

Council

**Thursday, 14 September 2017, County Hall, Worcester -
10.00 am**

Present:**Minutes**

Mr A A J Adams, Mr R C Adams, Ms P Agar,
Mr A T Amos, Mr T Baker-Price, Mr R W Banks,
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, Mr M E Jenkins, Mr A D Kent,
Mr R C Lunn, Mr P M McDonald, 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, Prof J W Raine,
Mrs M A Rayner, 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,
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) 12 questions submitted to the Head of Legal and Democratic (previously circulated); and
- c) The Minutes of the meeting held on 13 July 2017 (previously circulated).

**1916 Apologies and
Declaration of
Interests
(Agenda item 1)**

Apologies for absence were received from Mr R M Bennett, Dr C Hotham Mr L C R Mallett, Mrs J A Potter and Ms C M Stalker.

Mr P Grove declared a DPI in Agenda item 6 and item 9 – Notice of Motion 2 (Sale of car registration number plate) as Police and Crime Commissioner Ambassador.

Mrs T Onslow declared a DPI in Agenda item 6 and item 9 – Notice of Motion 2 (Sale of car registration number plate) as Deputy Police and Crime Commissioner.

Mr J H Smith declared an interest in Agenda item 5 as

		<p>his wife was the nominee for Vice-Chairman of HOSC and he would not participate in that item of business.</p> <p>Mrs L Hodgson declared an interest in Agenda item 10 as a member of Malvern Hills Trust.</p> <p>Mr R C Adams, Mrs P Agar, Mr A Amos, Mr T Baker-Price, Mr B Clayton, Mrs E Eyre, Mr A Fry, Mr A Hardman, Mr I Hardiman, Mr M Hart, Mr P Middlebrough, Mrs F M Oborski, Mr K A Pollock, Prof J Raine, Mr C B Taylor, Mr P Tuthill, and Mr R Udall, declared an interest in Agenda item 6 as members of the Fire and Rescue Authority.</p>
1917	Public Participation (Agenda item 2)	<p>Mrs E B Tucker presented a petition on behalf of Station/Wyre Road Roundabout Pressure Group to get the plans for the junction to be amended from a planned 4 way traffic light control to a roundabout.</p> <p>The Chairman thanked Mrs Tucker for the petition and said she would receive a written reply from the relevant Cabinet Member.</p>
1918	Minutes (Agenda item 3)	<p>RESOLVED that the Minutes of the meeting held on 13 July 2017 be confirmed as a correct record and signed by the Chairman.</p>
1919	Chairman's Announcements (Agenda item 4)	<p>The Chairman referred Members to the printed announcements.</p> <p>Tributes were paid in memory of Mr Bill Allington and Mr Reg Farmer who had recently passed away.</p>
1920	Constitutional Arrangements (Agenda item 5)	<p>(a) Vice-Chairmanship of HOSC</p> <p>Council considered the nomination of Mrs Frances Smith as the Vice-Chairman of HOSC. The details were set out in the report.</p> <p><i>[Note – Mr J H Smith did not participate in the item]</i></p> <p>RESOLVED that the nominee of the Health Overview and Scrutiny Committee (HOSC), Mrs Frances Smith, be appointed as Vice-Chairman of the HOSC.</p> <p>(b) Council Working Group</p> <p>Council considered whether or not it wished to re-convene the Council Working Group. The details were</p>

1921 Consultation by the Police and Crime Commissioner - Fire and Rescue Functions (Agenda item 6)

set out in the report.

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

- A proposal was moved and seconded to reconvene the Council Working Group on a cross-party, broad politically-balanced basis with membership formulated through group leaders and chaired by the Vice-Chairman of the Council. The Group would then formulate recommendations for the next municipal year
- It was too early in the life of the new Council for the Working Group to be reconvened as more time should be given to allow new councillors to settle into their role
- The reconvening of the Working Group was welcomed as an opportunity to continue the work of the previous Group in scrutinising the modus operandi of the Council
- The Leader of the Council expressed his disappointment that the proposal had not received cross-party support but he was hopeful that in the future all political parties would engage in the process to ensure that the Council operated effectively.

RESOLVED that the Council Working Group be reconvened on a cross-party, broad politically-balanced basis with membership formulated through Group leaders and chaired by the Vice-Chairman of the Council.

Council considered the consultation by the Police and Crime Commissioner (PCC) in relation to Fire and Rescue functions. The details were set out in the report.

