

Council**Thursday, 13 July 2017, County Hall, Worcester - 10.00 am****Minutes****Present:**

Mr R C Adams, Mr A T Amos, Mr T Baker-Price, Mr R W Banks, Mr R M Bennett, Mr C J Bloore, Mr G R Brookes, 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, Mr 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 A P Miller, Mr R J Morris, Mr J A D O'Donnell, Mrs F M Oborski, Dr K A Pollock, Mrs J A Potter, Prof J W Raine, 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. 9 questions submitted to the Head of Legal and Democratic Services (previously circulated); and
- C. The Minutes of the meeting held on 25 May 2017 (previously circulated).

1899 Apologies and Declaration of Interests (Agenda item 1)

Apologies were received from Mr A A J Adams, Ms P Agar, Mrs J A Brunner, Ms T L Onslow, and Mrs M A Rayner.

Mr P Grove declared his DPI in Agenda item 8 – Notice of Motion 5 (Police and Crime Commissioner's proposals for the Fire Authority) and left the room during the debate.

Prof J Raine declared an interest in Agenda item 7 as a work colleague of two members of the Independent Remuneration Panel.

Dr A J Hopkins declared an interest in Agenda item 7 as a work colleague of a member of the Independent Remuneration Panel.

1900 Public Participation (agenda item 2)

Mr Yeomans, Head teacher of Riversides Special School commented on Agenda item 8 – Notice of Motion 1 – Looked After Children at Riverside Special School.

The Chairman thanked Mr Yeomans for his comments and said he would receive a reply from the relevant Cabinet Member.

Ms Hayward, Executive Principal of the Advance Trust commented on Agenda item 8 – Notice of Motion 1 – Looked After Children at Riverside Special School.

The Chairman thanked Ms Hayward for her comments and said she would receive a reply from the relevant Cabinet Member.

1901 Minutes (Agenda item 3)

RESOLVED that the Minutes of the meeting held on 25 May 2017 be confirmed as a correct record and signed by the Chairman.

1902 Chairman's Announcements (Agenda item 4)

The Chairman referred Members to the printed announcements.

1903 Constitutional Arrangements - Head of Paid Service/Chief Executive (Agenda item 5)

The Council was required by law to have a Head of Paid Service, appointed by full Council. There was no legal requirement to have a Chief Executive, but this was the model the Council has operated under to date. The Council's Chief Executive had also been the statutory Head of Paid Service.

The Panel considered three main models: Managing Director (MD), Chief Executive (CE) and Head of Paid Service.

In speaking with an experienced Executive search agency regarding the market conditions and the remuneration 'reality', the data they provided showed that the recruiting benchmark set for CX roles for County/Unitary authorities ranged between £140 - £180k (14% average reduction over last 5 years). For MD models they would advise that the salary would normally be pitched at about 20-25% above the level of our existing Director posts. For Head of Paid Service the salary offered would be less, but they would recommend that this was still 5% above the Director remuneration level.

The Panel considered that the best 'fit' for what the

Council needed in the difficult years coming was the CX model. This was the model most likely to attract strong candidates, and the salary range needed to reflect the demands of the job. The Panel resolved to recommend the CX model to Council.

Following the Council decision on the preferred model, the Panel sought authority to progress the recruitment process. It was proposed that the following steps would then take place:

- a) Development of a final job description and person specification for approval by Panel;
- b) Development of a 'candidate pack' for use as part of an agreed recruitment campaign; and
- c) Development of a recruitment process including timeline and recommended panels for interviews/assessments etc. including by the Appointments etc. Panel in order for a recommendation to be made to Council.

The Leader introduced the report and moved the recommendation, seconded by Mr A I Hardman. The Leader commented that the Appointments etc Panel had taken professional advice and examined all the options and concluded unanimously on a cross party basis that the CX model was most appropriate for the Council. There was a clear view that high-quality professional managerial leadership was required for such a large authority. The Panel therefore felt that the CX model would provide an opportunity for the widest cross-section of candidates to apply. Independent advice indicated that the average salary range for a CX for a county of the size of Worcestershire was £140-180k which fitted in with the current salary of the CX so there was no need to change the current salary band.

The seconder commented that the CX model had served the Council well for a number of years and there was no reason to change it. A large number of councils were moving towards paying a similar salary band for a CX to this council. There were a number of different leadership models which had been adopted by councils to varying degrees of success.

An amendment to (a) of the recommendation was moved by Mr P M McDonald and seconded by Mr R C Lunn that the Council adopted the Head of Paid Service Model for its 'Lead Officer'.

The mover of the amendment then spoke in favour of its

adoption. He commented that the Head of Paid Service model would save the Council £50k per annum and provided a leadership model that better reflected the size of the Council following reductions to council services and budgets. The salary of the CX could not be justified in these circumstances.

Those in favour of the amendment made the following comments:

- Experience of the CX model had not served the Council well in recent years given the state of the Council's services

Those against the amendment made the following comments:

- The Council was responsible for administering a substantial budget. Shropshire County Council was the only council that had adopted the Head of Paid Service model and had recently decided to move back to the CX model
- Many of the district councils in the county had retained the Chief Executive model and therefore it did not make sense for an organisation the size of this Council to choose an alternative model
- It was clear from experience in other councils that the Head of Paid Service model was a short-term solution. This Council needed a medium and long-term solution that provided strong leadership at the top of the organisation through the CX model
- The Council was facing difficult decisions in the near future and therefore it was important to have strong leadership at officer level. The Council remained a major organisation supporting the local economy and required professional managerial leadership that complemented the political leadership.

