

Council**Thursday, 7 November 2019, County Hall, Worcester - 10.00 am****Present:****Minutes**

Mr R P Tomlinson (Chairman), Mr R C Adams, Ms P Agar, Mr A T Amos, Mr T Baker-Price, Mr R M Bennett, 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 I D Hardiman, Mr A I Hardman, Mr P B Harrison, Mr M J Hart, Ms P A Hill, Mrs A T Hingley, Mrs L C Hodgson, Dr A J Hopkins, Dr C Hotham, Mr M E Jenkins, Mr A D Kent, Mr R C Lunn, Mr P M McDonald, Mr S J Mackay, Mr L C R Mallett, Ms K J May, Mr P Middlebrough, Mr A P Miller, Mr R J Morris, 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, Mr C B Taylor, Mrs E B Tucker, Mr P A Tuthill, Mr R M Udall, Mrs 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. 4 questions submitted to the Head of Legal and Democratic Services (previously circulated); and
- C. The Minutes of the meeting held on 12 September (previously circulated).

2140 Apologies and Declaration of Interests (Agenda item 1)

Apologies for absence were received from Mr A A J Adams, Mr R W Banks, Mr P Grove, Mr J A D O'Donnell, and Ms C M Stalker.

Mr P Middlebrough declared interests in Agenda items 7(a) and 10(b) as a Member of the Worcestershire Pension Fund.

Mrs F M Oborski declared an interest in Agenda item 5 as a Member of Hereford and Worcester Fire and Rescue Authority.

Mrs T L Onslow declared an interest in Agenda item 5 as the Deputy Police and Crime Commissioner.

2141 Public Participation (Agenda item 2)

Mr R M Udall declared an interest in Agenda item 5 as a Member of Hereford and Worcester Fire and Rescue Authority.

Ms M Allcott presented a petition to stop First Bus cancelling the Claines 37 bus service in Worcester.

Mrs F M Oborski presented a petition regarding parking issues in Linden Avenue Kidderminster.

The Chairman thanked Ms Allcott and Mrs Oborski for their petitions and said they would receive a written response from the relevant Cabinet Member.

2142 Minutes (Agenda item 3)

RESOLVED that the Minutes of the meeting held on 12 September 2019 be confirmed as a correct record and signed by the Chairman.

2143 Chairman's Announcements (Agenda item 4)

A Minute's silence was held in memory of former county councillors Mr Peter Fallows and Mrs Jennette Davy.

2144 Fire and Rescue Authority (Agenda item 5)

The Chairman welcomed Mr Nathan Travis, the Chief Fire Officer, to the meeting. The Vice-Chairman of the Hereford and Worcester Fire and Rescue Authority, Mr P Tuthill, presented his report to the Council and he and Mr Travis answered questions asked by members of the Council.

2145 Reports of Cabinet - Matters which require a decision - Capital Programme Update (Agenda item 6)

The Council considered the updated Capital Programme. The details were set out in the report.

In the ensuing debate, the following points were raised:

- The Leader of the Council introduced the report and commented that the purpose of this update was to ensure that the capital programme reflected the latest state of play. The Council continued to deploy a significant amount of resources to improve assets across the county, including £172m in this financial year, to improve the Council's performance. In particular, he highlighted the Pershore Infrastructure Improvements which were progressing and included £5m of the Council's own resources
- The Leader of the Council undertook to provide a written response to a councillor to explain the proposed spending under the capital programme heading: Local Transport Plan: Integrated

2146 Reports of Cabinet - Summary of decisions taken (Agenda item 6)

Transport

- Concern was expressed about the absence of the proposed Western Relief Road for Bromsgrove in the capital programme. The Leader of the Council re-emphasised that there were no policy changes resulting from this capital programme update
- The inclusion of precise figures in the capital programme for the proposed changes to the A38/A4104 junction at Upton-upon-Severn was welcomed.

RESOLVED: that the updated Capital Programme shown in the Appendix to the report be approved.

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

- Development of Worcestershire Children First
- Future Provision of Overnight Unit-based Short Breaks for Children with Disabilities
- Worcestershire Education and Skills Strategy 2019-2014
- Children's Social Care – Ofsted Inspection update and priorities for further improvement
- Resources Report – Revenue and Capital Budget Monitoring – Month 4 (31 July) 2019/20
- Scrutiny Report: The Relationship between the Family Front Door and Schools
- Use of Children's Centre Buildings – Transfer of the Centre at Abbey Park First and Middle Schools, Pershore.

2147 Constitutional Reports (Agenda item 7)

(a) Pension Board Governance Arrangements

The Council considered the revised Terms of Reference of the Pension Board. The details were set out in the report.

The recommendation in paragraph 1 on page 13 was moved by Mr P Middlebrough and seconded by Mr R C Lunn.