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

- A motion was moved and seconded not to support the proposals of the PCC to take over the functions of the Fire and Rescue Authority. The majority of councillors were opposed to the proposals. This was not a personal matter. The other constituent councils affected by the proposals had already opposed or were about to oppose the proposal. There was a lack of clarity in the financial/economic case, in particular the proposed £4m savings had not been substantiated. In addition, there was no detailed

business model provided. The representational model had not been examined. The proposal for the Police and Crime Panel to scrutinise the work of the PCC was unrealistic. It was questioned whether the PCC had the capacity to undertake these changes at a time when a major transformation programme was underway. However it was recognised that the Fire and Rescue Authority should continue to be a cutting edge authority, communicating effectively with neighbouring authorities, the police and ambulance service and with a shared of back office support

- There was no financial stability in the PCC's proposals. It would appear that the proposed £4m savings made reference to savings that had already been made by the Fire and Rescue Authority. A close working relation with Shropshire Fire and Rescue Authority was vital. The emphasis on community safety in the PCC's report indicated a misunderstanding of the fire and rescue context. There were no other examples in the western world of fire and rescue services being aligned with the Police
- The business case put forward by the PCC was poor with gaps and a lack of detail
- It was recognised that the Fire and Rescue Authority should be improved but there were better ways of going about it.

The motion receive unanimous support.

RESOLVED: that

- a) the Police and Crime Commissioner be advised that Worcestershire County Council does not support his proposals and is particularly concerned that only an initial business case has been provided to the Council as a statutory consultee;**
- b) the proposals do not provide evidence that would be in the interests of improving public safety or the economy, efficiency and effectiveness of the service; and**
- c) the Council encourages the Police and Crime Commissioner to work with the Fire Authorities, and engage with the upper tier authorities, to achieve greater collaborative arrangements.**

1922 Reports of Cabinet - Matters which require a decision by Council (Agenda item 7 (a))

Council considered the Children and Young People's Plan (CYPP) 2017-2021. The details were set out in the report.

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

- The Cabinet Member for Children and Families introduced the report. He commented that the CYPP was a multi-agency plan. It had been drawn up for children with children's involvement. It had been considered by the Cabinet, Children and Young People's Panel, Corporate Parenting Board and accepted by the Health and Well-being Board. This was a Plan not only for this council but for all agencies across the county
- It was important to ensure that Looked After Children achieved the best educational outcomes and that they should not be disadvantaged because they were in care
- All councillors had a responsibility as corporate parents to take an active role in supporting the Plan and young people. It was encouraging that young people had been actively involved in drawing up the Plan and the "Who Cares we Care" and "Speak out" groups had endorsed it
- In response to a query, the Cabinet Member for Children and Families undertook to investigate whether members required Disclosure and Barring clearance to undertake their role as corporate parent in their local community.

The recommendation received unanimous support.

RESOLVED that the new Children and Young People's Plan (CYPP) 2017-2021 be adopted as approved by the Health and Wellbeing Board, as part of the Council's Policy framework for a whole-system response to improving outcomes for children, young people and their families.

1923 Reports of Cabinet - Summary of Decisions Taken (Agenda item 7 (b))

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

- Emergency Preparedness, Resilience, Response and Recovery
- Balanced Scorecard report Quarter 4 2016/17
- Update of Minerals and Waste Development Framework Local Development Scheme

1924 Overview and Scrutiny Work Programme 2017/18 (Agenda item 8)

- Ombudsman Report – Adult Social Care.

Council considered the Overview and Scrutiny Work Programme 2017/18. The details were set out in the report.

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

- The Chairman of the OSPB thanked the previous Chairman, Mr R M Udall, participating councillors, Panel Chairman, and officers for their support in preparing the work programme. Attempts had been made to improve ways of working and in particular, Chairman pre-briefings were being introduced to ensure scrutiny meetings were undertaken in the proper way. Work was also underway to try and improve Cabinet Member and opposition briefings. He particularly highlighted the important work in relation to children's and adult services. An issue not addressed in the programme was the necessary changes in the process for scrutinising the budget as this year the draft figures would not be circulated until later in the year than before. He would be inviting the Leader to OSPB
- The work programme would be updated to reflect the greater level of scrutiny work required for the Children and Young People's Panel as a result of the post Ofsted action plan for Children's Social Care.

RESOLVED that the 2017/18 Scrutiny Work Programme be endorsed.