On being put to the vote, the amendment was lost.

RESOLVED: that

- a) Council adopts the Chief Executive model for its 'Lead Officer'; and**
- b) the Appointments etc Panel be authorised to finalise the specifications and proceed as soon as practicable with the recruitment process in relation to the Chief Executive post.**

1904 Reports of Cabinet - Matters which require a decision by Council (Agenda item 6 (a))

Connecting Worcestershire Phase 3 Broadband Programme

Following the original contract for 90% coverage for residential and business premises, the Council subsequently secured an additional £4.8m from BDUK and through the Local Growth Fund to invest further into extending superfast speeds across Worcestershire – Phase 2. This further investment was aimed at extending a better service to 95% of the county's businesses and residents, when the contract was agreed it was expected that 94% of the county would be able to access superfast speeds (in excess of 24Mbps) by an accelerated date of Autumn 2017, from an original projected date in Summer 2018.

Due to the progress of delivery, as well as higher than expected take-up rates (Phase 1 current take-up was currently in a region of 42%, against the projected 13% at this stage); BT offered the Council the opportunity to recoup funds early and invest in extending fibre coverage even further.

In November 2015, Council agreed the addition to the Capital Programme for the purposes of extending Phase 2 by reinvesting up to £3.25m from clawback funds to further coverage of fibre broadband across Worcestershire. Cabinet in October 2015 delegated authority to the Director of Commercial and Change in consultation with the relevant Cabinet Member and CFO to make the final decision on reinvestment in order to achieve this; the resultant change "gainshare reinvestment" was completed in March 2017.

In addition to the gainshare reinvestment, that was anticipated to increase superfast coverage to 95%, Council officers had applied for further funding to extend broadband coverage into areas of need. The consequence of this was the proposed Phase 3 contract leading to further deployment of superfast broadband.

A third phase of provision of superfast broadband services had been made possible through the Council's funding applications and request to BDUK. This provided the Council with the opportunity to procure and appoint a supplier to extend services into areas without access to 24Mbps as a result of commercial deployment or our existing plans. This Phase 3 aimed to extend superfast broadband to as many Worcestershire business premises as possible (ensuring ERDF compliance to

draw down the funding), whilst, at the same time, deploying superfast infrastructure to as many residential areas of Worcestershire as was possible within the parameters of the allocated funding. Dependent upon supplier responses and the solutions offered it was anticipated that this phase could make superfast speeds available to 96% of premises; it was recognised that despite the investment to date and this potential investment it was not expected to reach 100% superfast broadband coverage.

Approximately £1.1m from the ERDF had been approved in principle. A requirement of the ERDF funding was that it was fully matched, which had been provisionally secured from BDUK for £1.5m, increasing the amount of funding to be added to the Capital Programme by £2.6m. The total budget for the Phase 3 procurement would be £2.5m, as £100k was being utilised to match the County Council programme resource.

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

- The Leader commented that the Broadband Programme had been very successful to date in providing superfast broadband across the county, with a positive impact on the local economy and service provision. The aim of Phase 3 was to extend coverage of the County beyond 95%. Due to the exceptionally high take-up rate, the Council had been able to claw back funds to help finance Phase 2 of the programme
- The project would also involve private sector investment. The spread of superfast broadband to the wider community had had a positive impact on children's education as well as extending adult social care. The Government had given its own commitment to broadband speeds of 10 mega bytes per second.

RESOLVED that £2.6m be added to the Capital Programme for the purposes of Phase 3 of the Broadband Programme, the funding of which comes from Broadband Delivery UK (BDUK) £1.5m and European Regional Development Fund c.£1.1m (ERDF).

Capital Programme Cash Limits

The County Council had received notification of capital

grants and Section 106 income, and Cabinet asked that Full Council approves the following additions to the Capital Programme:

- £8.7 million School Basic Need Allocation 2019/20
- £3.7 million School Condition Capital Maintenance 2017/18
- £1.3 million Highways Maintenance Incentive Element 2017/18
- £0.3 million Worcestershire Intelligent Transport Systems 2017/18
- Skills Capital Projects 2017/18 - Grant applications from the Worcestershire Local Enterprise Partnership Growth Fund including:
 - £0.6 million – Engineering Facility (Skills Capital Fund)
 - £0.4 million – Pershore College/ Agritech
 - £0.3 million - META project
 - £0.3 million – Inclusive Centre for Entrepreneurship and Business Growth (Skills Capital Fund)
 - £0.1 million – Centre of Vocational Excellence
 - £0.1 million – Inclusive Skills Based Centre (Skills Capital Fund)

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

- The £1.3m Highways Maintenance Incentive Element would be welcomed by Worcestershire residents. The receipt of additional funding from the Government was based on the quality of the Council's Asset Management Plan
- The £40k funding for Pershore College was welcomed
- Although the investment in Highways Maintenance was welcomed, the quality of the Asset Management Plan was questioned. Information in the Asset Management Plan had been based on flawed traffic survey data for the Bromsgrove area
- It was queried why funds for the Skills Capital Projects had not been received directly from the Local Enterprise Partnership. The Leader responded that the Council was the

accountable body for the LEP and the allocation of their resources

- It was queried how the knowledge of local members would be utilised and how local councillors would be consulted on the allocation of the £3.7m School Condition Capital Maintenance funds in their division. The Leader of the Council responded that there was a standard procedure for additions to the capital programme. The CMR would welcome any suggestions in relation to the programme.

RESOLVED that an increase to the capital programme cash limits to include additional schools, highways and skills funding as detailed in paragraph 17 in the report be approved.

