

Agenda

Council

Thursday, 7 November 2019, 10.00 am
County Hall, Worcester

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DISCLOSING INTERESTS

There are now 2 types of interests:
'Disclosable pecuniary interests' and **'other disclosable interests'**

WHAT IS A 'DISCLOSABLE PECUNIARY INTEREST' (DPI)?

- Any **employment**, office, trade or vocation carried on for profit or gain
- **Sponsorship** by a 3rd party of your member or election expenses
- Any **contract** for goods, services or works between the Council and you, a firm where you are a partner/director, or company in which you hold shares
- Interests in **land** in Worcestershire (including licence to occupy for a month or longer)
- **Shares** etc (with either a total nominal value above £25,000 or 1% of the total issued share capital) in companies with a place of business or land in Worcestershire.

NB Your DPIs include the interests of your spouse/partner as well as you

WHAT MUST I DO WITH A DPI?

- **Register** it within 28 days and
- **Declare** it where you have a DPI in a matter at a particular meeting
 - you must **not participate** and you **must withdraw**.

NB It is a criminal offence to participate in matters in which you have a DPI

WHAT ABOUT 'OTHER DISCLOSABLE INTERESTS'?

- No need to register them but
- You must **declare** them at a particular meeting where:
You/your family/person or body with whom you are associated have
a **pecuniary interest** in or **close connection** with the matter under discussion.

WHAT ABOUT MEMBERSHIP OF ANOTHER AUTHORITY OR PUBLIC BODY?

You will not normally even need to declare this as an interest. The only exception is where the conflict of interest is so significant it is seen as likely to prejudice your judgement of the public interest.

DO I HAVE TO WITHDRAW IF I HAVE A DISCLOSABLE INTEREST WHICH ISN'T A DPI?

Not normally. You must withdraw only if it:

- affects your **pecuniary interests** **OR**
relates to a **planning or regulatory** matter
- **AND** it is seen as likely to **prejudice your judgement** of the public interest.

DON'T FORGET

- If you have a disclosable interest at a meeting you must **disclose both its existence and nature** – 'as noted/recorded' is insufficient
- **Declarations must relate to specific business** on the agenda
 - General scattergun declarations are not needed and achieve little
- Breaches of most of the **DPI provisions** are now **criminal offences** which may be referred to the police which can on conviction by a court lead to fines up to £5,000 and disqualification up to 5 years
- Formal **dispensation** in respect of interests can be sought in appropriate cases.

Thursday, 7 November 2019, 10.00 am, County Hall, Worcester

Agenda and Summons

Councillors: Mr R P Tomlinson (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 G R Brookes, Mrs J A Brunner, Mr B Clayton, Mr P Denham, Ms R L Dent, Mr N Desmond, Mrs E A Eyre, Mr A Fry, Mr S E Geraghty, Mr P Grove, Mr I D Hardiman, Mr A I Hardman, Mr P B Harrison, Mr M J Hart, Ms P A Hill, Mrs A T Hingley, Mrs L C Hodgson, Dr A J Hopkins, Dr C Hotham, Mr M E Jenkins, Mr A D Kent, Mr R C Lunn, Mr P M McDonald, Mr S J 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, 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

1 Apologies and Declaration of Interests

To receive apologies and invite any councillor to declare any interest in any of the items on the agenda.

2 Public Participation

To allow a member of the public to present a petition, or ask a question relating to the functions of the Council, or to make a comment on any matter on the agenda.

Members of the public wishing to take part should notify the Head of Legal and Democratic Services in writing or by e-mail indicating both the nature and content of their proposed participation no later than 9.00am on the working day before the meeting (in this case 6 November 2019). Further details are available on the Council's website. Enquiries can also be made through the telephone number/e-mail address listed below.

3 Minutes

To approve as a correct record and authorise the signing of the Minutes of the meeting held on 12 September 2019 (previously circulated electronically).

4 Chairman's Announcements

To receive any announcements to be made by the Chairman.

5 Fire and Rescue Authority 1 - 2

To consider the annual report of the Hereford and Worcester Fire and Rescue Authority (**Red pages**) to be presented by Mr P A Tuthill, Vice-Chairman and to receive answers to

any questions asked about this report. It is planned that the Chief Fire Officer will attend the meeting.

6 Reports of Cabinet 3 - 12

To consider the reports of the Cabinet and to receive answers to any questions asked on those reports as follows:

- a) Reports of Cabinet – Matters which require a decision (**Yellow pages**); and
- b) Report of Cabinet – Summary of decisions taken (**White pages**).

7 Constitutional Reports 13 - 48

To consider changes to the governance arrangements of (a) Worcestershire Pension Fund; (b) Health and Well-being Board; (c) Updated Pan-Worcestershire Code of Conduct for Members; and (d) Appointment of the Chairman of the Overview and Scrutiny Performance Board (**Yellow pages**).

8 Notices of Motion 49 - 52

To receive the report of the Head of Legal and Democratic Services on any Notices of Motion received by him (**Lilac pages**).

Councillors are asked to note that any Notices of Motion must be received by the Head of Legal and Democratic Services no later than noon on 29 October 2019.

9 Question Time 53 - 54

To receive answers to any questions asked by Councillors (**Orange pages**).

(Members are reminded of the timescale adopted by Council for notice of questions. A Councillor may only ask a question if:

- *It is delivered in writing to the Head of Legal and Democratic Services by noon on 29 October 2019 or*
- *If it relates to urgent business, the Head of Legal and Democratic Services is notified at least half an hour before the start of the meeting.)*

10 Reports of Committees 55 - 68

To consider the reports of Committees and to receive answers to any questions asked on those reports as follows (**White pages**):

- a) Audit and Governance Committee;
- b) Pensions Committee;
- c) Planning and Regulatory Committee; and
- d) Standards and Ethics Committee.

NOTES

- **Webcasting**

Members of the Council are reminded that meetings of the Council are Webcast on the Internet and will be stored electronically and accessible through the Council's Website. Members of the public are informed that if they attend this meeting their images and speech may be captured by the recording equipment used for the Webcast and may also be stored electronically and accessible through the Council's Website.

- **Catering Arrangements**

Lunch will be available at 1.00pm or thereabouts in the Lakeview Room. This will be provided for all Councillors, without payment, and for pre-notified guests, who must be paid for in advance. An indication of any guests wishing to take luncheon should be given to staff in the Business Support Unit at least three days before the Council meeting.

Agenda produced and published by Simon Mallinson, Head of Legal and Democratic Services, County Hall, Spetchley Road, Worcester WR5 2NP. The above reports and supporting information can be accessed via the Council's website at: www.worcestershire.gov.uk

To obtain further information or a paper copy of this agenda please contact Simon Lewis, Committee Officer by telephone on Worcester (01905) 846621 or slewis@worcestershire.gov.uk

Date of Issue: Wednesday, 30 October 2019

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Hereford & Worcester Fire Authority

2018/19 Annual Report to Worcestershire County Council

Appointment of Chairman and Vice-Chairman

1. Councillor R J Phillips, from Herefordshire Council, was elected as Chairman of the Authority and Councillor P Tuthill, from Worcestershire County Council, was elected as Vice-Chairman.

Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS)

2. Inspectors from HMICFRS carried out their in-depth review of the Service over Summer 2018, focusing on how effective and efficient it was and how well it looked after its people. Their report was published in December 2018 and highlighted areas of good practice, such as the delivery of services to local communities, but it also found areas where the Service could be better, such as using its limited resources more efficiently and improving how it supports and develops its workforce.
3. The Service has developed a plan to address the areas for improvement identified by the Inspectorate and regularly reports progress to the Fire Authority. The improvement plan is updated quarterly and can be found on the Publications area of the Service's website.