1925 Notices of Motion - Notice of Motion 1 - Official Anthem of the County (Agenda item 9)

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

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

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

Those in favour of the motion made the following comments:

- The Council should celebrate the fact that this was Elgar's County and adopt Land of Hope and Glory as its anthem as a symbol of Worcestershire. If members believed that the

1926 Notices of Motion - Notice of Motion 2 - Sale of car registration number plate (Agenda item 9)

lyrics were outdated/imperialistic they should simply interpret them based on values rather than empire

- Land of Hope and Glory was a beautiful stately march suitable to be played at a number of occasions. Elgar was at the heart of everything that should be celebrated in the County and was beyond any jingoistic association. It was a recognised brand with local resonance
- On the Council's web site, there was a campaign supported by the Cabinet Member for Economy and Infrastructure, requesting the public to support the adoption of Land of Hope and Glory as the anthem for the county.

Those against the motion made the following comments:

- Elgar disassociated himself from the words written to his music which reflected a different time and place and were not relevant to the present day and had no connection with the county
- For what purpose did the Council need an anthem, how and when would it be used and given the imperialistic nature of the lyrics, was Land of Hope and Glory an appropriate option?
- Notices of Motion of this kind were a waste of Council time which could be better spent on more serious matters.

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 P M McDonald, Ms P A Hill, Mr L C R Mallett, Mr A Fry, Ms P Agar, and Mr R M Udall.

The motion was moved by Mr P M McDonald 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:

- It was questionable whether the sale of the number plate AB1 was in the gift of the Police and Crime Commissioner (PCC) or whether it belonged to the Council. In any event, the number plate was public property and should have been sold in an open and transparent way to achieve the best price. Initially it appeared that

the number plate was to be sold at public auction but it was subsequently withdrawn and sold privately to a retired member of the police force at what would appear to be below market price. The savings from the private sale were unproven. The PCC should be held to account for his actions. The Police and Crime Panel should be requested to scrutinise the process

- There was a lack of transparency in the sale process and a dispute about the heritage of the number plate. The sale was withdrawn from auction and made in private but should have been made in public
- There was no public awareness of the apparent 50% sell-on clause which highlighted the lack of transparency in the sale process and the need for scrutiny by the Police and Crime Panel given question marks over the sale process
- The process required closer examination.

Those against the motion made the following comments:

- This Notice of Motion was a deliberate attempt to smear the PCC. The PCC had acted in good faith and would be able to prove title and best value from the sale. If the mover of the motion had asked the Police and Crime Commissioner's Office they would have been informed that proper processes had been followed and the number plate was only withdrawn from the auction when it was realised that best value could be achieved through the sale to a private bidder thereby avoiding auctioneer's costs by selling to the highest bidder. It was not the role of the Council to direct the Police and Crime Panel to scrutinise this matter
- There was no evidence to support the accusation that the number plate had been undervalued. By selling the number plate, the PCC was providing a source of income from an unwanted asset
- The PCC should be congratulated for ensuring the Council received full value from the sale particularly given the 50% sell-on clause that had been negotiated
- The sale of the number plate was within the authority of the PCC and the sale process would be subject to the usual internal and external audit processes.

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

**1927 Notices of
Motion - Notice
of Motion 3 -
Asbestos in
schools
(Agenda item 9)**

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

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.

Those in favour of the motion made the following comments:

- The Administration and the Cabinet Member for Transformation and Commissioning were fully aware of the danger to staff and children from the existence of asbestos in 140 county schools and had knowingly put staff and children at risk. The programme of asbestos removal only related to a number of boiler houses. The Council's stance was that asbestos would only be removed where there was a risk of damage or disturbance. There were no warning signs on walls where asbestos was encapsulated. Even when encapsulated, asbestos remained a danger from disturbance, especially in a school environment. The majority of teachers were unaware of the location of asbestos in their school and therefore the associated level of risk. It was acknowledged that the cost of asbestos removal was high but this was no excuse for not taking action
- The nature of work in the classroom, for example pinning pictures to the wall as well as other natural events could lead to danger of asbestos being disturbed.

Those against the motion made the following comments:

- The Cabinet Member for Transformation and Commissioning commented that asbestos when bonded in cement was relatively stable but became dangerous when damaged or the fibres disturbed. The Council had a programme for the removal of asbestos which would be undertaken in a considered manner, taking into account the impact on the safety and education of children
- The Health and Safety Executive had advised that asbestos should be left in situ. Disturbing asbestos would raise the risk to public health
- There were many forms of asbestos with varying levels of risk. The white asbestos present in schools was the least hazardous form

1928 Notices of Motion - Notice of Motion 4 - Public sector pay (Agenda item 9)

- For the Council to undertake a whole-scale removal of asbestos throughout its schools would require the approval of the Health and Safety Executive and a nationally funded scheme. This Council did not have the funds to carry out such a programme.