In the ensuing debate, it was requested that as the Chairman of the Board would not have a casting vote, the Board give future consideration to the Chairmanship being alternated on a two year basis between representatives of the employer and member sides.

RESOLVED that the revised Terms of Reference of the Pension Board set out at Appendix 1 of the report

be approved.

(b) Health and Well-being Board Governance Arrangements

The Council considered the updated terms of reference for the Health and Well-being Board. The details were set out in the report.

The recommendation in paragraph 12 on page 15 was moved by Mr J H Smith and seconded by Mr A C Roberts.

RESOLVED that the updated terms of reference for the Health and Well-being Board as set out as Appendix 2 of the report be approved.

(c) Local Government Ethical Standards – Updated Pan-Worcestershire Code of Conduct for Members

The Council considered the updated Pan-Worcestershire Code of Conduct for Members. The details were set out in the report.

The recommendation in paragraph 25 on page 17 was moved by Mr S J Mackay and seconded by Ms P A Hill.

In the ensuing debate, in response to a query, the Chairman of the Standards and Ethics Committee confirmed that the statutory sanctions outlined in the Nolan Report had yet to be considered by parliament.

RESOLVED that the draft Code of Conduct set out at Appendix 3 of the report be adopted.

(d) Constitutional Matter – Appointment of the Chairman of the Overview and Scrutiny Performance Board

The Council considered the appointment of the Chairman of the Overview and Scrutiny Performance Board.

The Leader of the Labour Group proposed Mr R M Udall as his Group's nomination as Chairman of the Overview and Scrutiny Performance Board. Mr L C R Mallett seconded the nomination. No other nominations were received.

2148 Notices of Motion - Notice of Motion 1 - Support for Entrepreneurs and Innovators in Worcestershire (Agenda item 8)

RESOLVED that Mr R M Udall be appointed Chairman of the Overview and Scrutiny Performance Board.

The Council had before it a Notice of Motion set out in the agenda papers standing in the names of Mr G R Brookes, Mr R J Morris, Mr M J Hart, Dr K A Pollock and Ms R Vale.

The motion was moved by Mr G R Brookes and seconded by Mr R J Morris who both spoke in favour of it, and Council agreed to deal with it on the day.

In the ensuing debate, the following points were made:

- Entrepreneurs took risks not only to benefit themselves but also to benefit the local community with the creation jobs and payment of taxes. Supporting the work of entrepreneurs also contributed to the Council's corporate objectives including supporting Children and Young People, improving health and well-being and protecting the environment
- The Council's work with partners, including the Local Enterprise Partnership, could provide vital support to entrepreneurs and contribute to the county having one of the strongest economies in the country.

The following amendment was then moved by Mr L C R Mallett and seconded by Mr R C Lunn:

"Whether in the emergence of new technologies, the fresh availability of natural resources or of changes in society, change provides a catalyst for new ideas to emerge. Properly acted on and developed, new ideas can generate new businesses providing employment, generating income for this Council to support our infrastructure, and provide happier and more fulfilled lives for many of our residents.

As an example, after a gap of one hundred years, the recent availability of Droitwich Brine, a natural resource laid down over 200 million years ago, and the strongest natural saltwater known, has prompted the emergence of new businesses and products across the region, resulting in increased employment. Further individuals and groups are presently coming forward, seeing opportunities to develop tourism in Worcestershire by developing the "Stay-cation" industry as concerns rise at the cost in climate terms of extensive air travel.

History shows us that much of the wealth Britain has enjoyed has been generated as a result of lateral thinking by individuals and small companies. Successful small companies can grow to service world markets, not only generating wealth to support our vital services such as the NHS, but also in many cases improving the lives of people far removed from our county.

This Council calls on all its members to take a positive approach whenever and wherever possible and appropriate to support and encourage Entrepreneurs and Innovators in Worcestershire to develop new businesses, including all forms of co-operatives and social and community enterprises, to develop new products and services to enhance our economy, furthermore we encourage all Worcestershire employers to pay the Living Wage, so their employees can share in their success."

Those in favour of the amendment made the following comments:

- The amendment aimed to strengthen the original Motion by including reference to the full breadth of entrepreneurship in the county. It would not only capture the development of new products and services but also different types of businesses including co-operative, social and community enterprises. It would encourage businesses to pay staff the living wage and ensure that workers received a fair wage for a fair day's work
- The amendment merely encouraged employers to pay the living wage
- There were businesses in the county that were paying their staff so little that they were reliant on benefits. Companies of this nature should not be considered viable
- It was necessary for the state to intervene when employees were not receiving the living wage
- The proposed changes in the amendment would promote the development of a mixed economy for the county to enable it to prosper and ensure that wages were not lower than neighbouring counties.