Strategic Alliance with Shropshire Fire Authority

4. On 12 September 2018, the Policy and Resources Committee (and subsequently the Full Fire Authority) approved a plan to create a Strategic Fire Alliance between Hereford & Worcester and Shropshire Fire and Rescue Services. The plan was also approved by Shropshire and Wrekin Fire and Rescue Authority at their meeting on 10 October 2018.
5. In endorsing the creation of the Alliance, both Fire Authorities directed Senior Officers from their respective Services to prepare a joint programme plan to achieve the aims of the Alliance.
6. The priority projects agreed were as follows:
 - a. Fire Control: scoping the future requirements for ensuring a resilient Command & Control function,
 - b. IRMP/CRMP: reviewing options for aligning integrated risk management planning processes, and
 - c. ICT: developing organisational arrangements for the provision of Information & Communications Technology functions.

Police and Crime Commissioner's Case for Governance of Fire and Rescue Service

7. On 29 July 2019, Hereford & Worcester Fire Authority (HWFA) learned that it had not succeeded in persuading the High Court that the former Home Secretary's original decision to approve the West Mercia Police and Crime Commissioner's (PCC) business case (to take over the governance of the Fire and Rescue Services in Herefordshire, Shropshire, Telford & Wrekin and Worcestershire) should be set aside. This was despite the judge recognising that the Home Secretary had used the incorrect legal definitions in respect to determining the 'efficiency, effectiveness and economy' of the business case.
8. The decision followed a judicial review process instigated by both HWFA and Shropshire & Wrekin Fire Authority following unanimous support and direction from the four constituent local authorities.
9. In light of this and having considered legal advice, the Fire Authorities believe there are grounds to challenge the Court's decision and have therefore applied for leave to appeal. They are also applying for a further judicial review in respect of the Home Secretary's refusal to reconsider the PCC's business case following the break-up of the West Mercia/Warwickshire Police Alliance.

Wyre Forest Hub

10. The build of the new Wyre Forest Blue Light Hub will be completed in November and is expected to be fully operational early in the new year. Our multi-agency project will bring our Wyre Forest fire and rescue crews together with West Mercia Police's Safer Neighbourhoods team and Harm Hub under the same roof. The Hub will be a focus for community safety delivering the best prevention, protection and response services available for the communities of the Wyre Forest.

Operational Activity

11. During the year, we attended 7,501 incidents, an increase of 570 over the previous year, but still 9 per cent lower than 10 years ago. About a third of the increase was because of an upsurge in grassland, woods and crop fires, mostly during the 2018 summer heatwave. We attended 25 more road traffic collisions than last year, but were called to fewer flooding and animal rescue incidents. False alarms still make up the majority of incidents we attend (45 per cent of all incidents). The Fire Authority continues to monitor this changing operational activity on a quarterly basis and regularly scrutinises the Service on its prevention plans and activities in this area.

**Cllr R Phillips, Chairman and Cllr P Tuthill, Vice-Chairman
Hereford & Worcester Fire Authority**

FURTHER INFORMATION is available in the Fire Authority Annual Report 2019/20 on the Service's website at www.hwfire.org.uk/your-right-to-know/our-publications/

**COUNCIL
7 NOVEMBER 2019****REPORT OF CABINET – MATTERS WHICH REQUIRE A
DECISION BY COUNCIL**

Capital Programme Update**Recommendation**

1. **The Cabinet recommends that Full Council approves the updated Capital Programme shown in the Appendix.**
2. The timing of capital expenditure over the current and future years has been reviewed and an updated profile is provided in the Appendix.
3. The revised profile has taken account of the roll forward of capital schemes from last financial year and the impact that has on the current year's profile of expenditure and estimate for future years, along with re-profiling across financial years based on current best information available.
4. There have been changes to values of capital schemes due to increases in external income expected, and reallocations between schemes to take account of more realistic planning which are also included.

Pershore Infrastructure Improvements

5. Members will recall that Cabinet, at its 2 November 2017 meeting, approved the implementation of Pershore Infrastructure Improvements (Pershore Northern Link Road, Pinvin crossroads and Wyre Road/Station Road junction).
6. Cabinet also delegated authority to the Director of Economy and Infrastructure in consultation with the Cabinet Member with Responsibility for Economy and Infrastructure, to finalise the award of contract subject to funding being secured, and Council approved the addition of £11.6 million to the Capital Programme (with £6 million from Worcestershire Local Enterprise Partnership, Wychavon District Council and the developer).
7. This improvement scheme has been progressed and the latest update is as follows:
 - The full business case for the improvements scheme has been approved by the Worcestershire Local Transport Board
 - Planning permission for the first phase of the improvements, Pinvin, has been granted and work is due to commence on site in the Autumn with preparatory works currently underway

- The planning application for the link road was considered and approved at the Council's Planning Committee in July. There is significant work underway to translocate reptiles from the site along with other preparatory works, including arrangements with National Rail regarding the bridge.

8. Once delivered, the Pershore Infrastructure Improvement would reduce predicted future congestion and journey times, improve access from Keytec Business Park to the A44, and support the delivery of employment growth identified in the South Worcestershire Development Plan.

9. The overall revised Capital Budget for 2019/20 totals £172 million.

Table 6: Capital Programme

	LATEST FORECAST 2019/20	LATEST FORECAST 2020/21	LATEST FORECAST 2021/22	LATEST FORECAST 2022/23	LATEST FORECAST TOTAL
TOTAL EXPENDITURE	£000	£000	£000	£000	£000
CHILDREN AND FAMILIES	26,862	10,263			37,125
OPEN FOR BUSINESS	71,572	49,981	6,131	27	127,711
THE ENVIRONMENT	53,253	41,317	5,100	2,000	101,670
HEALTH & WELL-BEING	9,758	508			10,266
EFFICIENCY & TRANSFORMATION	10,620	8,971	9,000		28,591
TOTAL	172,064	111,040	20,231	2,027	305,362

10. The Council is awaiting details of future grant allocations from Government for 2021/22 and later. These will be added to the Capital Programme when known.

Mr S E Geraghty
Chairman

Contact Points

County Council Contact Points
County Council: 01905 763763

Specific Contact Points for this report
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Background Papers

In the opinion of the proper officer (in this case the Head of Legal and Democratic Services) the following are the background papers relating to the subject matter of this report:

Agenda and background papers for the meeting of Cabinet held on 26 September 2019

Capital Programme 2019/20 to 2022/23 Onwards

	LATEST FORECAST 2019/20	LATEST FORECAST 2020/21	LATEST FORECAST 2021/22	LATEST FORECAST 2022/23	LATEST FORECAST TOTAL
TOTAL EXPENDITURE	£000	£000	£000	£000	£000
CHILDREN AND FAMILIES	26,862	10,263			37,125
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	LATEST FORECAST 2019/20	LATEST FORECAST 2020/21	LATEST FORECAST 2021/22	LATEST FORECAST 2022/23	LATEST FORECAST TOTAL
TOTAL FUNDING	£000	£000	£000	£000	£000
TEMPORARY AND LONG TERM BORROWING	57,154	39,214	10,270	2,000	108,638
CAPITAL RECEIPTS	10,886	5,799	5,009		21,694
GOVERNMENT GRANTS	90,126	57,409	4,952	27	152,514
CAPITAL RESERVE	1,831				1,831
THIRD PARTY CONTRIBUTIONS	10,270	8,618			18,888
REVENUE BUDGETS	1,797				1,797
TOTAL	172,064	111,040	20,231	2,027	305,362