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 P M McDonald, Mr R M Udall, Ms P A Hill, Mr L C R Mallett, Mr A Fry and Ms P Agar.

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:

- Since 2010, the average pay for a local government worker had reduced between £2 - 5k in real terms. Public sector workers were underpaid and over-worked. A pay rise was necessary to reflect their true worth. There were no pay caps for chief officers and a great disparity in wages between them and the workforce. The pay cap was unsustainable and should be lifted. Low wages were a false economy given the cost of bringing in external sources of labour
- Local government workers had been the subject of a pay cap for 8-9 years. This contrasted with the recent decision taken by Council to increase Cabinet Members' allowances by over 10%
- A low pay economy was an unproductive economy. Voting against this motion suggested that the administration did not value its employees
- The issue was not about employees receiving a 5% pay increase but bringing an end to the pay cap to allow free collective bargaining.

Those against the motion made the following comments:

- There was a difficult balance to be struck between increasing salaries and the financial cost to taxpayers. If the cap was lifted in line with the union's request, where would the money be found to pay for it? A sizeable increase to wages would be unaffordable and could lead to job cuts and

1929 Notices of Motion - Notice of Motion 5 - Council-wide seminar / workshop to discuss upcoming issues (Agenda item 9)

reductions to services

- The Council had already made progress towards establishing the national living wage for its staff. The motion should be rejected on the basis that the LGA were doing a good job of negotiating a pay settlement on behalf of all councils as employers
- There was no doubt that local government pay had not kept up with inflation but the stated fall of 21% was inaccurate. However, proposals for a 5% increase were unaffordable for the Council without additional funding from the Government
- Amending the job evaluated pay structures would be a dangerous and expensive exercise
- The Council needed to know the national approach to public sector pay awards before committing to any pay deal locally
- It should be noted that Cabinet Members received an allowance and not pay so the comparison with employees was unfair. It should also be borne in mind that officers received other benefits such as pensions, sick leave, holidays and incremental pay increases. By contrast many private sector workers had not received pay increases for many years and did not receive the same benefits.

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 Prof J W Raine.

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

Those in favour of the motion made the following comments:

- The mover and seconder of the motion agreed that the motion should refer to a council-wide seminar rather than a countywide seminar and it was altered accordingly
- The Council had an opportunity to learn from the failures associated with children's safeguarding. On what basis was the Council confident that this was a one-off event? Members were largely kept in the dark about upcoming issues. A member workshop was requested to give members an

**1930 Report of
Cabinet Member
with
Responsibility
(Agenda item
10)**

opportunity to pool ideas and make recommendations through the democratic process

- The question needed to be asked as to why the difficulties in Children's Services were not anticipated. The aim of the motion was to establish how well members were informed of issues. Members received information on matters that were going well but not necessarily things that were not
- It was acknowledged that Children's Services would be scrutinised in response to the Ofsted Report but Children's Services were more than just about safeguarding. It seemed that members only became aware of issues when they became serious. This motion was intended to improve lines of communication so that members were alerted to potential issues before they became serious
- The Council also needed to be informed of the cost of any failings in service provision.

Those against the motion made the following comments:

- The motion should not be supported on the basis that it underplayed the successes of the Council and provided an unfocussed scatter-gun approach to scrutiny which undermined the role of the OSPB
- As a result of the Ofsted report, Children's Services would be the subject to significant scrutiny and should the reference to Children's Services be removed, it was possible that the motion could be supported.

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

The Cabinet Member with Responsibility for Communities presented her report which concerned a number of overarching issues:

- Libraries including the Hive
- The Hive
- Adult Learning
- Museums Worcestershire
- Arts Service
- Severn Arts
- Corporate Information Management Unit
- Registration and Coroner Services

- Countryside and Greenspace Service
- Road Safety
 - Bikeability
 - Road Safety Education and training
 - School Crossing Patrol Service
- Malvern Hills AONB Partnership
- Gypsy and Traveller Services
- Trading Standards and Animal Health (Regulatory Services)
- Worcestershire Archive and Archaeology Service (WAAS)
- Scientific Services
- Voluntary and Community Sector
- Partnership Working – Syrian Refugee Resettlement.

