

**Council****Thursday, 18 January 2018, County Hall, Worcester - 10.00 am****Present:****Minutes**

Mrs A T Hingley (Chairman), 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 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 S E Geraghty, Mr P Grove, Mr I D Hardiman, Mr A I Hardman, Mr P B Harrison, Mr M J Hart, Mrs L C Hodgson, Dr A J Hopkins, Dr C Hotham, 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, Ms T L Onslow, Dr K A Pollock, Mrs J A Potter, Prof J W Raine, Mrs M A Rayner, Mr A C Roberts, Mr C Rogers, Mr J H Smith, Mr A Stafford, Ms C M Stalker, Mr C B Taylor, Mr R P Tomlinson, Mrs E B Tucker, Mr P A Tuthill, Mr R M Udall, Ms R Vale, Ms S A Webb and Mr T A L Wells

**Available papers**

The members had before them:

- A. The Agenda papers (previously circulated);
- B. 9 questions submitted to the Head of Legal and Democratic Services (previously circulated); and
- C. The Minutes of the meetings held on 9 November 2017 and 7 December 2017 (previously circulated).

**1960 Apologies and Declaration of Interests (Agenda item 1)**

Apologies were received from Mrs J A Brunner, Mr A Fry, Ms P A Hill, Mr M E Jenkins and Mr A D Kent.

Dr C Hotham declared an interest in Agenda item 7 as his wife had a private GP practice.

**1961 Public Participation (Agenda item 2)**

None.

**1962 Minutes**

**RESOLVED** that the Minutes of the meetings held

(Agenda item 3)

on 9 November 2017 and 7 December 2017 be confirmed as a correct record and signed by the Chairman.

**1963 Chairman's Announcements (Agenda item 4)**

The Chairman referred Members to the printed announcements.

A Minute's silence was held in memory of former councillors Mr John Holden and Sir John Cotterell.

**1964 Reports by Cabinet - Matters which require a decision by Council - Churchfields Urban Village Highway Infrastructure Project (Agenda item 5(a))**

The Council considered the addition of Churchfields Urban Village Highway Infrastructure Project to the capital programme.

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

- The Leader welcomed the addition of £5.7m to the capital programme for this important scheme to open up new areas for housing regeneration. The project was led by both LEPs in partnership with Wyre Forest District Council. This Council's role was to help facilitate the delivery of the project. There was no cost to the Council as the funding balance was being sought via a number of different external funding routes. The project would also help tackle air quality issues in the local area
- A local councillor welcomed the project because it would help tackle the very serious air quality issues in the Blackwell Street area of Kidderminster and was located on a brownfield site. It was imperative that all brownfield sites were prioritised for housing development in the wyre forest area
- A local councillor commented that the project was a good example of two-tier local government cooperation and partnership working. It released a former brownfield site for vital housing development and improved traffic flows and air quality in the area.

**RESOLVED** that £5.7 million be added to the Capital Programme with £1.3 million being provisionally secured through Worcestershire Local Enterprise Partnership (LEP) and developer contribution, with the balance to be secured by Wyre Forest District Council through additional Greater Birmingham and Solihull LEP funding and/or Housing Infrastructure funding, for the purpose of completing the Churchfields scheme.

**1965 Reports of Cabinet - Summary of decisions taken (Agenda item 5 (b))**

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

- 2018-19 Draft Budget and Council Tax
- Future provision of Overnight Unit-Based Short Breaks for Children with Disabilities
- Fair funding consultation outcomes for 2018-19 and 2019-20 – National and local changes to the funding arrangements for schools
- Children's Social Care Services Alternative Delivery Model – Options appraisal and model recommendation
- Transport Hierachy – Notice of Motion from Council 9 November 2017
- Balanced Scorecard performance and corporate risk update.

**1966 Notices of Motion - Notice of Motion 1 - Transition support for young people leaving care in Worcestershire (Agenda item 6)**

The Council had before it a Notice of Motion as set out in the agenda papers standing in the names of Mr T Baker-Price, Ms S A Webb, Mr A Stafford, and Mrs J A Potter.

The motion was moved by Mr T Baker-Price and seconded by Mrs J A Potter who both spoke in favour of it.