	LATEST FORECAST 2019/20	LATEST FORECAST 2020/21	LATEST FORECAST 2021/22	LATEST FORECAST 2022/23	LATEST FORECAST TOTAL
Children and Families	£000	£000	£000	£000	£000
- The Chantry High School Expansion	131				131
- Nunnery Wood High School Expansion	1,000	248			1,248
- Christopher Whitehead High School Expansion	22				22
- Rushwick Primary School Expansion	130				130
- Bengeworth 1st	139				139
- Social Care Projects	254				254
- Social Care Projects 17/18	159	3,302			3,461
- Redditch S.77 Projects	12				12
- Evesham St Andrews	130				130
- Leigh and Bransford	134	88			222
- Holyoaks Field 1st School	3,000	2,902			5,902
- Worcester Library and History Centre (Non - PFI capital costs)	174				174
- Redditch Library	131				131
- Kidderminster Library	84				84
- Capitalised Transformation Costs	498	248			746
- Flexible use of Capital Receipts		133			133
- Major Schemes - Residual	304				304
- Capital Maintenance	7,773				7,773
- Basic Need	10,028	3,100			13,128
- School Managed Schemes (Inc. Universal Infant School meals and Devolved Formula Capital)	2,157				2,157
- EFA Extension of Provision (Early Years)	259				259
- Libraries Minor Works	343	100			443
- Composite Sums - Residual		142			142
TOTAL	26,862	10,263			37,125

	LATEST FORECAST 2019/20	LATEST FORECAST 2020/21	LATEST FORECAST 2021/22	LATEST FORECAST 2022/23	LATEST FORECAST TOTAL
Open for Business	£000	£000	£000	£000	£000
- Open For business	1,000	1,250	750		3,000
- QinetiQ Land Purchase	1,001	1,000			2,001
- Worcester Technology Park	10	10	9		29
- Malvern Hills Science Park Scheme	339				339
- Local Broadband Plan Phase 1	3,164	146			3,310
- Local Broadband Plan Phase 3	3,896				3,896
- Investment Initiatives to Support Business and /or Green Technology	998	175	151		1,324
- A4440 WSLR Phase 4	24,273	28,052	3,917		56,242
- A38 Bromsgrove	6,462	8,268	269		14,999
- Kidderminster Churchfields	3,769	798	129		4,696
- Pershore Northern Infrastructure (including up to £5.1m from HILF)	4,394	6,242			10,636
- HILF Projects		1,271			1,271
- Capital Skills Programme	1,950	222			2,172
- Southern Link Dualling Phase 3	6,500	745			7,245
- Southern Link Dualling Phase 3 - Broomhall Way Footbridge	3,549				3,549
- Worcester Parkway Regional Interchange	2,170				2,170
- Kidderminster Rail Station Enhancement	3,269				3,269
- Kidderminster Town Centre Phase 2	1,134				1,134
- Droitwich High Street	45				45
- Redditch Town Centre	103				103
- Worcester City Centre	1,045				1,045
- Malvern Public Realm	39				39
- ERDF Capital Projects	2,356	1,598	709		4,663
- Warm Homes Fund	103	204	197	27	531
TOTAL	71,572	49,981	6,131	27	127,711

	LATEST FORECAST 2019/20	LATEST FORECAST 2020/21	LATEST FORECAST 2021/22	LATEST FORECAST 2022/23	LATEST FORECAST TOTAL
The Environment	£000	£000	£000	£000	£000
Local Transport Plan:					
- Structural Carriageway/Bridgeworks	26,312	21,851			48,163
- Integrated Transport	1,269	2,405			3,674
Major Schemes: Infrastructure					
- Regeneration £23 million total allocation:-					
- Cutting Congestion					
- A38 / A4104 Staggered Junction Upton	300	1,700			2,000
- Evesham Town Centre	200	800			1,000
- Bromsgrove Town Centre	200	800			1,000
- Hoobrook Roundabout, Kidderminster	200	800			1,000
- Railway Stations Upgrades / Extra Parking	1,000	2,900	1,100		5,000
- Next Generation Economic Game Changer Sites	500	2,000	1,500		4,000
- Walking and Cycling Bridges	2,420	1,080	500		4,000
- River Severn - Keepax to Gheluvelt Park					
- River Severn - Sabrina Bridge refurbishment					
- Town Centre Improvements	700	1,800			2,500
- Evesham					
- Redditch					
- Stourport					
- Worcester					
- Local Members Highways Fund	1,250	1,250			2,500
- Worcestershire Intelligent Transport Systems	3				3
- Walk Cycle Route to Worc Parkway	185	80			265
- Green Deal Communities	44				44
- Eastham Bridge	34				34
- Pavement Improvement Programme	1,786				1,786
- Cutting Congestion Programme	10,777	821			11,598
- Highway Flood Mitigation Measures	341				341
- Worcester Transport Strategy	555				555
- Hoobrook Link Road - Pinch Points	301				301
- Public Rights of Way	300				300
- Highways Capital Maintenance Costs		1,000	1,000	2,000	4,000
- Capitalisation of staff costs	500	500	500		1,500
- Highways Strategic Investment Fund	750	750	500		2,000
- Completion of Residual Schemes	75				75
- Vehicle Replacement Programme	1,325	480			1,805
- Street Column Replacement Programme	1,926	100			2,026
- Highways Minor Works		200			200
TOTAL	53,253	41,317	5,100	2,000	101,670

	LATEST FORECAST 2019/20	LATEST FORECAST 2020/21	LATEST FORECAST 2021/22	LATEST FORECAST 2022/23	LATEST FORECAST TOTAL
Health and Well-Being	£000	£000	£000	£000	£000

Major Schemes:

- Capital Investment in Community Capacity/ Specialised Housing	3,921				3,921
- Investment in New Technologies in Care	1,838				1,838
- Care Act Capital	147				147
- Social Care Case Management System Replacement	2,821				2,821
- Capitalised Transformation Costs		408			408
- Capital funding utilisation	250				250
- A&CS Minor Works	261	100			361
- Social Care Performance IT Enhancement	520				520

TOTAL	9,758	508			10,266
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	LATEST FORECAST 2019/20	LATEST FORECAST 2020/21	LATEST FORECAST 2021/22	LATEST FORECAST 2022/23	LATEST FORECAST TOTAL
Efficiency and Transformation	£000	£000	£000	£000	£000

Major Schemes:

- Digital Strategy	3,235	1,071	3,000		7,306
- Repair and Maintenance of a Longer Term Benefit (And BUoP)	2,418	900			3,318
- Energy Efficiency - Spend to Save	486				486
- Stourport Library/ Coroners Relocation to Civic Centre	18				18
- Capitalised Transformation Costs	3,945	5,000	5,000		13,945
- Revenue Maintenance Costs	200				200
- Property, IT and Facilities Management	303	2,000	1,000		3,303
- Completion of Residual Schemes	15				15

TOTAL	10,620	8,971	9,000		28,591
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COUNCIL
7 NOVEMBER 2019**REPORT OF CABINET - SUMMARY OF DECISIONS TAKEN**

Development of Worcestershire Children First

1. Members will be aware that Worcestershire Children First (WCF) was launched on 1 October 2019. A great deal of work has taken place to get to this point. The Cabinet at its meeting on 5 September 2019 considered the progress made in developing WCF and approved the Company Board appointments and the location of WCF's headquarters at County Hall.
2. The Cabinet also authorised the Chief Executive, in consultation with the Department for Education appointed Children's Commissioner, Leader of the Council, Cabinet Member with Responsibility for Education and Skills and Cabinet Member with Responsibility for Children and Families, to take all appropriate steps on behalf of the Council in relation to the development of WCF and the commencement of its operation. This included agreeing the Service Delivery Contract, Articles of Association Service Support Agreement, and Governance Side Agreement.
3. Additionally, the Cabinet in September approved the contract sum for 2019/20 to WCF and authorised the Chief Finance Officer to make the budget transfer to WCF accordingly. The Cabinet also noted the indicative contract sum for 2020/21 and 2021/22.

Future Provision of Overnight Unit-based Short Breaks for Children with Disabilities

4. In June 2019, the Cabinet was minded to agree the proposed future delivery model for the delivery by Worcestershire Health and Care NHS Trust (WHCT) of short breaks provision for children and young people subject to consultation. Following extensive consultation the Cabinet has given detailed consideration to the proposals, consultation responses and the assessment of need of affected families and agreed for implementation the future model for delivery by the Trust of short breaks provision. It is believed that the proposed delivery model can meet the assessed needs of impacted families and will deliver a service that is stable, sufficient and flexible to the changing needs of the population in the future. The negative impact of the change process for some families can be mitigated by careful planning and management of the transition process.
5. The Cabinet has authorised the statutory Director of Children's Services to take all appropriate steps to implement that future model, including varying the contractual arrangements with the Trust as necessary to implement the changes, and any future variation to the commissioned provision, to ensure the Council continues to meet its sufficiency duty in relation to the provision of short breaks.