The Cabinet Member with Responsibility answered questions about her report which included:

- Proposals for the extension of the mobile library service to hard to reach urban areas
- Whether the decision to move Rubery Library into the local church would be reversed
- Whether the range of magazines accessed through a digital format would be expanded
- An assurance was requested regarding their safety at night of staff at the Hive following recent late night disturbances
- What action would be taken to promote physical activity?
- More specific information was requested about the high performing technology offer as part of the library service provision at the Hive
- Had the £1.3m European Social Fund been received or did it remain under threat as a result of the Brexit decision?
- What actions were proposed to ensure that social history was included in the museums service offer
- What support was the Museums Service providing to help the work being undertaken to improve the Elgar Birthplace Museum?
- What support was provided by the Museums service to smaller museums in the county?
- What support was provided by the Arts Service to alternative forms of popular art?
- What process had been followed for the recruitment of Trustees on the new limited company for Severn Arts?
- An assurance was requested that the new business arrangements for Severn Arts would

deliver the Council's responsibilities for the music service

- What other countryside sites were being considered for transfer to other agencies?
- What was the Council's position with regard to the proposal for a cable-car up to the Malvern Hills Beacon?
- Were there any plans to provide additional funding for the Bikeability training programme?
- What efforts were being made to fill the school crossing patrol vacancy at St Barnabus Primary School, Worcester?
- An assurance was requested that the Council was meeting its statutory responsibilities in relation to trading standards
- Was the Council an active member of the West Midlands Service for Travelling Children?
- Had the Romany Gypsies who owned land on Hartlebury Common been consulted regarding the status of Hartlebury Common
- Was the revenue budget for Trading Standards sufficient for it to carry out its statutory functions?
- What information could be provided on trends in non-compliance of trading standards regulations especially with the withdrawal of routine trading standards inspections?
- An assurance was sought that there were no further proposals to reduce the opening hours of the archive service
- Was the Council doing everything it could to alert members of the community about telephone and email banking scams?
- A request was made for a list of equipment and capabilities of the Scientific Services laboratory and whether it would expand in response to demand
- When would the next tranche of Syrian refugees be resettled in the county?
- An assurance was requested that the services within the remit of the Cabinet Member would be protected from further budgetary reductions.

Other actions were promised as follows:

- The spend on new books through the Book Fund last year
- The number of books borrowed last year
- The Provision of an example of the use of an imaginative venue for a civil ceremony
- An Investigation into the possibility of providing a

		<p>display in the Hive to reflect the role of those that fought in the Spanish Civil War</p> <ul style="list-style-type: none"> • Explain why the service was struggling with the statutory timeframe for death registration and how it was trying to improve • A number of schools were finding the road safety education and training too costly and were not providing the service. The Cabinet Member would provide details of the cost of road safety education and training • Whether the Council received progress reports on the education of travelling children • The Cabinet Member agreed to discuss with Cabinet Member for Highways whether a shuttle-bus service could be provided from the railway station to Hartlebury Museum for visitors • Whether exhibits from the "Voices and Visions" Art Exhibition could be put on display at County Hall, Worcester. <p>The Chairman thanked the Cabinet Member with Responsibility for her report.</p>
1931	Question Time (Agenda item 11)	<p>Twelve questions had been received by the Head of Legal and Democratic Services and had been circulated before the meeting.</p>
1932	Reports of Committees - Audit and Governance Committee (Agenda item 12 (a))	<p>The Council received the report of the Audit and Governance Committee containing a summary of the decisions taken.</p> <p>In the ensuing debate, concern was expressed that the report did not reflect the tone and nature of the debate at the Audit and Governance meeting in relation to the findings of the external auditor in respect of the Annual Statutory Financial Statements. In response Mr Middlebrough, on behalf of the Chairman commented that there had been a discussion about why the programme for finalising the Accounts was behind schedule but members received an assurance that the Accounts would be published in line with the statutory deadline. Details of the debate had been included in the published Minutes of the meeting.</p>
1933	Reports of Committee - Planning and Regulatory Committee	<p>The Council received the report of the Planning and Regulatory Committee containing a summary of the decisions taken.</p>

(Agenda item 12
(b)

The Council adjourned for lunch between 1.45pm and 2.25pm and ended at 3.00pm.

Chairman

COUNCIL 14 SEPTEMBER 2017 - AGENDA ITEM 11 – QUESTION TIME

Questions and written responses provided below.

QUESTION 1 – Mr P McDonald will ask Mr A Amos:

"Would the Cabinet Member for Highways please inform me of the number of street lighting engineers employed by the County."

Answer

The Street Lighting Service involves a combination of Worcestershire County Council employees and contractors. The County Council currently directly employs two Engineers plus associated business support. Engineering resource beyond this for both new designs and maintenance is secured via our existing term contracts.

Supplementary Question

In response to a supplementary question about the lack of street lighting engineers, the Cabinet Member for Highways indicated that he had not received any complaints about the street lighting service provision, only compliments. He was aware that there was an unresolved issue in the Rubery Division which was currently being investigated.