Those against the amendment made the following comments:

- It was not for this Council to instruct or suggest to employers what they should pay to their employees
- The original motion was concerned with the

simple notion of supporting local entrepreneurs and this amendment unnecessarily complicated matters.

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

In debating the substantive motion as originally moved and seconded the following main points were made:

- It was important that the Council provided growth businesses with the necessary support they needed to develop and employ additional staff
- The Council should be encouraging all businesses including existing businesses by helping them with the establishment of web sites and better use of social media
- At the end of May 2019, 41,383 businesses had been registered by Companies House in Worcestershire (11,587 in Bromsgrove) which showed the supportive environment for businesses in the county
- If local businesses were to survive in the county, it was vital that people made use of them.

RESOLVED “Whether in the emergence of new technologies, the fresh availability of natural resources or of changes in society, change provides a catalyst for new ideas to emerge. Properly acted on and developed, new ideas can generate new businesses providing employment, generating income for this Council to support our infrastructure, and provide happier and more fulfilled lives for many of our residents.

As an example, after a gap of one hundred years, the recent availability of Droitwich Brine, a natural resource laid down over 200 million years ago, and the strongest natural saltwater known, has prompted the emergence of new businesses and products across the region, resulting in increased employment. Further individuals and groups are presently coming forward, seeing opportunities to develop tourism in Worcestershire by developing the “Stay-cation” industry as concerns rise at the cost in climate terms of extensive air travel.

History shows us that much of the wealth Britain has enjoyed has been generated as a result of lateral thinking by individuals and small companies. Successful small companies can grow to service world markets, not only generating wealth to support

**2149 Notices of
Motion - Notice
of Motion 2 -
The 'GET SAFE'
Initiative -
safeguarding
young people
(Agenda item 8)**

our vital services such as the NHS, but also in many cases improving the lives of people far removed from our county.

This Council calls on all its members to take a positive approach whenever and wherever possible and appropriate to support and encourage Entrepreneurs and Innovators in Worcestershire to develop new products and services to enhance our economy.”

The Council had before it a Notice of Motion set out in the agenda papers standing in the names of Mr A D Kent, Mr M J Hart, Mr A C Roberts, Ms K J May and Mrs L C Hodgson.

The motion was moved by Mr A D Kent and seconded by Mr T Baker-Price who both spoke in favour of it, and Council agreed to deal with it on the day.

In the ensuing debate, the following points were made:

- The motion encouraged councillors to raise awareness of the 'Get Safe' Initiative. The initiative was wide-ranging and aimed at protecting children and young people up to the age of 25 years against a whole range of issues that affected them. In the past there had been a lack of support for children and young people who were at risk. In particular, drugs were a major threat to children and young people and had been linked to a number of other damaging impacts to their well-being
- The safeguarding of children was everyone's responsibility. Safe communities required everyone to be vigilant for signs of all types of child exploitation
- It was queried how councillors would be able to find the necessary information to promote and publicise the initiative
- This initiative encouraged partnership working that enabled agencies to identify and support children at the earliest opportunity before they became entrenched in gangs/drugs/criminal activity
- It was disappointing that opposition members had not been invited to be signatories to this motion
- The Cabinet Member for Children and Families commented that a soft launch of the initiative had taken place in June. Since then it had been considered by the OSPB, the Children and Families Overview and Scrutiny Panel and the

Corporate Parenting Board as well as a rolled out to district councils. There was information on the initiative available on the Worcestershire Children First web site. Councillors had an important role promoting this initiative acting as conduits to parish councils, community leaders and governing bodies. Children had always been vulnerable but the ease of accessibility via electronic devices in the modern age had made the situation worse

- The Cabinet Member for Education and Skills undertook to ensure that all schools would be made aware of the initiative and provided with all the relevant promotional material. He also hoped that Government funding for youth provision would increase in the future
- Whilst the initiative was laudable, in order for to be effective the Council needed to adequately fund other services such as youth provision and prevention of alcohol and drug abuse
- Councillors had a vital role in providing important local information to enable the Police to carry out their duties
- It was important for children to understand the implications of their actions and a useful tool to achieve this was the sharing of life experiences.

RESOLVED "Vulnerable children and young people have always faced danger but in modern times these risks come in new forms under the heading 'criminal exploitation'.

This includes gang-related activity including county lines, sexual exploitation, trafficking, modern day slavery, absent and missing children, forced marriage, honour-based violence and female genital mutilation. Sadly, all can be part of modern life, even in Worcestershire.

The Worcestershire multi-agency initiative 'GET SAFE', launched in June this year, has been created to tackle criminal exploitation. It aims to protect children and young people up to the age of 25 years. The GET SAFE Partnership is committed to supporting victims and their families.