Worcestershire Education and Skills Strategy 2019-2014

6. The intention of the Education and Skills Strategy is to foster an environment of support and trust which enables professionals and front-line staff to take ownership and ensure all agencies and professionals are working together to improve educational outcomes for all children and young people. Worcestershire Children First (WCF), as agent of the Council, will oversee the implementation of the Strategy and hold stakeholders to account.

7. The Cabinet has approved the Education and Skills Strategy 2019-2024 on behalf of the Council and noted that a progress update will be provided in 12 months time as part of the annual report from WCF.

Children's Social Care – Ofsted Inspection update and priorities for further improvement

8. The overall findings of the inspection are that the Council's Children's Social Care Services are rated as 'requires improvement to be good'. The report particularly noted the Council's strong trajectory of improvement since the last inspection. Ofsted have commented positively upon a number of areas of practice, demonstrating the progress made since the 2016 inspection. It has also set out suggested priorities for improvement.

9. The Cabinet has noted the Ofsted report published on 29 July 2019 and the progress on service improvement. It has also endorsed the recommended priorities for further improvement. The Council remains committed to sustaining the progress so far made to achieve full consistency in high quality services for all children.

Resources Report – Revenue and Capital Budget Monitoring – Month 4 (31 July) 2019/20

10. The Cabinet received a report detailing the provisional financial results for the year ending 31 July 2019 and progress to date on the savings and reforms programme. The Council continued to deliver statutory services and deliver against its Corporate Plan although it was facing service cost pressures of £4.3m, which included £3.3m in relation to Adult Services. There were further one-off pressures of £6.8m relating to savings targets for which, although expected to be achieved, there was a risk they may not be achieved in full until next financial year. To offset these pressures there was a £1.4m underspend on Corporate budgets and Directorates were identifying actions around the tightening of controls and deferring expenditure where possible until a future date.

11. The report also noted the significant cost pressures with regard to the Dedicated Schools Grant (DSG) High Needs Block which was forecasting a £7.2m overspend. Looking forward to next financial year, the Government announced on 4 September 2019, as part of its Spending Round, that there will be additional funding for adults and children's social care as well as for DSG High Needs. Whilst the actual amount the Council will receive has not yet been confirmed, the announcement is welcomed and will support the budget process for 2020/21. The latest borrowing and lending transactions were also reported.

Scrutiny Report: The Relationship between the Family Front Door and Schools

12. The Cabinet has considered a Scrutiny Report on the relationship between the Family Front Door (FFD) and Schools. The Overview and Scrutiny Performance Board (OSPB) identified as part of its work programming process a wish to look at how the relationship between the FFD and schools was working. Following the establishment of a Task Group to scrutinise the issue it was decided that its focus should be narrower and that the scrutiny should concentrate on the relationship between the FFD and schools. The terms of reference of the scrutiny were therefore *'to investigate how the Service is currently working, taking into account the relationship between the County Council and School partners, and the progress made since the Ofsted Inspection and subsequent monitoring visits'*.

13. The Cabinet has received the Scrutiny Report on the relationship between the Family Front Door and Schools together with the response from the Cabinet Member with Responsibility for Children and Families. It has noted the Scrutiny Report's findings and recommendations and agreed to adopt the response of the Cabinet Member as the way forward.

Use of Children's Centre Buildings – Transfer of the Centre at Abbey Park First and Middle Schools, Pershore

14. Council will recall that in June 2016, the Cabinet agreed a range of recommendations relating to the provision of effective prevention services for children and young people including optimising the use of children's centre buildings for delivery in localities. Cabinet approved proposals for the future use of a number of children's centre buildings where consultation was not required including a proposal that the Children's Centre building, Blossom Vale located at Abbey Park First and Middle School in Pershore continue to be used by the Parenting and Family Support provider for the delivery of services. This decision was implemented and a lease for the Centre granted to Action for Children.

15. When the lease expired in March 2019, Action for Children decided not to take a new lease due to the low level of direct service provision. The Abbey Park Schools Federation (Pre-school, First and Middle School) had confirmed that they would be interested in taking on the lease of the centre to extend their pre-school provision and support the delivery of health services, family learning and other activities. The Cabinet has therefore approved proposals for the future use of the Children's Centre building Blossom Vale at Abbey Park First and Middle Schools and authorised the Director of Children's Services to take all necessary steps to give effect to this decision.

Mr S E Geraghty
Chairman

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Background Papers

In the opinion of the proper officer (in this case the Head of Legal and Democratic Services) the following are the background papers relating to the subject matter of this report:

Agenda and background papers for the meetings of the Cabinet held on 5 September, 26 September and 24 October 2019.

COUNCIL
7 NOVEMBER 2019**CONSTITUTIONAL REPORTS**

(a) PENSION BOARD GOVERNANCE ARRANGEMENTS**Recommendation**

1. **The Pensions Committee recommends that Council approves the revised Terms of Reference of the Pension Board set out at Appendix 1.**

Background Information

1. Strong governance of the Pension Fund has always been essential, and with the collapse of several private sector funds, alongside the set up of the pension pools and pressures to maintain balanced funds the need to maintain the strong governance of LGPSs has never been more important.
2. As a result of this level of inspection there have been two reviews by the Scheme Advisory Board (SAB) and the Pension Regulator looking at how to strengthen governance. Proposals to strengthen the Pension Board are therefore being considered as a first step. The Pensions Committee at its meeting on 16 October 2019 considered the proposed terms of reference changes which are set out at Appendix 1 and recommended them for approval by Council.

Pension Board

3. There is a legal obligation to have a Pension Board. That Board is responsible for assisting the Council to comply with legal obligations relating to the Scheme and any requirements imposed by the Pensions Regulator, and for assisting the Council to ensure the effective and efficient governance and administration of the scheme. This is an oversight role and the local Pension Board is not responsible for decision-making in relation to the management of the Scheme or the discharge of the Council's functions – that is a matter for the Pensions Committee and sub-committee
4. At the September meeting of the Pension Board, the Independent Chair stood down after four years as Chair. This allowed the Fund to review the working arrangements and to assess the performance of the Board and consider, in light of the reviews mentioned above and the Business Plan of the Fund, potential next steps to further strengthen the governance and administration of the Fund as well as the advice to the Committee.
5. A review of practices across the various LGPS Funds across the region and country have identified a real mix of practices. Firstly, not all Boards are chaired by independent members. The Regulations that set up Pension Boards allowed for two models: one chaired by an independent and one model chaired by a member selected from the Board members. There is no legal requirement to have an independent chair.

6. Whilst there are benefits of an independent chair, in terms of knowledge and advice there is also a cost and risk that there is a concentration of skills and responsibility in one individual. The independent chair was also a non-voting role. It is proposed that in the current position that the nature of the Board is changed and that going forward there is not an independent non-voting Chair but that a Chair is selected by the Board from the membership of the Board.

7. The second area of review is the membership itself. The Regulations are very clear that the membership must be 50:50 Employer and Member representatives. Currently the Pension Board consists of five members (the independent chair, two councillors representing employers and two trade union representatives for members). With only 4 voting members, this has often led to issues of quorum but also and importantly excludes representation from wider stakeholders. Therefore it is proposed to increase the membership to eight as follows:

Employer representatives	Member Representatives
<ul style="list-style-type: none"> Three Councillors – Two for Worcestershire County Council and one from Herefordshire Council One senior officer from an employer 	<ul style="list-style-type: none"> Two Trade Union representatives One active member
<p>Employer representatives must not be involved in the administration of the Fund and are to be nominated by the relevant body, and the Senior Officer appointed by the CFO</p>	
	<ul style="list-style-type: none"> One retired member

8. It is suggested that the two Fund member representatives outside of the unions (i.e. one active and one retired Fund member) are recruited by the CFO through invitation and interview, and appointment by the CFO. It is also recommended that members serve for four years subject to the terms attached in the Terms of Reference attached as Appendix 1.