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

In the ensuing debate the following comments were made:

- The Council Tax system locked too many care leavers into a cycle of debt and poverty. With two simple reforms, care leavers could be adequately supported to enable a successful transition into an independent life. Firstly, by exempting care leavers from Council Tax until they were 21 years old. Secondly, by adopting a transitional discount scheme from their 21st birthday to help further their independence and allow care leavers to develop at their own pace. The cost to the Council would be between £17-21k per annum which would likely be offset by savings in crisis intervention
- It was important to give children their best start in life. It was particularly difficult for care leavers faced with debt and financial difficulties. Any help that could ease that transition to adulthood should be supported
- The Council's corporate parenting duty did not end at 18 years of age. The motion enhanced the

prospects of care leavers and fulfilled the Council's duty of care for their welfare

- The Chairman of the OSPB supported the motion because it would give care leavers the best start in life. However he was concerned that the Leader had raised the issue off the record with district council colleagues prior to full consideration by Council. He would ensure that the issue of out of county support for care leavers would be raised as part of the scrutiny process. In response, the Leader commented that he had raised the matter with district council leaders as a matter of courtesy only after the Council agenda papers had been published.

The following amendment was moved by Mr P M McDonald and Mr R M Udall:

*"Addition to point 1:*

*... and invites those Councils to take part in a joint scrutiny exercise to ensure a Worcestershire wide scheme is agreed.*

*Inserts point 3:*

- 3. That the Council asks the Overview and Scrutiny Board to investigate ways to ensure care leavers who remain the responsibility of Worcestershire County Council who leave Worcestershire still receive financial help."*

Those in favour of the amendment made the following comments:

- The sentiment of the motion was supported but an amendment was proposed to ensure that the district councils and other councils were integrated into the process. It was hoped that the mover and seconder of the motion would support this amendment due to its non-political nature
- The Children and Social Work Act 2017 placed a duty on district councils to support care leavers. Unfortunately it did not include any details of how this should be achieved. There was at least one district council in the county who had not adopted this motion therefore the amendment was necessary
- The Council had a legal duty for certain care leavers when they moved out of county up to the age of 25. The aim of the amendment was to

ensure that the funding followed those care leavers and provided equity in provision for care leavers through partnership working with other councils

- The amendment was intended to enhance the original motion. It was aimed at embarrassing those district councils who had not adopted the motion.

Those against the amendment made the following comments:

- The mover of the motion rejected the amendment on the grounds that Wychavon and Wyre Forest District Councils were already leading the way in supporting care leavers. The OSPB exercise would be too little too late and would delay support for care leavers
- The Cabinet Member for Children and Families commented that this was an issue that had been raised by representatives of care leavers themselves and underlined the Council's commitment as corporate parents. However the proposed amendment could be seen by care leavers as an unnecessary delay
- The Leader commented that he had already and would continue to discuss the motion with district council leaders. There were understandable concerns about the financial implications, but these were minimal. OSPB could look at the matter at any time, it did not require a mandate from Council and it was unnecessary to delay matters by formally requesting their input.

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

On being put to the vote the original motion was unanimously agreed.

**Council RESOLVED "This Council recognises the challenges young people face transitioning out of the care system into adulthood. Research from The Centre for Social Justice found that 57% of young people leaving care have difficulty managing their money and avoiding debt when leaving care.**

**This Council aspires to champion the children and young people in its care, enabling them to have the best possible outcomes. To improve outcomes for Care leavers this Council believes the cliff edge of the current council tax system needs to be reformed**

**1967 Notices of Motion - Notice of Motion 2 - Availability of sanitary products (Agenda item 6)**

to help Worcestershire's young people transition into an independent and successful adult life.

**This Council believes care leavers are a particularly vulnerable group for council tax debt.**

**The Children and Social Work Act 2017 places corporate parenting responsibilities on district councils for the first time, requiring them to have regard to children in care and care leavers when carrying out their functions.**

**This Council resolves to underline its commitment to corporate parenting and improving outcomes and requests Worcestershire's six council tax billing authorities to support the transition of care leavers who become council tax payers by:**

- 1. Reducing their net liability for council tax under the national scheme and after council tax support to zero, until the care leaver's 21st birthday.**
- 2. Introducing a transitional discretionary discount scheme to enable a reduction of liability for council tax up to and including zero from their 21st birthday until the care leaver's 25th birthday."**

The Council had before it a Notice of Motion as set out in the agenda papers standing in the names of Ms C M Stalker, Mr R M Udall, Mr C J Bloore, Mr P M McDonald, Mr R C Lunn, Mr P Denham and Mr L C R Mallett.

The motion was moved by Ms C M Stalker and seconded by Mr R M Udall who both spoke in favour of it.

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

Those in favour of the motion made the following comments:

- Period poverty arose where girls and woman were unable to afford sanitary products. In certain circumstances, this resulted in children missing out on their education for up to a week at a time throughout their school life. Women and girls had no choice in this matter and sanitary products were relatively expensive especially with 5% VAT. The motion particularly aimed at young girls who relied on parents/guardians for support that was

not always forthcoming. It was proposed to make free sanitary products available in all schools to all girls to avoid accusations of social division.

