the highway user is critical and the verges must be maintained to ensure safety is not compromised. In 2015 Worcestershire County Council designated Worcestershire a 'pollinator friendly county' to promote the protection of pollinating insects and their habitats. With this commitment the County Council sought to make a direct difference to pollinators through the management of Council-owned and maintained land. In Worcestershire there are over 3000 miles of highway, much of which has a verge on both side. Under our current grass cutting maintenance schedule we monitor and cut visibility splays as necessary throughout the growing season. Every other verge is cut 1m back from the carriageway edge, a minimum of twice a year depending on growth rates. Some roads such as the A456 Bewdley bypass will require a 2m cut to ensure drainage features don't become blocked. This new cutting regime has opened up a significant amount of verge available to biodiversity. It is important however that the uncut verge is not allowed to turn to scrub, with this in mind, the full extent of verge will be cut over a three year rotational basis.

We also manage with our Countryside Service over 44 roadside verge nature reserves (which are valuable for wildflowers) across the County and are looking to increase this number over the next few years where practicable.

In relation to the A456 Bewdley Bypass, as the responsible body for the highway verges in Worcestershire we are also required to manage invasive weeds, including Ragwort. The A456 from Wharton Park Golf Club to Blackstone Riverside park and then onto the Kidderminster Road Roundabout is recorded as a Ragwort site due to the extensive colonisation of the verges by this plant and its proximity to grazing land. As such, it is cut back before the Ragwort has the opportunity to set seed. We will of course review this current cutting regime, once we have the Ragwort under control.

QUESTION 5 – Mr Denham will ask Mr Geraghty:

"The Leader has stated that one of his priorities is to improve the quality of our highways and pavements so that we are in the top quartile of national performance by 2022.

Which quartile of national performance does he intend our Children's Services to reach and by which year?"

Answer

Thank you Paul for your question.

As you rightly state the Council's Corporate Plan, Shaping Worcestershire's Future, includes a commitment to improve the condition of our roads and pavements across the County aiming to be in the national top quartile by the end of the plan in 2022. This follows consistent feedback from the public over the years that Highways is one of their top three priorities.

The plan also has as one of its top four themes Children & Families and under the section headed "Safeguarding at the heart of everything we do" sets out what we are striving to achieve. The plan makes clear that we seek to always be there for the most vulnerable in society that need us most. This recognises that vulnerable children & adults are the other two top priorities of the public.

He will be aware that nationally, the OFSTED inspection system rates Councils Children's Safeguarding Services in relation to four categories rather than performance quartiles and that following our recent inspection the whole Council has got behind an ambitious improvement plan to ensure this vitally important service of the Council significantly improves. Worcestershire is not unique in facing challenges in this area, as of 18th May only 2% of Councils rated as "Outstanding" and 72% are "Inadequate" or "Requires Improvement".

The recently submitted improvement plan sets out an ambition to ensure we are rated "good" within five years. This is consistent with peer learning undertaken with other Authorities that have embarked on a similar improvement journey to our own. This will require a concerted focus by the whole authority over this period and cross party commitment to the plan and what needs to be done. I would take this opportunity to just reiterate our clear commitment to do just over the lifetime of this Council.

Supplementary Question

In response to a supplementary question, Mr Geraghty indicated that there was a clear commitment for Children's Safeguarding Services to be rated as good in the next 5 years which would place the service in the top quartile. To achieve this, a concerted effort would be required by the whole Council and its partner organisations.

QUESTION 6 – Mr R C Lunn will ask Mr A C Roberts:

"Can the relevant Cabinet Member explain, why the new Mercury payroll system introduced in early April for all staff working in schools, was not trialled more extensively to iron out faults, and also why running the old and new systems alongside each other, was ruled out as an option due to lack of resourcing?"

Answer

Trials and ironing out faults:

The new systems were tested through a phase of design, system and user acceptance testing. For example, 937 test scripts were run in system test and 945 test scripts in user acceptance testing.

Why weren't the systems run in tandem?

It is almost impossible to parallel run a replacement HR and finance system. The old and the new systems are not exactly the same, the data does not translate in every way on a 1-2-1 basis and the overhead of entering live data into the 4 systems involved would have been impossible to maintain.

The payroll was run in parallel over 4 iterations to ensure it was fit for purpose. E.g. at the fourth iteration on payroll, 70 out of 11,213 payslips were found to have errors ranging from plus 53p-minus 35p difference.