9. It is proposed that the quorum for the Board be four with a 50:50 attendance being maintained, so two Employer and two Member representatives to be quorate.

10. The third area of review proposed is the timing of the Board. Presently the Board meets after Committee to consider the minutes of the Committee, but this does not meet good practice and the original objective of the Board to advise the Committee. It is proposed that the Board meets ahead of Committee to consider items that the Committee will be or need considering, so that the Committee can seek and hear the advice of the Board.

11. Finally, there are a number of changes proposed to the Terms of Reference of the Board outside of those necessitated by the above proposals. The changes proposed are more to tidy up the current ways of working to tie them in line with actual practice. So for example it is proposed the Board reviews the IDRP process and performance rather than assist. The current and industry standard is that this is an officer process and members of the Committee would be engaged in rare occasions, as such advice is limited to review rather than assist.

(b) HEALTH AND WELL-BEING BOARD GOVERNANCE ARRANGEMENTS

Recommendation

12. **The Health and Well-being Board recommends that Council approves the updated terms of reference for the Health and Well-being Board as set out as Appendix 2 to this report.**

Background

13. The Health and Well-being Board (the Board) has been operating as a statutory committee since April 2013. Under its current Joint Strategic Health and Well-being Strategy it has three priorities:

1. Improving mental health and well-being
2. Increasing physical activity
3. Reducing the harm caused by Alcohol.

14. The Board has a role in strategic commissioning of health and social care services and is expected to “sign off” a variety of plans such as the Carers Strategy and Autism Strategy; it also approves the use of the Better Care Fund.

15. The Board’s terms of reference were last agreed in January 2014 and they now need to be updated to reflect current practice due to various changes, which include revisions to the Board’s sub-groups, the implementation of the Integrated Care System and the re-organisation of the CCGs. Following initial consideration in a private development session on 30 April 2019, the Board considered the proposals in its public Board meeting on 24 September 2019 and is supportive of them.

Summary

16. The main changes which are proposed include:

- Updating the representatives from the CCG (which will come into force from April 2020 onwards provided their new organisation is approved) in order to maintain the voting balance between the CCG and Local Authority representatives
- Inviting Worcestershire Health and Care NHS Trust and Worcestershire Acute NHS Trust to become non-voting or Associate Members of the Board
- Making the Chairman of the Strategic Housing Partnership a permanent non-

- voting member of the Board, rather than an interim co-opted Member of the Board
- The reduction of Private Development Sessions from seven to three a year to reflect current practice

(c) LOCAL GOVERNMENT ETHICAL STANDARDS – UPDATED PAN-WORCESTERSHIRE CODE OF CONDUCT FOR MEMBERS

Recommendation

- 17. The Standards and Ethics Committee recommends that the draft Code of Conduct set out at Appendix 3 be adopted by Council.**

Summary

18. The Committee received a report at its April 2019 meeting on the Nolan Committee recommendations in relation to local government standards in relation to the legislative regime, and best practice recommendations to local government.

19. Legislation is naturally a matter for Government and Parliament, but the Committee asked the Monitoring Officer to discuss implications for the pan-Worcestershire Code of Conduct with his colleague Monitoring Officers, having regard to the initial views of the Committee, and receive a further report. Those discussions had taken place, and a consensus formed on updating the Code.

Background Information

20. Council will recall from previous reports that the National Committee on Standards and Public Life (often called the "Nolan Committee") visited the Council in September 2018 as part of its gathering of comments and evidence of good practice in local government – the Council was the only county council visited. Following the visit, the Chairman of the Committee was invited to attend the formal launch of the report at the end of January 2019.

21. The Nolan Committee was kind enough to write and say its delegation was impressed by the leadership demonstrated by senior officers and members of the Council, which has allowed the Council to cultivate a culture of high standards and a civil approach to politics. They considered it particularly insightful to see how proper governance structures have a substantial influence on the way in which ethical standards operate at the Council. There are clearly issues elsewhere in the country which have informed the recommendations and which do not exist here, so we need to be mindful of that context and the need for a proportionate response to the Best Practice recommendations.

Summary

22. There remained a consensus that a pan-Worcestershire Code remains the best approach for the benefit of the public, members, and good governance.

23. The Monitoring Officers shared the Committee's view that the current Code was fit for purpose, but would benefit from a few relatively small amendments flowing from some of the Nolan Best Practice (BP) recommendations relevant to the Code and as discussed by the Committee:

BP1 – the Code of Conduct should include prohibitions on bullying and harassment, with definitions and examples. Our current Code prohibits bullying but gives no definitions or examples. Members supported the principle and asked the Monitoring Officer to seek to agree a definition with his MO colleagues. This has been done and included in the new draft Code.

BP2 – Code should require councillors to comply with formal standards investigations, and prohibit trivial or malicious allegations by councillors. The Council has very few formal investigations and no history of councillors obstructing them. The best way of dealing with trivial or malicious allegations is through robust filtering right at the start of the process, and avoid tit for tat complaints. The consensus amongst the MOs was that a simple obligation to co-operate with any standards investigations would suffice.

BP5 – In line with proposed new legislation, authorities should update a Gifts and Hospitality Register at least quarterly. The Committee agreed that such a Register was expected by the public and should be re-introduced ahead of any legislation. In discussion, the MOs considered that £15 was a suitable value threshold for such registration to meet the purpose of transparency but not worry about trivial items.

24. The amendments to the Code were supported by all the MOs and the Committee, with the proposed redraft attached at Appendix 3. The Committee considered the amendments to be an appropriate way forward, and wished to draw all members' attention to the fact that the 7 original Nolan Principles have also been updated to 10. The Committee has endorsed the draft Code of Conduct and recommends that Council adopts it.

(d) CONSTITUTIONAL MATTER – APPOINTMENT OF THE CHAIRMAN OF THE OVERVIEW AND SCRUTINY PERFORMANCE BOARD

Recommendation

25. The Head of Legal and Democratic Services recommends that Council appoints the Chairman of the Overview and Scrutiny Performance Board.

26. The Chairman of the Overview and Scrutiny Performance Board, Mr C J Bloore, tendered his resignation in September 2019. At its meeting on 12 September, Council decided to defer the appointment of a successor Chairman until its November meeting.

27. Council therefore now needs to appoint a Chairman of the Overview and Scrutiny Performance Board to fill the vacant position. The Board is politically balanced in accordance with the legislation, but under the Council's Constitution, its Chairman cannot be a member of a political Group forming part of the Administration, or be a Group Leader.

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Supporting information

Appendix 1 – Pension Board Terms of Reference

Appendix 2 – Health and Well-being Board Terms of Reference

Appendix 3 – draft Code of Conduct

Background Papers

In the opinion of the proper officer (in this case the Head of Legal and Democratic Services), the following are the background papers relating to the subject matter of this report:

Agenda papers for the Pensions Committee on 16 October 2019, Health and Well-being Board on 24 September 2019, and Standards and Ethics Committee on 23 October 2019

APPENDIX 1

LOCAL PENSION BOARD OF WORCESTERSHIRE COUNTY COUNCIL TERMS OF REFERENCE

Introduction

1. This document sets out the terms of reference of the Local Pension Board of Worcestershire County Council (the 'Administering Authority') a scheme manager as defined under Section 4 of the Public Service Pensions Act 2013. The Local Pension Board (hereafter referred to as 'the Board') is established in accordance with Section 5 of that Act and under Regulation 106 of the Local Government Pension Scheme Regulations 2013 (as amended).
2. The Board is established by the Administering Authority and operates independently of the Committee. Relevant information about its creation and operation are contained in these Terms of Reference.
3. The Board is not a committee constituted under Section 101 of the Local Government Act 1972 and therefore no general duties, responsibilities or powers assigned to such committees or to any sub-committees or officers under the constitution, standing orders or scheme of delegation of the Administering Authority apply to the Board unless expressly included in this document.
4. Except where approval has been granted under regulation 106(2) of the Regulations the Board shall be constituted separately from any committee or sub-committee constituted under Section 101 of the Local Government Act 1972 with delegated authority to execute the function of the Administering Authority.