1905 Reports of Cabinet - Summary of Decisions Taken (Agenda item 6 (b))

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

- Connecting Worcestershire Phase 3 Broadband Programme
- Resources Report.

1906 Independent Remuneration Panel (Agenda item 7)

The Council appointed a statutory and independent Panel to advise and recommend the level of allowances for members. Council itself decided the members' allowances scheme and any amendments to it, having regard to the Independent Remuneration Panel's (IRP's) report.

Council considered and endorsed an interim report in September 2015 and agreed at that time to consider a further report on the allowances scheme.

The IRP report made a number of recommendations for increases to allowances for the reasons set out in the report. If the Council accepted all of these it would increase the amount spent on basic and special responsibility allowances by £18,500 in a full year. The total budget for members' allowances and other support for 2017/18 was £983,700.

The Leader introduced the report and moved (seconded by Mr A I Hardman) that Council:

- a) notes the report of the Independent Remuneration Panel and Panel members be thanked for their

hard work;

- b) adopts the Panel's recommendations 1-13 inclusive; and
- c) authorises the Head of Legal and Democratic Services to amend the scheme of Councillors' allowances in the light of Council's decision.

The Leader explained that Council was not bound to accept the findings of the Independent Remuneration Panel but had to have regard to them and convention dictated that Council took their recommendations seriously. The Panel had taken longer than expected to report their findings. However their findings were comprehensive, taking into account allowances paid by other councils and members' diary sheets. He paid tribute to the work of the Panel. The main recommendations included:

- a) a 2% increase in the basic members' allowances. However there was a reduction in the amount paid for IT consumables from £505 to £240 which represented an overall reduction in basic remuneration for members;
- b) SRAs had been frozen since 2008 and the Panel recommended a series of raises to these allowances; and
- c) The Panel proposed to end the £1,000 drawdown option for members' IT and recommended that councillors received their IT and support through the Council. This made compliance with IT security rules and servicing of equipment easier to facilitate.

The seconder commented that the review of members' allowances was overdue as the roles and responsibilities had changed during that time. Although there were elements of the Review that members might not agree with, the report was independent and should be supported on that basis. This was the last report presented by the Chairman, Michael Clarke and he thanked him for the time and effort put in to produce the report.

An amendment was moved by Mr P M McDonald and seconded by Mr R C Lunn that:

"Council resolves to consolidate the consumables allowance of £510 into the basic allowance before the application of the increase proposed to the basic

allowance. To limit all SRA's to no more than 2% and not accept the proposed new SRA for the Deputy Leader."

The Head of Legal and Democratic Services asked the proposer of the amendment to clarify whether the first line sought to amend recommendation 12 not to reduce the consumables allowance to £240 but to retain the £510 and put that into the basic allowance and that the total would go up by 2%; also that the 3rd line would limit all SRAs to an increase of 2% with no extra for the Deputy Leader. The proposer confirmed that that was the intention of the amendment.

Those in favour of the amendment made the following comments:

- The proposer of the amendment commented that there had been a cap on officer pay as well as on the basic members' allowance. There had been an unjustified increase in the number of Cabinet Members at a time when services were in decline. There was less work for CMRs given the reductions to Council services. On this basis, it would be difficult for Council taxpayers to understand an increase of 8-10% to the SRA allowances. In addition, the reduction in the IT consumables allowance showed a lack of understanding of the requirements of councillors who lived some distance from County Hall
- The role of councillors had increased over time and so had the cost of IT consumables
- The amendment should be considered in two parts with the proposed consolidation of IT consumables into the basic allowance being considered as a separate resolution to the limit on the increase of the SRAs
- The original proposal would increase the allowances gap between CMRs and backbench councillors. The report did not reflect the increased workload of backbench councillors. Out of the ten comparison councils, this Council's basic allowance was one of the lowest and yet the SRAs were amongst the highest
- What message did the increase of 8-10% to SRAs give to those receiving and providing services to vulnerable people in the county?
- The reduction in the IT allowance represented an overall cut in members' allowances. It was not possible to properly fulfil the role of a local councillor and operate in a paperless environment and consequently members were

- subject to significant associated printing costs
- How many hours a week were CMRs expected to work to justify their increased SRAs?
 - The administration had selected the IRP recommendations it wished to accept over a number of years. A 2% increase in allowances across the board was a fair and equitable approach.

Those against the amendment made the following comments:

- It was not right to select certain elements of the report. In order to get a cross-section of members involved as CMRs, appropriate level of recompense should be provided to compensate for the level and quantity of work involved. The allowance for the Deputy Leader was justified given the associated level of responsibility
- The comparison with staff was not equitable as staff had received salary increases year on year whereas the SRA allowance had been frozen since 2008. Staff also received an annual review and often moved up a grade
- The Leader of the Council commented that the amendment should be rejected. The recommendations in the report were made by an independent body. There was a clear distinction in the report that members received an allowance not a salary. All councillors had had the opportunity to complete day sheets to help the Panel understand their work loads. Each individual councillor had the right to accept or reject their allowance. He therefore recommended that the amendment should be rejected.

The proposer and seconder of the motion requested that the amendment be considered in two parts and this was agreed by the Chairman. Council therefore considered the amendment in two parts.

"Council resolves to consolidate the consumables allowance of £510 into the basic allowance before the application of the increase proposed to the basic allowance."

On being put to the vote, the amendment was lost.

"To limit all SRAs to an increase of 2% and not accept the proposed new SRA for the Deputy Leader."

On being put to the vote, the amendment was lost.