Supplementary Question

In response to a supplementary question, Mr Roberts confirmed that the Independent Review would cover the issues associated with running the systems in tandem in more detail. He would also ensure that the scope of the Review would be circulated to all councillors.

QUESTION 7 – Mr R C Lunn will ask Mr A C Roberts:

This question was not asked on the day.

"How much has the numerous issues caused by the implementation of the Mercury payroll system cost the County Council? Will this money be reclaimed from the service provider, and can schools similarly claim for all the extra time and work they have put in?"

Answer

It has cost a significant amount of time from Council Officers across the council to fix issues that have arisen. When the work is complete the full cost will be evaluated as part of a review.

QUESTION 8 – Prof Raine will ask Mrs L C Hodgson:

"Over the past eighteen months this Council has responded positively to requests from the community for Worcestershire to play a part in supporting HM Government's Syrian Vulnerable Persons' Resettlement Programme (SVPR). As a result, a number of Syrian families are now living in safety once again and are rebuilding their shattered lives in communities in different parts of our county. We understand that the process of resettlement and local integration has generally gone very smoothly and, for this, the County Council, its partner, Refugee Action, and the many individual volunteers who have also been involved, are to be congratulated.

But, of course, there remain many thousands of displaced and dislocated Syrian families who are still having to endure the harshness of camp conditions in neighbouring countries, and who are so desperate for their chance of resettlement into safety and the opportunity to begin to rebuild their lives.

Our Government remains committed to the SVPR programme, which in turn depends on local authority co-operation, and many of us in Worcestershire are hoping that this County Council will want to continue the good work already done and be prepared to welcome more families – unfortunate victims of war in Syria.

So would the Leader please inform Council of plans by WCC for 2017-18 and beyond, to support further intakes of refugees from Syria under the Government's SVPR Programme? And perhaps he would also tell us if this County Council is willing to resettle some of the 480 unaccompanied asylum-seeking children that our Government has committed to accept into Britain, under the Dubs amendment, and who are currently living rough and in quite appalling circumstances in and around Calais?"

Answer

Since June 2016 we have resettled 14 Syrian families (50 refugees) in Worcestershire fulfilling the commitment made by Worcester Leaders last year.

We have not made a decision about taking further families under the Syrian Resettlement Programme for 2017/18 and beyond. Our priority at this stage is to ensure the needs of our existing families are being fully met to enable them to become independent.

This is particularly important as we enter the second year of resettlement for a number of our Syrian families. While there are clear signs that some families are in a position to carry out tasks independently and access mainstream services for support without the need of integration casework the needs of refugees are complex and diverse, some will struggle more than others, and it can take longer for full integration to take place.

To support this we are working with Refugee Action to shape the model of integration support provided to the refugees under our contract with them and this will remain our focus before a decision is made by Worcestershire Leaders on our future involvement.

Worcestershire has experienced a significant increase in unaccompanied asylum seeking children in last 2 years. Unscheduled arrivals have increased from 7 in March 2015 to 30 in March 2017.

Worcestershire County Council is currently dealing with a rise of looked after children in the county and therefore are unable to commit to accepting additional unaccompanied asylum seeking children at this time. We will continue to monitor the situation and in the meantime continue to fulfil our duty in supporting any additional unscheduled unaccompanied asylum seeking children arrivals that are presented to us.

Supplementary Question

In response to a supplementary question, Mrs Hodgson stated that the contract with Refugee Action was for two years. As part of the process each family would be assessed on their level of need.

QUESTION 9 – Mr Jenkins will ask Mr A T Amos:

"The Member Advisory Group on Residents' Parking completed a thorough review of the council's resident parking scheme and proposed some important amendments and improvements to the existing policy. Would the relevant Cabinet Member with Responsibility confirm when the report based on this review will be presented to Cabinet for approval?"

Answer

I am advised that the report has been held in obedience until after the results of the county elections and once I have had an opportunity to consider the views of the Member Advisory Group, it will be my intention to present it to the Cabinet in the near future. I can assure Cllr Jenkins that there will not be any unnecessary delay in so doing.

QUESTION 10 – Mr M E Jenkins will ask Dr K A Pollock:

This question was not asked on the day.