Interpretation

5. The following terms have the meanings as outlined below:

'the Act'	The Public Service Pensions Act 2013.
'the Code'	means the Pension Regulator's Code of Practice No 14 governance and administration of public service pension schemes.
'the Committee'	means the Pensions committee which has delegated decision-making powers for the Fund in accordance with Section 101 of the Local Government Act 1972.
'the Fund'	means the Fund managed and administered by the Administering Authority.

'the Guidance'	means the guidance on the creation and operation of local pension boards issued by the Shadow Scheme Advisory Board.
'the Regulations'	means the Local Government Pension Scheme Regulations 2013 (as amended from time to time), the Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014 (as amended from time to time) including any earlier Regulations as defined in these regulations to the extent they remain applicable and the Local Government Pension Scheme (Management and Investment of Funds) Regulations 2009 (as amended from time to time).
'Relevant legislation'	means relevant legislation as well as the Pension Regulator's Codes of Practice as they apply to the Administering Authority and the Board notwithstanding that the Codes of Practice are not legislation.
'the Scheme'	means the Local Government Pension Scheme in England and Wales.

Statement of purpose

6. The purpose of the Board is to assist the Administering Authority in its role as a scheme manager of the Scheme. Such assistance is to:
 - (a) secure compliance with the Regulations, any other legislation relating to the governance and administration of the Scheme, and requirements imposed by the Pensions Regulator in relation to the Scheme and;
 - (b) to ensure the effective and efficient governance and administration of the Scheme.

Duties of the Board

7. The Board should at all times act in a reasonable manner in the conduct of its purpose. In support of this duty Board members should be subject to and abide by the Administering Authority's code of conduct for members.

Establishment and update

8. The Board was first established 1 April 2015 as approved by Worcestershire County Council on 12 February 2015 and updated with effect from 7 November 2019. The Board may establish sub-groups.

Membership

9. No officer or elected member of the Administering Authority who is responsible for the discharge of any function of the Administering Authority under the Regulations may be a member of the Board. The Board shall consist of eight voting members appointed by the Chief Financial Officer, as follows:

Four Member Representatives; and

Four Employer Representatives.

10. There shall be an equal number of Member and Employer Representatives appointed to the Board.
11. One of the Board members is to be elected by the Board as the Chair and one as Vice-Chair. The Chair will be from the Employer representatives and the Vice-Chair from the Member representatives. These appointments will be in accordance with paragraph 20.

Member representatives

12. Member representatives shall have the capacity to represent scheme members of the Fund.
13. Member representatives should be able to demonstrate their capacity to attend and complete the necessary preparation for meetings and participate in training as required.
14. Substitutes shall not be appointed.
15. A total of four member representatives shall be appointed from the following sources:
 - a) Two member representatives shall be appointed as nominated by the recognised trade unions representing employees who are scheme members of the Fund.
 - b) One member shall be appointed as an active employee representative. The recruitment of this member will be following a transparent recruitment process which should be open to all active Fund members and appointment made by the Chief Financial Officer of the Administering Authority.
 - c) One member shall be appointed as a retired member representative. The recruitment of this member will be undertaken by and appointment made by the Chief Financial Officer of the Administering Authority.

Employer representatives

16. Employer representatives shall be office holders or senior employees of employers of the Fund or have experience of representing scheme employers in a similar capacity, and must have the capacity to represent employers.
17. Employer representatives should be able to demonstrate their capacity to attend and complete the necessary preparation for meetings and participate in training as required.
18. Substitutes shall not be appointed.
19. A total of four employer representatives shall be appointed to the Board by the Chief Financial Officer of the Administering Authority having asked all employers to submit any interest in undertaking the role of employer representative on the Board.

Appointment of the chair

20. The chair will be appointed by the Board from the employer representatives, with the Vice-Chair being chosen from the member representatives. Their terms of office will be four years.

Duties of chair

21. The chair of the Board:
 - (a) Shall ensure the Board delivers its purpose as set out in these Terms of Reference,
 - (b) Shall ensure that meetings are productive and effective and that opportunity is provided for the views of all members to be expressed and considered, and
 - (c) Shall seek to reach consensus and ensure that decisions are properly put to a vote when a consensus cannot be reached.

Notification of appointments

22. When appointments to the Board have been made, the Administering Authority shall publish the name of Board members, the process followed in the appointment together with the way in which the appointments support the effective delivery of the purpose of the Board.

Terms of Office

23. The term of office for Board members is four years.
24. Extensions to terms of office may be made by the Chief Financial Officer of the Administering Authority with the agreement of the Board.

25. Board membership may be terminated by the Chief Financial Officer prior to the end of the term of office due to:
- (a) A member representative appointed on the basis of their membership of the scheme no longer being a scheme member in the Fund.
 - (b) A member representative no longer being a scheme member or a representative of the body on which their appointment relied.
 - (c) An employer representative no longer holding the office or employment or being a member of the body on which their appointment relied.
 - (d) A Board member no longer being able to demonstrate to Worcestershire County Council their capacity to attend and prepare for meetings or to participate in required training.
 - (e) The representative being withdrawn by the nominating body and a replacement identified.
 - (f) A Board member has a conflict of interest which cannot be managed in accordance with the Board's conflict policy.
 - (g) A Board member who is an elected member becomes a member of the Committee.
 - (h) A Board member who is an officer of the Administering Authority becomes responsible for the discharge of any function of the Administering Authority under the Regulations
 - (i) or otherwise as the Chief Financial Officer considers appropriate.
 - (j) resignation.

Conflicts of interest

26. The Chief Financial Officer must be satisfied that any person to be appointed to the Board does not have a conflict of interest as defined in section 5 (5) of the Public Service Pensions Act 2013. All members of the Board must declare to the Administering Authority on appointment and at any such time as their circumstances change, any potential conflict of interest arising as a result of their position on the Board.
27. A conflict of interest is defined as a financial or other interest which is likely to prejudice a person's exercise of functions as a member of the Board. It does not include a financial or other interest arising merely by virtue of that person being a member of the Scheme.
28. On each appointment to the Board and following any subsequent declaration of potential conflict by a Board member, the Administering Authority shall ensure that any potential conflict is effectively managed in line with both the internal procedures of the Administering Authority, the requirements of the Act, relevant legislation and of the Code.

Knowledge and understanding (including Training)

29. Knowledge and understanding must be considered in light of the role of the Board to assist the Administering Authority in line with the requirements outlined in paragraph 6 above. The Board shall establish and maintain a

Knowledge and Understanding Policy and Framework to address the knowledge and understanding requirements that apply to Board members under the Act. That policy and framework shall set out the degree of knowledge and understanding required as well as how knowledge and understanding is acquired, reviewed and updated.

30. Board members shall attend and participate in training arranged in order to meet and maintain the requirements set out in the Board's knowledge and understanding policy and framework.
31. Board members shall participate in such personal training needs analysis or other processes that are put in place in order to ensure that they maintain the required level of knowledge and understanding to carry out their role on the Board.
32. Failure to attend training or participate in the process referred to above may lead to removal from the Board

Meetings

33. The Board shall as a minimum meet four times each year.
34. Meetings shall normally take place between the hours of 09:00 and 17:00 at County Hall, Worcester.
35. The chair of the Board may call additional meetings.

Quorum

36. A meeting is only quorate when at least 50% of both member and employer representatives are present, i.e. at least two member representatives and at least two employer representatives.
37. A meeting that becomes inquorate can no longer exercise the functions of the Board but may continue informally for discussion but cannot take decisions as the Board.