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

"Would the Cabinet Member for Transformation and Commissioning please inform me of the number of unpaid internships within the County Council"

Answer

Thank you Cllr McDonald for your question regarding the number of unpaid internships within the County Council and the answer to your question is none.

Supplementary Question

In response to a supplementary question, the Cabinet Member for Transformation and Commissioning undertook to respond in writing as to whether the Council employed any staff on zero hour contracts.

QUESTION 3 – Mr R C Lunn will ask Mr A Amos:

"Does the Cabinet Member agree with me, that legislation should be enacted to enable County Councils to fine Developers for unreasonable overrunning of Section 278 works which keeps roads closed unnecessarily? Does he also agree that this would have eased the inconvenience and annoyance felt by people in and around Church Road, Webheath, who have had to endure a road closure of over 5 months when they were promised 3? Does he agree that Developers have a responsibility and a duty to get roads open promptly and safely?"

Answer

S.48(3) New Roads and Street Works Act 1991 (NRSWA) excludes 'works for roads purposes' from the definition of street works subject to the NRSWA regime where we can impose fines. Developers act under our powers as the highway authority through a S278 agreement, hence there would need to be a change in legislation to enable us to fine developers. S.278 allows only for recovery of expenses incurred by the highway authority, so would not allow for punitive fines. Utility companies do face over run fines and this does act as incentive and so may have influenced speedier resolutions to the numerous issues that arose on this site and may have placated residents. The permit to work on the public highway imposes a duty on the developer's contractor to complete their works safely within a defined period.

Supplementary Question

In response to a supplementary question, the Cabinet Member for Highways acknowledged that the developers needed to improve their performance in relation to the adoption of roads and the Council would ensure that developers met their statutory duties.

QUESTION 4 – Mr R C Lunn will ask Mr A Amos:

"Does the Cabinet Member agree that if Developers keep roads closed longer than can be justified for Section 278 works, then members of the public who can prove they have been continually inconvenienced should be allowed to claim reasonable compensation from the responsible developer?"

Answer

There is a specific scheme for certain losses (e.g. property devaluation) caused by specified public works, but there is no general right to compensation where traffic flow is disrupted by authorised road works. This would require a change in legislation as Developer's works are currently carried out on our behalf and additionally would need to be considered carefully as we would not want to have to pay compensation for all our own works to maintain/improve the public highway.

QUESTION 5 – Mr P Middlebrough will ask Mr A Amos:

"Rat runs are infuriating to residents at the best of times, the volume of traffic, the speed and the noise cause anxiety and distress to residents. Imagine how much worse it is when a road signed as ACCESS ONLY becomes the rat run. The road through Ryall is one such rat run linking the A38 to the A4104. Every working day morning and evening, on days when there are events at the Three Counties Show Ground motorists ignore the signs and there is no attempt to prosecute those drivers. What steps can you take to eliminate this one mile rat run and bring some degree of tranquillity back to Ryall?"

Answer

A large majority of residences are on through roads which are open to all traffic. In a few instances, Access only Orders have been pursued that raise resident expectations that only those accessing that particular stretch of road will use the road. Unfortunately, with limited police resource, concentrated upon areas where safety issues are present, then significant enforcement is not possible leading to abuse of the Order. Fortunately, in this instance, there are no recent (3yr reporting period)recorded personal injury collisions along this road. In the past, other engineering measures have been considered in similar

situations, but there is no perfect solution as these can cause additional noise, pollution and limited accessibility and so are not supported by all residents, can cause increased congestion on other parts of the network and consequently there is currently no funding allocated for such measures.

QUESTION 6 – Mr R M Udall will ask Karen May:

"Will the Cabinet Member tell us what steps the County Council is taking on procurement to ensure that companies that have blacklisted workers do not get contracts?"

Answer

For all OJEU procurements the Council uses the standard Selection Questionnaire, which not only asks bidders to provide standard supplier information but also asks questions that may give grounds to exclusion from the tender process.

The relevant question that covers "blacklisting" is 3.1 in the standard Selection Questionnaire:

Please indicate if, within the past three years, anywhere in the world if the following situation has applied to you, your organisation or any other person who has powers of representation, decision or control in the organisation - breach of labour law obligations.

- If the response is yes, then the bidder must explain what measures have been taken to demonstrate how the breach has been corrected and how the lessons learnt have been embedded in the organisation.
- If this is inadequate, the Council can exclude the supplier from the tender process.

Supplementary Question

In response to a supplementary question, the Cabinet Member for Transformation and Commissioning emphasised that "blacklisting" was illegal and each individual procurement would be judged on its benefits.