Those in favour of the substantive motion made the following comments:

- The Leader commented that he had no intention of monitoring the working hours of CMRs. The Panel had examined the evidence provided by members before coming to a conclusion. The Government had set up IRPs to establish an independent review body to avoid the kind of narrow debate that had taken place. He emphasised that the recommendations of the IRP were not binding on the Council.

Those against the substantive motion made the following comments:

- The reduction in basic member allowances was being made at a time when councillors were being encouraged to become more involved
- the number of CMRs had increased which would indicate that their work load had decreased. Technological advances had meant that local councillors were available for access by the public 24 hours a day. By reducing the basic allowance, it sent out the message to backbench councillors that their contribution was not valued
- It one followed the logic that SRAs had not increased over a number of years to justify the 8-10% increase then staff should be expecting a similar increase to their salaries.

On a named vote Council RESOLVED that

- a) the report of the Independent Remuneration Panel be noted and Panel members be thanked for their hard work;**
- b) the Panel's recommendations 1-13 inclusive be adopted; and**
- c) the Head of Legal and Democratic Services be authorised to amend the scheme of Councillors' allowances in the light of Council's decision.**

Those voting in favour were:

Mrs A T Hingley, Mr R C Adams, Mr A T Amos, Mr T

1907 Notices of Motion - Notice of Motion 1 - Looked After Children at Riverside Special School (Agenda item 8)

Baker-Price, Mr R W Banks, Mr R M Bennett, Mr G R Brookes, Mr B Clayton, Ms R L Dent, Mr N Desmond, Mrs E A Eyre, Mr S E Geraghty, Mr P Grove, Mr I Hardiman, Mr A I Hardman, Mr P B Harrison, Mr M J Hart, Mrs L C Hodgson, Dr 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, 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, Mr P A Tuthill, Ms R Vale, Ms S A Webb.(37)

Those voting against were:

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, Mrs F M Oborski, Prof J W Raine, Ms C M Stalker, Mrs E B Tucker, Mr R M Udall, Mr T A L Wells. (15)

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

The motion was moved by Mr P Denham and seconded by Mr R M Udall.

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

Those in favour of the motion made the following comments:

- All councillors had a role as corporate parents and therefore had a responsibility for the care of Looked After Children including their education. There were seven Looked After Children currently attending the Riverside Special School and they were being educated in a building, owned by the Council that was not fit for purpose in terms of its inadequate rooms, unsuitable location and poor security. Although the school was an Academy, the education of children was part funded by the Council. The Council should take responsibility for the Looked After Children educated at the premises
- The Chairman of the Children and Families Overview and Scrutiny Panel indicated that she would welcome a visit to the School. As a corporate parent, councillors would not expect a lower standard of educational provision for its Looked After Children than any other parent. She

1908 Notices of Motion - Notice of Motion 2 - Adult Social Care (Agenda item 8)

encouraged the CMR for Children and Families to visit the school

- It was perfectly reasonable as a corporate parent to raise concerns about the education of Looked After Children in the school in terms of the Council's responsibility for the safeguarding of children in its care. How could the attainment levels of Looked After Children be increased in such unsuitable surroundings?

Those against the motion made the following comments:

- The CMR for Children and Families indicated that he would visit the school alongside the Director of Children, Families and Communities. The Academy Trust was responsible for maintaining the suitability of accommodation. Should it be found to be inadequate, the Trust should make representations to the Education Funding Agency. The Council constantly reviewed the attainment levels of Looked After Children and acted on any concerns. This Notice of Motion used Looked After Children as a means to make a political point and this was not the right way to act as a corporate parent

On being put to the vote, the motion was lost.

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

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

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

Those in favour of the motion made the following comments:

- The Local Government Ombudsman had rightly investigated a complaint against the Council whereby social workers had failed to assess the needs of a woman or taken proper responsibility for her care and had acted contrary to the law. The Council had stopped paying for her care thereby leaving the family to deal with her care arrangements on their own. It was important to establish what arrangements were in place for vulnerable people and therefore the OSPB should be asked to carry out an immediate investigation

1909 Notices of Motion - Notice of Motion 3 - Women working in construction and road building (Agenda item 8)

- into this case and report back to Council
- Contractors were being permitted to deliver services that were sub-standard. Elderly people should expect the best quality of care whether in care or in their home.

Those against the motion made the following comments:

- The CMR for Adult Social Care apologised to the client's son for the fact that the support for his family did not go to plan. The Director of Children, Families and Communities had already issued an apology. An error had been made in an individual assessment in this case but there was no evidence of a systematic failure. OSPB could examine the issue if it so wished. He would ensure that the Ombudsman's findings were reported to the next Cabinet meeting. The individual social worker that had made the assessment was no longer with the authority. It was important that all social workers should not be judged on the basis of this one case. Members should also bear in mind the impact of this Motion on staffing and the ability to recruit and retain social workers
- It was acknowledged that something had gone wrong in this case however the Council had recognised this and taken the appropriate actions to address the shortcomings.

On being put to the vote, the motion was lost.

The Council had before it a Notice of Motion standing in the names of Mr R M Udall, Ms C M Stalker, Mr C J Bloore and Mr R C Lunn.

The motion was moved by Mr R M Udall and seconded by Ms C M Stalker.