Board administration

38. The Chair shall agree with the Chief Financial Officer (the 'Board Secretary'), or his / her delegate an agenda prior to each Board meeting.
39. The agenda and supporting papers will be issued at least 5 clear working days (as far as practicable) in advance of the meeting except in the case of matters of urgency.
40. Draft minutes of each meeting including all actions and agreements will be recorded and circulated to all Board members as far as practicably within ten working days after the meeting. These draft minutes will be subject to formal agreement by the Board at their next meeting. Any decisions made by the

Board should be noted in the minutes and in addition where the Board was unable to reach a decision such occasions should also be noted in the minutes.

41. Any public minutes may be edited to exclude items on the grounds that they would either involve the likely disclosure of exempt information as specified in Part 1 of Schedule 12A of the Local Government Act 1972 or it being confidential for the purposes of Section 100A(2) of that Act and/or they represent data prevented from disclosure under the Data Protection Act 2018.
42. The Board Secretary shall ensure that Board members meet and maintain the knowledge and understanding as determined in the Board's Knowledge and Understanding Policy and Framework and other guidance or legislation.
43. The Board Secretary shall ensure an attendance record is maintained along with advising the Administering Authority on allowances and expenses to be paid under these terms.
44. The Board Secretary shall liaise with the Administering Authority on the requirements of the Board, including advanced notice for officers to attend and arranging dates and times of Board meetings.

Public access to Board meetings and information

45. The Board meetings will generally be open to the Press and general public at the discretion of the Board or Chair (and unless there is an exemption under relevant legislation or as referred to in paragraph 41 which would preclude part or all of the meeting from being open to the general public).
46. The following will be entitled to attend Board meetings in an observer capacity:
 - (a) Members of the Committee,
 - (b) The Administering Authority Cabinet Member with Responsibility for Finance
 - (c) Any person requested to attend by the Board.

Any such attendees will be permitted to speak at the discretion of the Chair.
47. In accordance with the Act, the Administering Authority shall publish information about the Board to include:
 - (a) The names of Board members and their contact details.
 - (b) The representation of employers and members on the Board.
 - (c) The role of the Board.
 - (d) These Terms of Reference.
48. The Administering Authority shall also publish other information about the Board including:

- (a) Agendas and minutes
- (b) Training and attendance logs
- (c) An annual report on the work of the Board to be included in the Fund's own annual report.

49. All or some of this information may be published using the following means or other means as considered appropriate from time to time:

- (a) On the Fund's website.
- (b) As part of the Fund's Annual Report.
- (c) As part of the Governance Compliance Statement.

50. Information may be excluded from being published on the grounds that it would either involve the likely disclosure of exempt information as specified in Part 1 of Schedule 12A of the Local Government Act 1972 or it being confidential for the purposes of Section 100A(2) of that Act and/or they represent data prevented from disclosure under the Data Protection Act 2018.

Expenses and allowances

51. The Administering Authority shall meet the out of pocket expenses of Board members (for travelling etc) in line with the Administering Authority's policy on expenses.

Budget

52. The Board is to be provided with adequate resources to fulfil its role. In doing so the budget for the Board will be met from the Fund as approved by the Pension Committee. The Board will seek approval from the Chief Financial Officer for any specific expenditure it wishes to make.

Core functions

53. The first core function of the Board is to assist the Administering Authority in securing compliance with the Regulations, any other legislation relating to the governance and administration of the Scheme, and requirements imposed by the Pensions Regulator in relation to the Scheme. Within this extent of this core function the Board may determine the areas it wishes to consider including but not restricted to:

- a) Review regular compliance monitoring reports which shall include reports to and decisions made under the Regulations by the Committee.
- b) Review management, administrative and governance processes and procedures in order to ensure they remain compliant with the Regulations, relevant legislation and in particular the Code.
- c) Review the compliance of scheme employers with their duties under the Regulations and relevant legislation.

- d) Assist with the development of and continually review such documentation as is required by the Regulations.
- e) Assist with the development of and continually review scheme member and employer communications as required by the Regulations and relevant legislation.
- f) Monitor complaints and performance on the administration and governance of the scheme.
- g) Review the application of the Internal Dispute Resolution Process.
- h) Review the complete and proper exercise of Pensions Ombudsman cases.
- i) Review the implementation of revised policies and procedures following changes to the Scheme.
- j) Review the arrangements for the training of Board members and those elected members and officers with delegated responsibilities for the management and administration of the Scheme.
- k) Review the complete and proper exercise of employer and administering authority discretions.
- l) Review the outcome of internal and external audit reports.
- m) Review draft accounts and Fund annual report.
- n) Review the compliance of particular cases, projects or process on request of the Committee.
- o) Any other area within the statement of purpose (i.e. assisting the Administering Authority) the Board deems appropriate.

54. The second core function of the Board is to ensure the effective and efficient governance and administration of the Scheme. Within this extent of this core function the Board may determine the areas it wishes to consider including but not restricted to:

- a) Assist with the development of improved customer services.
- b) Monitor performance of administration, governance and investments against key performance targets and indicators.
- c) Review the effectiveness of processes for the appointment of advisors and suppliers to the Administering Authority.
- d) Monitor investment costs including custodian and transaction costs.
- e) Monitor internal and external audit reports.
- f) Review the risk register as it relates to the scheme manager function of the authority.
- g) Assist with the development of improved management, administration and governance policies.
- h) Review the outcome of actuarial reporting and valuations.
- i) Assist in the development and monitoring of process improvements on request of Committee.
- j) Assist in the development of asset voting and engagement processes and compliance with the UK Stewardship Code.
- k) Any other area within the statement of purpose (i.e. ensuring effective and efficient governance of the scheme) the Board deems appropriate.

55. In support of its core functions the Board may make a request for information to the Committee with regard to any aspect of the Administering Authority's

function. Any such request should be reasonably complied with in both scope and timing.

56. In support of its core functions the Board may make recommendations to the Committee which should be considered and a response made to the Board on the outcome within a reasonable period of time.

Reporting

57. The Board should in the first instance report its requests, recommendations or concerns to the Committee to assist it in its decision making. In support of this the Chair of the Board may attend a Committee to speak to matters raised by the Board.
58. Requests and recommendations should be reported under the provisions of paragraphs 56 to 58.
59. The Board should report to the Committee any concerns (agreed upon by consensus or a majority vote of the quorate Board) over a decision made by the Committee.
60. On receipt of a report under paragraph 62 above the Committee should, within a reasonable period, consider and respond to the Board.
61. Where the Board is not satisfied with the response received it may request that a notice of its concern be placed on the website and in the Fund's annual report.
62. Where the Board is satisfied that there has been a breach of regulation which has been reported to the Committee under paragraph 62 and has not been rectified within a reasonable period of time it is under an obligation to escalate the breach.
63. The appropriate internal route for escalation is to the Monitoring Officer (Assistant Director Legal and Governance) and the Chief Financial Officer.
64. The Board may report concerns to the LGPS Scheme Advisory Board or Local Government Association for consideration subsequent to, but not instead of, using the appropriate internal route for escalation.
65. Board members are also subject to the requirements to report breaches of law under the Act and the Code, and the whistleblowing provisions set out in the Administering Authority's policy.

Review of terms of reference

66. These Terms of Reference shall be reviewed on each material change to those parts of the Regulations covering local pension boards and at least every four years.
67. These Terms of Reference were adopted 12 November 2019.

Worcestershire Health and Well-being Board Terms of Reference

Legal standing

1. The Board is constituted as a Committee of the County Council. The Health and Social Care Act 2012 includes a clause that provides for the disapplication of legislation that relates to such Committees in order to recognise that Health and Well-being Boards are unusual in comparison to other Section 102 Committees in having officers, and members from Clinical Commissioning Groups and local HealthWatch.