QUESTION 7 – Mr R M Udall will ask Ken Pollock:

"Will the Cabinet Member confirm how Worcestershire produce is promoted by the County Council?"

Answer

The horticulture sector contributes some £2.6 billion annually to the UK economy. There are almost 2,000 agriculture, horticulture and food and drink manufacturing businesses in Worcestershire. This sector is profiled through our World Class Worcestershire website and social media campaigns including the promotion of local food festivals and local produce including Wychbold Fudge and Worcestershire Sauce.

With Worcestershire having a wealth of world class produce we provide support in a number of ways

- **Find it in Worcestershire** has an annual Food and Drink Forum, bringing together local producers and buyers we have over the past 2 years had more than 250 attendees and buyers from Aldi, Marks and Spencer, Blakemore Fine foods,

Spar, Howgarth Manor, Webbs Garden Centre and Gloucester Services, Valentine Foods.

- **Supporting partners and district councils** in the promotion of key festivals promoting Worcestershire produce including
 - Pershore Plum Festival
 - Tenbury AppleFest
 - Evesham Asparagus
 - Worcester Foodie Festival
 - Droitwich Salt Festival
- Wychavon DC, WLEP and WCC have worked together to ensure the Vale of Evesham is recognised as one of the UK's leading horticultural areas and is home to the only **Food Enterprise Zone** in the West Midlands.
- **Invest in Worcestershire (liW)** is the inward investment service, with a strategic aim to secure significant levels of new investment and employment for the County. This is achieved through the global business marketing of Worcestershire, targeting key markets and sectors, and the provision of an extensive, free and confidential package of advice and assistance for location consultants and potential investors.
- **World Class Worcestershire** – Worcestershire County Council is one of the main supporters of World Class Worcestershire which is a campaign that showcases the very best of the county. Local companies who thrive by using local produce and local crafts people are publicised. A recent example of a local company celebrated by World Class Worcestershire is Wychbold Fudge, a family business based in Wychavon
- Recently Worcestershire County Council worked on a ITV again profiling Worcestershire as an area of significant economic growth, this programme profiled Worcestershire's The Friday Beer company
- **LEADER Programme:**
The LEADER programme supports the growth of the rural communities by supporting local people and businesses to remove barriers to growth. The programme in the past 12 months has supported 14 of the 27 business we have contracted with so far are farmers/growers or food suppliers and the grant amount awarded totals £298k. Some of the items we have funded include; precision drills, GPS Systems, Bottling/Juicing Equipment, Apple Graders, Cold Store room for fresh herbs and a Hop Kiln.

All these items enable the businesses to become more efficient in terms of their yield, time saving and ultimately keep up with the innovative farming techniques.

Supplementary Question

In response to a supplementary question, the Cabinet Member for Economy and Infrastructure was happy to support the suggestion for an ice cream festival in August to support the local dairy industry and tourism.

QUESTION 8 – Mrs F M Oborski will ask Alan Amos:

"In view of the fact that barely a day goes by without a Diamond bus on a service in Wyre Forest either breaks down on its service route or fails to leave the garage because it is unserviceable; could the Cabinet Member please tell me what if any progress he has made in discussions with the management of DiamondBus?!"

Answer

Officers have met with the Management Team of Diamond Buses to discuss performance issues within the Wyre Forest, they have assured us that they have made procedural and personnel changes that will start to improve the services in the area. Additionally we have mutually agreed a two month period of monitoring services in the Wyre Forest area that are operated under contract to WCC. Officers are meeting with them monthly to discuss the results of this exercise and at the end of the two month period a review of the results will be presented to the CMR. Any decision on the future of tendered service provision will be informed by the outcome of the agreed monitoring.

Supplementary Question

In response to a supplementary question and subject to Mrs Oborski forwarding the details to him, the Cabinet Member for Highways undertook to look into the details of the incident where the driver of the 192 Diamond Bus in Kidderminster did not know the route or stopping points. In future, he would act as the conduit for complaints made about Diamond Buses.

QUESTION 9 – Mrs F M Oborski will ask Alan Amos:

"It would appear that Highways Maintenance decisions are being made on roads where traffic management schemes have previously been installed by the Accident Studies Team without any reference back to that Team. This has resulted in previously installed road safety schemes being effectively negated. Could the Cabinet Member please inform me what steps are going to be taken to ensure that "joined up working" takes place and long fought for schemes are not destroyed?"