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

Those in favour of the motion made the following comments:

- The Council was a large commissioner of contracts for infrastructure projects in the county. The Council should use its power to influence change to ensure equal access to employment in the construction industry. It was right that women should be treated equally in the work place and unions and employers needed to work harder in

1910 Notices of Motion - Notice of Motion 4 - Skills on Show event at County Hall, Worcester (Agenda item 8)

this respect. Women were not getting a fair opportunity in the construction industry and retention of women in the work place was an issue. The Council should engage with the private sector to improve equality practices and policies in the construction industry. A Fair Employment Charter should be introduced

- Bullying did take place in the work place in the construction industry. This Notice of Motion promoted good practice in terms of equality in the work force and should be supported

Those against the motion made the following points:

- The UCATT survey quoted in the Motion dated back to 2011 and therefore the findings could be out of date.
- It was difficult to generalise about the appropriate gender balance in the work place. The principle should be that the best person gets the job. The survey mentioned bullying of women in the work force but what about the bullying of men? This Council had a strong record of encouraging and promoting women and there were a number of examples in the Council where women had reached important and key positions.

On being put to the vote, the motion was lost.

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

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

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

Those in favour of the motion made the following comments:

- The Council had successfully run a Skills on Show event for a number of years at County Hall, Worcester in July. It was proposed that the event be re-instigated as opportunity to use an under-used facility at County Hall as a means of demonstrating the skills that the county could offer to the widest possible business community. This could help to address the earnings gap and productivity levels of this county compared to

1911 Notices of Motion - Notice of Motion 5 - Police and Crime Commissioner's proposals for the Fire

neighbouring counties. The event would be cost-neutral or low-cost and could be streamed live on the internet to access the widest possible audience and attract overseas investment through contacts with consulates

- The event would demonstrate the Council's commitment to its Open for Business Policy and attract inward investment to the County. It would provide an opportunity for young people, especially NEETs, to access the business community and other sectors and provide hands on experience and inspire and motivate them to take on apprenticeships and acquire new skills
- The event would provide an opportunity to promote the local produce of the county to a wider audience
- The purpose of this motion was not to roll out the original event but to provide a show that was relevant to 2017. If the administration did not like the proposal to reintroduce the event, then perhaps they could suggest other ideas to use County Hall in a positive way to create an event that broadened the skills of the work force in the county and promote the county to a wider audience.

Those against the motion made the following comments:

- The original Skills on Show event was not a skills/employment show but an arts/cultural event. With the work of the LEP, Employment and Skills Board and the Council's Open for Business policy, there was considerable progress being made improving the skills and salaries of the work force in the County. Although the original event was successful and right for its time, there was no longer a need for a centralised event of this nature.

On being put to the vote, the motion was lost.

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 Mrs F M Oborski. The mover and seconder of the motion withdrew the final paragraph of the Notice of Motion prior to the debate.

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

**Authority
(Agenda item 8)**

Those in favour of the motion made the following comments:

- The consolidation of the responsibility for the Fire and Rescue Authority with the Police under an individual, albeit democratically elected, would create a democratic deficit. It was difficult to see how the proposals would benefit the Fire and Rescue Authority and it was important to see the detail of the proposed £4m savings
- It was vital that a business case analysis was undertaken of the proposals put forward by the Police and Crime Commissioner and that Council had an opportunity to debate the proposals
- The Fire and Rescue Authority was well-run and it was important that it did not become a lesser partner in the proposed arrangements. It was particularly noticeable that "rescue" had been left out of the title for the position of Police, Crime and Fire Commissioner.

Those against the motion made the following comments:

- The Leader indicated that there would be an opportunity at the next Council to debate the merits of the proposal. Concern about the proposals had already been raised by leaders with the Police and Crime Commissioner. OSPB should have an opportunity to examine the proposal and report its findings to September Council. If the mover and seconder had removed the reference to a democratic deficit then he may have been in a position to support the motion.

On being put to the vote, the motion was lost.

**1912 Notices of
Motion - Notice
of Motion 6 -
Harnessing the
potential of
elected
members
(Agenda item 8)**

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 Prof J W Raine and seconded by Mrs E B Tucker.

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

The mover of the motion commented that a cross-party working party had been established to consider how the skills and expertise of members of this Council could best be optimised to the benefit of the Council. The working party provided a valuable insight into councillor

1913 Notices of Motion - Notice of Motion 7 - Footway crossings (dropped kerbs) (Agenda item 8)

experience over the life of the previous council. Unfortunately the work of the Group was left unfinished by the time of the Council elections. The Motion proposed to reinstate the Group to continue its work on an ongoing basis.

The previous chair of the Working Group (Mr A P Miller) requested that the proposer and seconder of the motion withdrew the motion on the basis that the result of the survey conducted by the group be made available to all councillors and a report be brought back to the meeting of Council in September 2017 to consider whether to continue the work of the Group.

The proposer and seconder agreed to withdraw the motion.

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 Mr M E Jenkins and seconded by Mrs F M Oborski.

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

Those in favour of the motion made the following comments:

- For a number of disabled residents, it was essential to have a dropped kerb to enable access to their property. It was right that disabled residents were given the opportunity to receive a discount on dropped kerbs. The proposal would provide great benefits to those individuals affected without any significant cost to the Council. A number of other councils had already introduced this policy
- Many residents had added the cost of the service to their mortgage because it increased the value to their property. However some families with disabled relatives were unable to fund the work and it was reasonable to compensate them for the cost
- Concern was expressed about wheelchair users who had particular issues with the kerb lip levels and insufficient turning space
- Any review of the dropped kerb policy should include an end to the monopoly of service provision of Ringway and allow customers the opportunity to pay for the work in instalments

Those against the motion made the following comments:

- The CMR for Highways explained that the pavements crossing service had been out-sourced to Ringway to ensure high standards of workmanship and compliance with necessary consents. Customers made payment direct to Ringway. The Council would have responsibility for any shortfall in the cost of the installation. The motion did not stipulate the level of discount and it was impossible to access the level of demand. On this basis and to avoid setting a precedent, he was not prepared to create a demand-led change to the policy. However he undertook to ask officers to review the dropped kerb policy to ensure that Council was providing a competitively priced service; and information about other sources of funding would be made available to disabled residents at the time of application
- Did the Council reinstate the kerb after the disabled applicant had moved?
- The Council had previously opened the pavement crossing service contract to tender but successful contractors had withdrawn. The difficulty with permitting customers to pay in instalments was that it was costly to administer and there were practical issues should an applicant default on payments.