County councillors are uniquely positioned to see that the 'GET SAFE' Strategy is shared by every part of the local government family (including district and parish/town councils).

This motion calls on all county councillors to commit

		<p>to safeguarding young people against the criminal exploitation, by championing the ‘GET SAFE’ initiative in their divisions and using their good offices to see that district and parish/town councillors in their divisions are well informed about the initiative.”</p>
2150	<p>Notices of Motion - Notice of Motion 3 - Employment agencies (Agenda item 8)</p>	<p>There was insufficient time to consider this motion within the allotted 90 minute time limit for the consideration of Notices of Motion.</p>
2151	<p>Notices of Motion - Notice of Motion 4 - Royal Mail and Post Office Services (Agenda item 8)</p>	<p>There was insufficient time to consider this motion within the allotted 90 minute time limit for the consideration of Notices of Motion.</p>
2152	<p>Notices of Motion - Notice of Motion 5 - Proposals for Voter ID (Agenda item 8)</p>	<p>There was insufficient time to consider this motion within the allotted 90 minute time limit for the consideration of Notices of Motion.</p>
2153	<p>Question Time (Agenda item 9)</p>	<p>Four questions had been received by the Head of Legal and Democratic Services and had been circulated in advance of the meeting. The answers to all the questions are attached in the Appendix.</p>
2154	<p>Reports of Committees - Audit and Governance Committee (Agenda item 10 (a))</p>	<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, it was queried why a significant number of overdue audits related specifically to Northleigh Primary School. The Chairman of the Committee responded that a number of outstanding issues had been identified by Internal Audit as a result of actions taken by the previous head teacher and governing body at the school. Officers had worked closely with the new head teacher and governing body to resolve these issues and make sure they did not reoccur.</p>

2155 Reports of Committees - Pensions Committee (Agenda item 10 (b))

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

2156 Reports of Committees - Planning and Regulatory Committee (Agenda item 10 (c))

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

2157 Reports of Committees - Standards and Ethics Committee (Agenda item 10 (d))

The Council received the report of the Standards and Ethics Committee containing a summary of the decisions taken.

The meeting ended at 1.20pm.

Chairman

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COUNCIL 7 NOVEMBER 2019 - AGENDA ITEM 9 – QUESTION TIME

Questions and written responses provided below.

QUESTION 1 – Mr A D Kent will ask Marcus Hart:

"Could the Cabinet Member with Responsibility advise what the impact on Worcestershire would be if all the pupils educated in Independent Schools in the County were suddenly put into the state education system?"

Draft Answer

According to the Department for Education's Schools, Pupils and their Characteristics data return there are 22 independent schools and one non-maintained special school in Worcestershire. Information from the Independent School Council website lists 18 independent schools with a total pupil number of 7,176 aged between 0-19.

To calculate the cost of independent pupils transferring to the state sector without knowing their year groups require the manipulation of national spend in England of just under £42 billion (2018-19) representing a cost per pupil of £4,700 at primary school and £6,200 at secondary school an estimated average of £5,450. This figure excludes spend by local authorities on central services, as well as spending by special schools.

To accommodate and educate 7,176 pupils funded at the estimated average English per pupil unit cost of £5,450 would require an additional £39.1m of revenue funding. To accommodate an additional 7,176 pupils would require additional school places at an average cost of £15,083 per school place a total of £108.2m.

Supplementary question

The Cabinet Member concurred with the view that this proposal would place an onerous burden on the state and restrict parental choice.

QUESTION 2 – Mr P M McDonald will ask Lucy Hodgson:

"Would the Cabinet Member please reaffirm that Rubery Library is no longer under threat of closure."

Draft Answer

There are no plans to close any of our libraries.

QUESTION 3 – Mr R C Lunn will ask Marcus Hart:

"How many children have been taken off school rolls after having an Education Health and Care Plan turned down in Worcestershire in the 2018-19 academic year"

Draft Answer

No child who was subject to an EHC assessment, and for whom an EHC Plan was not issued, became EHE following the decision.

Of the 26 who were subject to an EHC assessment and for whom an EHC Plan was not issued, 2 were already being electively home educated. Of the two, one remains EHE and the other is not, so a relatively small number.

Supplementary question

The Cabinet Member concurred with the view that it was vitally important for the future of a child that the EHC plan was fully carried out.

QUESTION 4 – Mrs E B Tucker will ask Ken Pollock:

“Given the importance and urgency of Brexit preparations, when will the promised Cabinet report as agreed at September’s Council meeting be published?”

Draft Answer

The issue will be discussed at the Cabinet meeting on 14 November.

Supplementary question

In response to a concern about the lack of information regarding the Council’s Brexit plans, the Cabinet Member stated that it was important that the Council had appropriate plans in place for Brexit and that the impact on the county was kept to a minimum.