Answer

Discussions take place between the teams where Highway maintenance works are required, in the vicinity of an existing or proposed safety scheme, due to deterioration of the highway. There are occasions where slight changes are made to existing layouts due to the use of more suitable or robust materials where they will not impact the integrity of an existing scheme.

Supplementary Question

In response to a supplementary question, the Cabinet Member for Highways undertook to respond in writing to set out the additional costs borne by the Council in re-installing traffic management schemes following highways maintenance work.

QUESTION 10 – Mr A Roberts will ask Alan Amos:

"You will be aware that the safe route to school to Nunnery High and Primary Schools is incomplete. A controlled crossing at a point near the Hospital roundabout on the B4636 was to have been provided as a condition of the adjacent field being developed. However, the City's Planning Authority has been unable to grant permission for development so the crossing hasn't been provided.

I welcome that the County is now to take the initiative and provide the crossing but my concern is for the interim period.

Could I ask that a professional view is taken of what interim measures might be introduced as quickly as possible to safeguard children using this route. Could serious consideration also be given to extending the 30 MPH limit to the Nunnery/Grange Way roundabout, which I believe would reduce the speed of vehicles approaching the crossing point?"

Answer

We will seek to pursue the extension of the 30 mph between the Woodgreen Drive / Newtown Road / Charles Hastings Way roundabout closer towards the A4440 / B4636 / Newtown Road roundabout over the coming months. With favourable consultation the 30mph should be in place by February 2018. Unfortunately we are not able to extend the 30mph all the way between the two roundabouts as this would not meet Department for Transport criteria due to the lack of frontage development, however we would be able pursue a 'buffer' limit of 40 or 50 mph between the extended 30 mph and the A4440 roundabout which would be dealt with separately to the extension.

QUESTION 11 – Mr A Roberts will ask Alan Amos:

"You will be aware of the frustration and inconvenience caused by nuisance parking by commuters in the Harley area of Warndon Parish. I have been assured that a survey of parked vehicles and drivers will be carried out to establish their final destination and why they don't park closer to where they want to go.

This information is essential before any further work is done. Could I be told when the survey will be carried out?"

Answer

We know from residents' concerns that the majority of vehicles parked are not owned by residents and that the drivers' destinations are the hospital and associated commercial development at King's Court. The Highway Authority has no control over parking at these destinations but I understand the hospital is actively pursuing provision of more parking. Consequently, we revisited the need for a survey as it would not add to solving the problem. It would need a large number of surveyors in a number of roads when people would be under no obligation to answer or give accurate information.

Consequently, I can assure Cllr Roberts that I will work very closely with him to persuade the hospital to provide additional parking. In addition, to work with the local community to remove any parking that causes safety or accessibility problems by extending existing lines and signs to provide further restrictions on key junctions and accesses. This approach, I am sure, will reassure residents by avoiding a total parking ban with the significant parking displacement into adjacent roads that a permit parking solution would cause.

So I hope Cllr Roberts would agree that this approach is the best first step forward to solving this problem, whilst admittedly not removing all the parking in the immediate future.

Supplementary Question

In response to a supplementary question, the Cabinet Member for Highways undertook to review the decision not to carry out a survey of parked vehicles in the Harley area of Warndon Parish.

QUESTION 12 – Mr P Denham will ask Andy Roberts:

"Can the Cabinet Member for Children and Families please tell me whether he has had the opportunity, since Council last met, to visit The Riversides School, Spring Gardens, Worcester to assess whether Looked After Children attending these premises are suitably accommodated according to their special needs?"

Answer

On 31 July the Executive Head, Director of Children Services, Virtual School Head and Andy Roberts (Cabinet Member for Children Families & Communities) met together to discuss the concerns raised by the school. It was established during the meeting that the concerns weren't specific to the needs of the Looked After Children but the building conditions. The Head of School clearly stated that they were satisfied with the progress of our five Looked After Children and the recent Ofsted Report and the quality of the PEPs reflect this.

The Virtual School Head is therefore satisfied that the Looked After Children are having all of their educational needs met. If any concerns arise on individual Looked After Children this will be highlighted through the PEP (Personal Education Plan) and EHCP (Education Health Care Plan) process and escalated accordingly.

Supplementary Question

In response to a supplementary question, the CMR for Children and Families commented that the Head Teacher's concerns related to the unsuitable nature of the building, not the performance of Looked After Children. The professional view of Ofsted was that the school was good and officers believed the school was satisfactory. He had asked the Director of Children, Families and Communities to advise the Head teacher as to the best way forward to meet his requirements. As requested, he had visited the school as soon as possible which unfortunately meant that the visit had had to take place outside school term time.

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