On being put to the vote, the motion was lost.

**1914 Question Time
(Agenda item 9)**

Nine questions had been received by the Head of Legal and Democratic Services and had been circulated before the meeting.

**1915 Reports of
Committees
(Agenda item
10)**

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

The Council adjourned for lunch between 1.10pm and 1.45pm. The meeting ended at 3.20pm.

Chairman

COUNCIL 13 JULY 2017 - AGENDA ITEM 9 – QUESTION TIME

Questions and written responses provided below.

QUESTION 1 – Mrs E Eyre will ask Ms K J May:

"In 2004 Worcestershire County Council produced a Scrutiny report on the use of sprinklers in County buildings: schools and older people's facilities. Interestingly this report not only informed our Council but others: West Berkshire and Lancashire. Disappointingly the recommendations showed costs trumped the obvious value of sprinklers in new builds and even more so for retro fits despite the additional costs being identified as between 1.8% and 5%.

The Fire Service at that time was urging local authorities to consider installation of sprinklers in schools as part of its wider strategy.

By 2010 the County Council had moved forward. Our Corporate Services Directorate - Property Services GUIDANCE NOTES FOR DESIGNERS - MECHANICAL & ELECTRICAL stated that the County Council was particularly keen to comply with or exceed the guidance set out in DfES Building Bulletins and other guidance applicable to Local Authority premises. In respect of Sprinkler Installations Building Regulations, Regulatory Reform orders and Insurers were increasingly calling for active fire suppression systems such as sprinklers as part of the design of new schools and major extensions. DCSF BB100 sets out a risk assessment methodology which dictates the use of sprinklers in the majority of new-built schools.

Can the Cabinet Member outline the Council's current sprinkler policy in respect of:

- new build especially schools*
- older local authority buildings especially schools and those housing older people*

Can the CM reassure me that our strategic property managers (PP) really do understand in their technical role that the focus should be on safety first with aesthetics and clever design coming second."

Draft Answer

The Council is still using the Guidance Notes For Designers - Mechanical & Electrical 2010 which specifies the installation of sprinklers within new buildings and major extensions. Currently, sprinklers are being installed in the new school at Malvern Vale and have been included within the tendered scheme at Holyoakes. With regards extensions and refurbishments, the historic approach has been to include only where there was an existing system and this currently remains the case.

There are plans to revise and update the 2010 Guidance Notes and re-affirm the policy on sprinklers as part of our review of fire safety arrangements and management. In the light of the Grenfell Tower fire we will also take the opportunity to review the policy in respect retrofitting sprinklers in older buildings and those used by vulnerable people.

However, what we must remember is that sprinklers are there to protect property and not necessarily people. Our priority must be to swiftly and safely evacuate people from our

buildings / premises in the event of fire. Sprinklers have to be considered as part of our fire safety arrangements and their adoption will be considered on a case by case basis.

"Can the CM reassure me that our strategic property managers (PP) really do understand in their technical role that the focus should be on safety first with aesthetics and clever design coming second."

Absolutely, the Property Team in the Council have a strongly safety focus and this is being reiterated to our designers and property agents on an almost daily basis. Regular meetings are held with Place Partnership in particular about safety and compliance. We are working hard to ensure that we have safe working environments for our staff and anyone using our buildings / premises.

QUESTION 2 – Mr P M McDonald will ask Ms K May:

"Would the portfolio holder responsible please inform me how many and the names of County Schools that have water sprinklers throughout their premises and those that do not"

Draft Answer

We are in the process of going through a fire safety survey with schools, the results of this will provide the most up to date information for schools in Worcestershire, therefore the detail required to respond to the question will be provided on completion of the returns by schools. The expected date is 1st September 2017.

Supplementary Question

In response to a supplementary question, Ms May commented that the total cost of the removal of asbestos from schools was £58m. In most circumstances, professional advice was that it was safer to leave asbestos in situ.

QUESTION 3 – Mr C J Bloore will ask Mr A Amos:

"Does the Cabinet Member with Responsibility for highways agree with me that VAS are an important tool for communities to tackle the problems of speeding in their communities?"

Draft Answer

Mobile battery operated, Vehicular Activated Speed (VAS) signs have been hugely popular in Worcestershire and enable communities to have more control to address the issues that are important to them – to tackle speeding problems within their local areas Local decision making powers is one of the key areas of the Localism Act 2011.

VAS signs have been in present in Worcestershire since 2008 and were historically managed by the then Accident Studies team and used where there was an identified accident and speed related history. Policy was reviewed in 2010 and the scheme was rolled out to Parish Councils who could then opt to purchase a sign, however the responsibility for the sign still rested with the County Council. Further expansion of the scheme in 2011 resulted in Parish Councils taking full responsibility for the signs, including purchase and maintenance.

VAS signs are not enforceable. The signs are there to alert motorists to their speeds and to encourage them to change their behaviour accordingly.