- Sanitary products were an unattainable luxury for some families. It was noticeable that some third world countries had recognised period poverty and were addressing it. Silence was preventing progress in this county with the stigma and shame leading young girls to improvise. Universal benefits would eliminate this stigma
- This was a taboo subject and therefore it was highly unlikely that councillors would be lobbied on the matter. The motion merely asked the Cabinet Member to undertake the necessary research and investigate ways to address period poverty and report back which would seem reasonable in the circumstances
- It was recognised that the matter was a national issue but there was no reason why this Council could not take a lead in addressing it
- This Council could have a role in bulk purchasing sanitary products and selling them on
- Although no evidence had been found, it did not mean there was not a problem. The Council would never be able to understand whether there was an issue locally unless the necessary research was undertaken. This motion did not commit the Council to additional spend
- The Council should not cause unnecessary delay by waiting for the issue to be addressed on a national level.

Those against the motion made the following comments:

- Tampons were a taboo subject but it was not a matter on which councillors had been lobbied. There was very little data and much of it was anecdotal which perhaps reinforced this taboo. It did not mean there was not a problem. The Government had a role in addressing the unnecessary VAT on sanitary products. The difficulty with the motion was that it addressed the matter at a local and not national level. There was a danger that action taken at a local level could undermine a national response. In addition, the scope of the motion was too restrictive
- Governors could take a vital role in establishing how their schools were addressing the issue of period poverty. The data from such an exercise could then be fed back to the Cabinet Member for Education and Skills

- The Cabinet Member for Education and Skills commented that he would commit to discuss this matter with representatives of school governing bodies and parents. However he had no experience of this matter being raised with him in his capacity as a governor and there was no evidence/data to support the theory that a lack or the cost of sanitary products was impacting on education of girls therefore the motion was unnecessary.

**On a named vote the motion was lost.**

**Those voting in favour were:**

**Ms P Agar, Mr C J Bloore, Mr P Denham, Dr C Hotham, Mr R C Lunn, Mr P M McDonald, Mr L C R Mallett, Mrs F M Oborski, Prof J W Raine, Mrs M A Rayner, Ms C M Stalker, Mrs E B Tucker, Mr R M Udall, Mr T A L Wells (14)**

**Those voting against were:**

**Mrs A T Hingley, Mr A A J Adams, Mr R C Adams, Mr A T Amos, Mr T 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 D Hardiman, Mr A I Hardman, Mr P B Harrison, Mr M J Hart, Mrs L C Hodgson, Dr A J Hopkins, 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, Ms T L Onslow, Dr K A Pollock, Mrs J A Potter, Mr A C Roberts, Mr C Rogers, Mr J H Smith, Mr A Stafford, Mr C B Taylor, Mr P A Tuthill, Ms R Vale, Ms S A Webb. (37)**

**Those abstaining were:**

**Mr R P Tomlinson (1)**

**1968 Notices of Motion - Notice of Motion 3 - Liberata contract (Agenda item 6)**

The Council had before it a Notice of Motion as set out in the agenda papers standing in the names of Mr P M McDonald, Mr R C Lunn, Mr P Denham, Mr L C R Mallett, and Ms C M Stalker.

The motion was moved by Mr P M McDonald and seconded by Mr L C R Mallett who both spoke in favour of it.

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



Those in favour of the motion made the following comments:

- Members of the Audit and Governance Committee had expressed concern at their recent meeting about the prioritisation of problems experienced by Liberata over the auditing of the accounts. Officer time had been transferred to address the problems experienced by a private company and as a result had exposed the Council to reputational damage. Access to information about the cost of propping up Liberata had been denied on the basis of the confidentiality of the contract. There was a lack of accountability and transparency particularly of ownership and corporate governance of private providers in general. In addition there was poor monitoring, undisclosed procurement costs and a lack of scrutiny. It was therefore necessary to ensure that there had been no unauthorised expenditure to prop up a failing private sector company
- The motion was not concerned with the system itself or the TUPE arrangements but rather the impact of the transfer of experienced staff from the audit of accounts process. As a result, the Council missed its statutory deadline for the publication of the accounts. The Council should not have entered into a contract with a contractor that was not fit for purpose
- There were three crucial areas to consider when commissioning out services: 1) a guiding principle should be the cheapest was not necessarily the best; 2) an awareness of the financial strength of the company; and 3) an understanding of whether the Council was looking for a company to facilitate the contract or a company to provide a service
- The Council had signed up to the cheapest contract at a cost in terms of officer time and damage to the Council's good reputation. The Council had commissioned out the service despite its own officers doing a fantastic job. For transparency purposes, the matter should be referred to the OSPB.