"With the continuing damage to both the economy and our environment due to the congestion problems in Worcester and elsewhere in the county, it is imperative that we have a strategic plan for transport that can tackle these issues. Would the relevant Cabinet Member with Responsibility confirm when the new Local Transport Plan (LTP4) will be presented to members for adoption?"

Answer

The consultation on the draft LTP4 has recently closed and we've been very pleased with the extensive scale and quality of the responses. Officers are currently collating these prior to discussing with myself and colleagues in June. I would expect the final document in the Summer pending adoption in September.

QUESTION 11 – Mr C Hotham will ask Dr K A Pollock:

"Please could the relevant Cabinet Member with Responsibility explain why so little of the improved highway infrastructure promised for North Worcestershire by the Longbridge area action plan has been delivered, with particular reference to the A441 in Hopwood?"

Answer

The infrastructure referred to was associated with the Longbridge Area Action Plan (LAAP), which was adopted in 2007. It contained a list of desired infrastructure changes covering both Birmingham City Council (BCC) and ourselves. However the Community Infrastructure Levy (CIL) regulations from 2010 removed the ability for "roof tax" styled tariffs to be used and instead introduced, subject to overall scheme viability, a set of "tests" where only contributions that are considered necessary, reasonable and directly relevant to a scheme can be justified.

Therefore the lack of contributions to the A441 works to date flows from changing legislation and the two relevant Planning Authorities accepting that the overall economic viability of the Longbridge scheme results in no case for a contribution to the A441 works. Moving forward, the latest advice from Bromsgrove District Council (as the responsible local planning authority) suggests it is difficult to see how any of the Longbridge redevelopment will actually warrant contribution.

Clearly should any developments be forthcoming, that directly increased the pedestrian activity over the A441 to warrant a controlled crossing, then it can be delivered as part of those schemes. However in practice a significant development would be needed at Hopwood to generate this level of demand and there at present are no such proposals in the locality.

Supplementary Question

In response to a supplementary question, Dr Pollock suggested that any queries regarding the LAAP and its relationship with the Bromsgrove District Plan should be addressed to Bromsgrove District Council.

QUESTION 12 – Mr R M Udall will ask Ms K J May:

"Can the relevant Cabinet Member with Responsibility confirm how many people are employed by our tenants on farms and small holdings owned by the County Council?"

Answer

There are 87 tenants occupying the Smallholdings Estate which ranges from bare land holdings of a couple of acres to fully equipped holdings. However the Council have never required tenants to provide information on the number of employees they have to run their businesses from the land. The number of individuals a tenant employs is the responsibility of the tenant and is not a factor in managing the approved smallholding strategy and therefore this information is not known to the Council.

Supplementary Question

In response to a supplementary question, Ms May undertook to look into the possibility of implementing the Fair Employment Charter as a condition of tenancy for tenants on farms and small holdings owned by the Council.

QUESTION 13 – Mr P Denham will ask Dr K A Pollock:

This question was not asked on the day.

"I refer to the suspension, for about eight weeks, of the very well-used bus stop at Cathedral Square in Worcester, caused by the current redevelopment works.

Can the relevant Cabinet Member with Responsibility advise Council what consultations took place with bus users before deciding the locations of alternative bus stops?"

Answer

The temporary suspension of the bus stop is necessary to facilitate the redevelopment of Cathedral Square. There are no suitable temporary alternative locations for buses to stop so passengers have been advised to use the nearest alternative stop which is located at the bus station. There are no statutory requirements to consult passengers on the temporary suspension of bus stops. I appreciate that the suspension of the stop is inconvenient for some passengers but I feel that the transformation of Cathedral Square will justify the temporary disruption.

QUESTION 14 – Mr A I Hardman will ask Mr A T Amos:

"The Hedgerows in Mitton Bank, the entrance to our County from Gloucestershire, are a very important landscape feature and much admired by visitors at this time of year. Bredon Parish Council maintain that the hedgerows are in the ownership of the County Council, and hence could be saved for the Nation if the Inspector of the North Gloucestershire development plan makes a decision to allocate the bank as a development site; which could lead to their destruction.

Will the leader please organise a site visit with the relevant Cabinet Member with Responsibility, and Head of Highways to meet with Bredon Parish Councillors to determine ownership, and their future management?"

Answer

Yes, we will ensure that appropriate officers meet with relevant Bredon Parish Councillors to determine ownership and future management