The Parish Council approaches the Liaison Engineers in the first instance to discuss their concerns and where they would like to put a VAS. The Liaison Engineer will then carry out location assessments at a number of agreed sites to ensure that there are no safety

implications to road users and the public, and that the VAS is effective. The VAS is rotated around the various sites in the parish; to leave in one location would breed complacency. WCC raise an order for the unit (currently at a cost of £2650 each) from a reputable supplier and the Parish Council pays for this. Alternatively, the parish can purchase direct from the supplier, as recommended by the Liaison Engineer. The Parish Council is responsible for all associated costs, including maintenance and moving of the sign to the other agreed locations (carried out by the Parish Lengthsman or District Councils). Additionally District Council's can also purchase VAS signs also; however, as with the Parish Council, the District would be responsible for all associated costs.

Supplementary Question

Residents in Brockhill, Bromsgrove had waited nearly four months for the street lighting team to repair a faulty VAS. In response, Mr Amos responded that he would look into the matter and report back to Mr Bloore.

QUESTION 4 – Mr R C Lunn will ask Mr M Hart:

""Can the Cabinet Member responsible explain why if a school pupil is in hospital there is no provision from the County Medical education team. If a school want them to receive an education, the school must pay for a tutor through Babcock. In Birmingham the authority covers this. Why don't we?"

Draft Answer

Worcestershire County Council has a statutory duty to make arrangements for the provision of suitable education at school or otherwise for a child of compulsory school age who, because of illness, would not receive it unless such arrangements were made. This is done on behalf of the Council by Babcock who run The Medical Education Team (MET). There are three separate MET settings in Worcestershire where these children can receive this education:

- Worcester City
- Redditch
- Kidderminster

There is no hospital in Worcestershire with an on-site education facility. If education needs to be provided to a child who is either at one of the MET settings or in a hospital, this is arranged by Babcock's Medical Education Team and is funded by 80% of the child's school's Age Weighted Pupil Unit (AWPU). (AWPU is the rate local authorities set to allocate basic entitlement funding for all pupils in the funding formula for pre-16 pupils in mainstream schools. It is a compulsory factor which must be used in the funding formula).

To date, Babcock has not received a request to educate a child who is in hospital.

Supplementary Question

In response to a query, Mr Hart undertook to find out whether there were any cases in the County where the Medical Education Team would be required to provide educational support for a child in hospital.

QUESTION 5 – Mrs F M Oborski will ask Mr Hart:

"Could the Cabinet Member for Education and Skills tell me, in the last 2 years, how many times has the County Council been referred to an SEND Tribunal and how many cases has the Authority lost?"

Draft Answer

83 appeals made to date
70 appeals heard / considered
27 were upheld in full / part or the council conceded (total number lost)

The 13 cases outstanding have not yet been heard / resolved.

Supplementary Question

What was the average cost of a SEND Tribunal in the county? Mr Hart commented that the Council had a Service Level Agreement with a firm of solicitors to undertake the work at a cost of £85,000 per annum. It also took a lot of officer time and each case cost the Council £1,000.

QUESTION 6 – Mrs F M Oborski will ask Ms May:

"Parents and carers of children attending the Medical Education Team facility at Lea Street School Kidderminster have raised concerns with me about the state of the building:

- 1. In the very hot weather there is no shady outdoor space available for these young people some of whom are emotionally very frail. This means they are forced to remain indoors in stuffy classrooms; and*
- 2. In heavy rain the roof leaks.*

Could the Cabinet Member tell me what steps are being taken to ensure that the facilities provided for the MET are fit for purpose?"

Draft Answer

As part of our monitoring of services commissioned to Babcock (of which the Medical Education Team is one), officers will visit the site to ensure that the matters raised are investigated. To date parents have not raised these concerns with us but we acknowledge that this has now been raised by Cllr Oborski on their behalf. Should the result of our visit highlight concerns then these will be addressed appropriately.

A full condition survey has been commissioned for Lea Street under this year's Capital maintenance programme so we will understand what the issues are with the roof and what the recommendations are to remedy this. If the recommendation is for a new roof in part or whole this will be considered together with the overall condition of the building.

QUESTION 7 – Mr C J Bloore will ask Dr Pollock:

"In light of the recent comments made by the Police and Crime Commissioner regarding proposed further roadworks to the M5 that will impact Worcestershire residents. Does the leader agree with me, it's time for a formal investigation in partnership with the PCC into the actions of Highways England and their disregard for the health and wellbeing of local residents and the sustainability of local businesses."

Draft Answer

The reconstruction of the Oldbury viaduct is clearly vital to extend the life of the existing structures. It is a major investment of resources (£80m over two years' work) and will cause significant disruption to the strategic highway network and adjacent local highway network.

In reality the works were always going to have a degree of impact on Worcestershire, but the member will be aware that the scale of restriction at the M42 junction proposed by Highways England (HE) has come very late in the day.

We disagree with HE's proposals for the following reasons:

- the impact on Worcestershire's roads has not been considered in any detail and therefore there are no planned amelioration measures;
- there is no detailed signage plan on Worcestershire's roads. This is essential at least to direct traffic to utilise the M42/M6 route rather than the M5 and at more distant locations to encourage use of other routes to avoid use of the M5;
- Communications to organisations outside the Combined Authority and the public are starting too late and will be implemented too late for alterations to journey plans for flights, appointments, meetings etc.

However, we continue to work with Highways England to overcome all of these issues and are seeking:

- Keeping open two lanes of the M5 heading north at junction 4a, together with greater flexibility to alter the layout to react to current traffic conditions across the highway network
- Amendments to the current signage plan and inclusion of further signage in Worcestershire
- More active communications strategy in local press

Currently works are due to start from the beginning of the school holidays, and the Leader and Cabinet Member with Responsibility for Highways have written to senior HE and Metropolitan Authority Highway members. We will continue to push for a revised approach to the M42 junction.