Those against the motion made the following comments:

- The Cabinet Member for Transformation and Commissioning acknowledged that there had been issues with implementation of the Mercury payroll/HR system. However an independent review by SOCITM had been carried out and

**1969 Notices of Motion - Notices of Motion 4 - Worcestershire Primary Schools - Key Stage 2 performance levels (Agenda item 6)**

lessons learnt. A hundred day plan had been devised and shared with all schools and councillors. No payments had been made to Liberata outside the terms of the contract. Any issues with suppliers had been identified and addressed and any evidenced losses would be paid. The contract was being actively managed and monitored to ensure best value for money. Staff had been transferred in accordance with TUPE regulations. There was therefore no need for this motion.

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

The Council had before it a Notice of Motion as set out in the agenda papers 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 F M Oborski and seconded by Mrs E B Tucker who both spoke in favour of it.

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

Those in favour of the motion made the following comments:

- The majority of the pupils in the county attended schools rated as good by Ofsted. However the key performance indicators for Key Stage 2 children in the county were below the national average. Too many children were being failed by the system and not fulfilling their potential because they were entering secondary school at a disadvantage and having to catch up. There was a disparity in performance between different parts of the county. The motion called upon the Cabinet Member to bring a report to Council to explain how this would be resolved and requested a scrutiny exercise to hold Babcock Prime to account for their performance
- The underachievement at primary school level at age 11 meant that secondary schools had more to do to raise standards to the appropriate level. These results could be more impressive if children started secondary school with a higher attainment level. The county had poor levels of social mobility and numbers of free school meals. This motion was concerned with giving young people the tools to do better in life.

**1970 Report of  
Cabinet Member  
with  
Responsibility  
(Agenda item 7)**

Those against the motion made the following comments:

- The Cabinet Member for Education and Skills commented that the proposer and seconder of the motion had painted a bleak picture of the performance of schools in the county but had failed to highlight the many schools performing above the national average as well as the 94% of pupils in receipt of their first choice of secondary school. He acknowledged that Key Stage 2 performance was not good enough but there was an action plan and strategy in place (which he would make available to all councillors) and he would hold Babcock Prime to account to ensure that their contractual obligations were met. A report limited to a specific key stage was unnecessary given the existing overarching strategy. OSPB was in a position to request a scrutiny at any time and did not need a mandate from Council.

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

The Cabinet Member with Responsibility for Health and Well-being presented his report which concerned a number of overarching issues:

- Health and Well-being Board
- Health Protection
- Community Safety
- Prevention
- Working with the NHS.

The Cabinet Member answered questions about his report which included:

- the amalgamation of health and social care into one Secretary of State position
- problems associated with the cancellation of operations
- breast-feeding initiation and school readiness among children who qualify for free school meals
- the Step-down unit in London Road, Worcester
- supported accommodation provision for young adults on the autism spectrum
- progress made by the Chief Executive and the Acute Hospitals Trust in relation to improvement plans for the NHS
- the area with the lowest take up of the

- immunisation and screening programme?
- Anti-social use of motor vehicles and road safety and role of the Police and Crime Commissioner
- the role of the Police and Crime Commissioner in relation to Community Safety
- the closure of the NHS dentists in St John's, Worcester
- The extension of the 'Time for you' programme to community centres in low income areas
- Access to each of the different prevention services and the reasons individuals had accessed these services
- funding levels for the drugs and alcohol service
- access to late night pharmacies
- the weighing and measuring service for pupils.

The Chairman thanked the Cabinet Member for his report.

**1971 Annual report of the Chairman of the Overview and Scrutiny Performance Board (Agenda item 8)**

The Chairman of the Overview and Scrutiny Performance Board introduced the report. He thanked the Vice-Chairman of the Board, the Chairmen of the scrutiny panels, members of the Cabinet, officers and all other participants for their contribution to the scrutiny process over the past year.

The Chairman answered questions on the report.

The Cabinet Member with Responsibility for Adult Social Care expressed his view that it was desirable to strengthen procedures to ensure proper reasons were given to trigger a call-in.

The report was noted.

**1972 Question Time (Agenda item 9)**

Nine questions had been received by the Head of Legal and Democratic Services and had been circulated in advance of the meeting. The answers are attached in the Appendix.

**1973 Reports of Committees - Audit and Governance Committee (Agenda item 10 (a))**

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

The Committee Chairman thanked the interim Chief Financial Officer for her full and frank assessment of the problems which had arisen in relation to the final accounts. The Council was not 'out of the woods' yet but this had been a helpful start.

**1974 Reports of Committees - Pensions Committee (Agenda item 10 (b))**

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

**1975 Reports of Committees - Planning and Regulatory Committee (Agenda item 10 (c))**

The Committee received the report of the Planning and Regulatory Committee containing a summary of the decisions taken.

The Committee Chairman encouraged local members and the public to participate at meetings.

The meeting was adjourned from 12.55pm to 1.45pm and ended at 2.45pm Time Not Specified

Chairman .....