Supplementary Question

Would the CMR hold Highways England to account for their actions? Dr Pollock responded that the Leader had lobbied Highways England but Council had no power to hold them to account. As this was a national matter and any concerns should be raised with members of Parliament.

QUESTION 8 – Mr J H Smith will ask Mr Amos:

"Is the Cabinet Member for Highways aware of Virgin Media and their contractors installing Broadband in my Division of Evesham North West and, in particular, the way that they are undertaking the process, by working in the footways and I believe causing irreparable damage to County Council property and generating lots of complaints regarding the workmanship."

Draft Answer

Officers are / I am aware there is work underway in the Division of Evesham North West and other parts of the county by Virgin Media and their contractors; Virgin Media's deployment aims to increase the availability of fibre to the home broadband through their commercial programme. The County Council recognise the importance of improved broadband infrastructure to homes and businesses and welcome commercial deployment that improves coverage. However, as the Member correctly points out, as a Highways Authority we must manage and maintain the Highway to ensure it's physical integrity,

longevity and clearly the immediate safety of users on the network, therefore we must be satisfied by the working practices of those organisations seeking to work upon it.

As a 'Permitting Authority' the County Council did receive and authorise 'Permit' applications that detailed Virgin's intentions to work on the Highway, including footways. As these works have been undertaken they have been inspected by County Council's Inspectors and any defaults or concerns have been raised to the Defect Team and higher Management for Virgin Media to put right at their cost and fines being issued as required. Virgin Media have worked with County Council Officers to resolve issues as they have arisen. We are also holding Monthly improvement meetings with Virgin Media to reduce the amount of outstanding defects.

Virgin Media have also recently committed to more detailed coordination meetings with the Highways team and the County's proposed plans to improve the quality of the Highway through the Driving Home programme and our commitment to improving footways. Due to the scale of upcoming works we do accept there will be a small number of clashes, but with the right approach to planning and ongoing communication we are confident that these will have been minimised.

And I would like to conclude with a few words about my expectation of works carried out by the utilities. Worcestershire is "open for business" which means that my priority must be to keep traffic and people moving, and businesses open and expanding. So the utilities need to know that Worcestershire is not a soft touch. When they are doing work in this County, they are working for the residents of Worcestershire so we expect them to undertake their work efficiently and with the highest quality of workmanship. All too often, we see holes dug, traffic congestion needlessly caused whilst no work is going on. It infuriates motorists and it infuriates me. If the work is an emergency, then we expect the utilities to have all the workforce and materials ready to get the job done. If the works are planned then, equally, they will have had enough time to have gotten the workforce and necessary materials and parts in place. Furthermore, we expect the finished work to be of a high standard. Consequently, I have instructed officers to impose the maximum penalties possible for overruns caused by incompetence and selfishness, unnecessary delays, inconsiderate working, and unsatisfactory and second-rate reinstatements.

Supplementary Question

In response to a supplementary question, Mr Amos acknowledged concerns about the standard of the work of utility companies and would endeavour to hold Virgin Media to account for any examples of poor workmanship.

QUESTION 9 – Mr Udall will ask Mrs Hodgson:

"Will the Cabinet Member for Communities confirm what action is being taken by the County Council to ensure Worcestershire communities deprived of local community facilities are helped and supported?"

Draft Answer

In response to Cllr Udall's question help and support for Communities deprived of local community facilities are provided in three main ways

Thank you Richard for your interesting question, I am not quite sure what are suggesting has been deprived from the local community

Firstly all Worcestershire residents are able to access help and support through the use of the online service Your Lives Your Choice. Colleagues across all directorates have been working together to improve the old site, previously just for adults, and add information for

children, young people and families. The site aims to provide residents with information, advice and guidance on a range of topics and help residents to help themselves to prevent their problems from getting worse. There is also an e-marketplace of support services and products that can help and events, activities and support groups within each local area. Colleagues are now working with providers to get their services and events registered on the site before it is relaunched to the public at the end of July. Access to online information is also supported our digital inclusion work and our digital champion. All our library building have recently had new Wi-Fi connections installed therefore enabling those who do not have computers at home. Indeed many of our libraries are now run by community groups who have made them into community hubs for the local area.

Secondly, many of our community services reach out and deliver services away from their main bases. For example Museums Worcestershire has just delivered a project called Suitcase Stories. This has been delivered in a range of communities across Redditch, Evesham and Kidderminster for people living with dementia and their carers, working with the local dementia cafes gathering the memories of participants through workshops as well as creating interactive sessions with museum objects.

Also our Library service also delivers a Library service at home function, supported by volunteers, for those residents who are unable to get to their local library and runs alongside the mobile library service.

And thirdly, for our most vulnerable residents where a social care service is needed, these services are delivered in families' homes. Actions are being taken to continue to build capacity and capability across all social care workforce to deliver a high quality of service which will also include using and promoting the online information, advice and guidance that is available. In addition to this, we continue to work with the voluntary and community sector to build capacity across communities to help themselves.

For example a quote from one of Parenting and Family Support Providers "Since the 1st of December we have had over 30 people register an interest in volunteering within the new service. This has been driven by the public's desire to see activity groups continue to run from the children's centres. So far 28 individuals are at various points along the application process, with the majority ready to be placed within new volunteer led groups" March 17.

Supplementary Question

Would the Council provide to support to community ownership of local public houses which were threatened with closure? Mrs Hodgson responded that it was recognised that public houses were at the centre of the community and would positively consider any request for support for a community asset transfer.

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