2. The Board does not have delegated authority to take decisions of behalf of member organisations. However, all organisations are encouraged to abide by the collective decisions of the Board. In the event of a dispute the Board:

- will attempt resolution locally
- may engage external mediation
- may escalate the issue to NHS England
- may refer the issue to the Secretary of State.

Aims

3. The Board will:

- Lead and build partnerships for health and well-being
- Establish a shared understanding of health and well-being in Worcestershire and the County's health and social care needs
- Ensure continuous improvement in health and well-being outcomes and the quality and value for money of health, social care and related children's services
- Lead strategic planning and drive commissioning of NHS, public health, social care and related children's services
- Influence how the County Council and the local NHS use their resources to organise and provide services and to support the strategic plans of the Herefordshire and Worcestershire Sustainability and Transformation Partnership and Integrated Care System
- Encourage and support health, social care and related services to work in an integrated manner
- Ensure that there is long-term action across a range of partners to influence the determinants of health and well-being
- Ensure that effective arrangements are in place to protect the public against infectious diseases and other threats to health through preventive efforts

Approach

- and robust planning and an effective response to outbreaks and incidents
- Support the work of the Adults Safeguarding Board and Children's Safeguarding Partnership to ensure that effective arrangements are in place for safeguarding adults and children
- Become a forum for public discussion and accountability of strategies, policies, services and activities that influence health and well-being and health, and social care services.
- Develop a co-operative approach around major service and system change.

4. To do this the Board will:

- Prepare and produce a Joint Strategic Needs Assessment (JSNA) to provide a clear statement of health and well-being in Worcestershire, and the County's health and social care-related needs
- Develop a Joint Health and Well-being Strategy (JHWS); based on this assessment, to provide a framework for how these needs are to be addressed
- Develop a clear understanding of current and future funding, activity and expenditure across health and social care, and opportunities for service change
- Determine whether health and social care commissioning plans are consistent with the JHWS, endorse these where appropriate or advise on what additions or changes are expected
- Oversee Joint Commissioning and co-production between the County Council, the Herefordshire and Worcestershire CCG (CCG), District Councils and key partners.
- Encourage and oversee the progressive integration of budgets across health, social care and related services. Consider and approve the most effective use of the Better Care Fund and the associated annual Plan.

Membership

5. The Chairman and Vice Chairman of the Board will be appointed by the Leader of the County Council from amongst voting members. Voting members will be:

County Council: (6)

- Cabinet member for Health and Well-being
- Cabinet member for Adult Social Care
- Cabinet member for Children and Families
- Director of Adult Services
- Director of Children's Services
- Director of Public Health

Sub-groups and other relationships

NHS: (6)

- Accountable Officer from the CCG
- Chairman of the CCG Board
- Three CCG Worcestershire locality lead GP's
- Senior representative from NHS England

Chair of Healthwatch Worcestershire. (1)

6. Associate (non-voting) members may attend and participate at meetings of the Board but may not vote, and will be:

- 1 representative from the Worcestershire Acute NHS Trust
- 1 representative from the Worcestershire Health and Care NHS Trust
- 1 Representative from the voluntary and community sector, selected by Worcestershire Voices. (To provide a strategic perspective from and feedback to the VCS as a whole).
- 1 Representative from West Mercia Police
- 2 Leaders or relevant portfolio holders from the District Councils. 1 from the north of the County; 1 from the south of the County. (The role is to provide a strategic perspective from and feedback to their District Councils in the north and south rather than to represent their individual Council or specific local issues.)
- The Chairman of the Worcestershire Strategic Housing Partnership (to represent the DC Local Housing Authorities)

7. Additional representatives from the County Council, CCG and other organisations may be invited to attend at the discretion of the Chairman but may not vote.

8. All members (whether voting or associate) will be required to provide a substitute of relevant seniority to take their place if they are unable to attend a meeting.

9. The Board will maintain a number of sub-groups to lead on one or more of the aims above, reporting periodically to the Board. They are not formal committees or sub-committees of the Council and will not meet in public. An outline of their roles and membership is included in the attached Appendix A.

- JSNA Working Group
- Health Improvement Group
- Health Protection Group

Decision-making and quorum

Public participation

Declarations of Interest and Code of Conduct

- Children's Strategic Partnership

10. The Board will maintain a relationship and dialogue with:

- Integrated Commissioning Executive Officer's Group (ICEOG)
- The Local Enterprise Partnership
- The Worcestershire Safer Communities Board
- The Worcestershire Safeguarding Adults' Board
- Worcestershire Strategic Housing Partnership
- The Worcestershire Safeguarding Children's Partnership

11. Decisions of the Board will be made by consensus wherever possible. If a consensus cannot be reached the Chairman will call for a vote from amongst those voting members present at the time. The Chairperson will have a second or casting vote in the case of equality of votes.

12. Meetings will be quorate if at least six voting members (or their substitutes) are present including at least one elected Member from the County Council and one CCG member.

13. Formal Board meetings will be held in public except where the Board is required to consider items of a confidential or exempt nature in which case the press and public may be excluded from that part of the meeting. The Access to Information Rules will apply to all formal meetings of the Board. Board development sessions are not formal meetings of the Board and will be held in private.

14. Up to 20 minutes of each meeting will be given over to public participation in the form of questions or comment up to a maximum of three minutes per participant. Questions or comments will normally be limited to items relevant to the agenda except at the discretion of the Chairman. The nature and content of participation should be submitted by 9.00am the working day before the meeting date to the Head of Legal and Democratic Services. Questions or comments will be heard but will not be followed by a debate. The Chairman will follow up with a written response within 28 days.

15. All voting members of the Board and substitutes are required to register their Disclosable Pecuniary Interests as required under the Localism Act 2011 and the Council's Code of Conduct.

16. Members of the Board are expected to:

- Attend meetings or send a substitute

Frequency of meetings and support

- Work together and take collective responsibility for decisions
- Ensure that their own contribution and the business of the Board is conducted in a way which is consistent with the Nolan Principles of Public Life: selflessness, integrity, objectivity, accountability, openness, honesty and leadership
- Come with a mandate to represent and feedback to their respective organisation(s)
- Honour any commitments made insofar as they relate to their own organisation(s)
- Balance the interests of the population of the County as a whole against the interests of specific geographical areas.

17. Meetings of the Board will generally be held quarterly with additional meetings to be arranged at the discretion of the Chairman.

18. The Board will also hold private sessions to support its own development.

19. Administration for the Board will be provided by the County Council's Head of Legal and Democratic Services.

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CODE OF CONDUCT

Part 1

General provisions

Introduction and interpretation

1. (1) This Code applies to **you** as a member or co-opted member
- (2) You should read this Code together with the Ten Principles of Public Life (also known as the Nolan Principles) which are set out in Appendix 1.
- (3) It is your responsibility to comply with the provisions of this Code.
- (4) In this Code—
 - "meeting" means any meeting of
 - (a) the authority (Worcestershire County Council);
 - (b) any of the authority's committees, sub-committees, joint committees, joint sub-committees, or area committees;
 - (c) the executive (Cabinet) of the authority or its committees;
 - (d) an external body upon which the member sits as a representative of the authority;
 - "Monitoring Officer" means the Monitoring Officer for the authority;
 - "bullying and harassment includes;
 - oppressive behaviour or the abuse of power, which makes the recipient feel threatened, humiliated or vulnerable, and which may undermine his/her self-confidence and cause him/her to suffer stress."

Examples are set out at Appendix 3 to this Code.

Scope

2. (1) This Code applies to you as a member of this authority when you act in your role as a Member or as a representative of the authority in the circumstances described in para 2 (b) below.
- (2) Where you act as a representative of the authority:
 - (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or
 - (b) on any other body, you must, when acting for that other body, comply with the authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

General obligations

3. (1) You must treat others with respect in accordance with the Nolan Principles.
- (2) You must co-operate with any standards investigations
- (3) You must not:
 - (a) do anything which may cause your authority to breach any of the equality enactments;
 - (b) bully or harass any person;
 - (c) intimidate or attempt to intimidate any person who is or is likely to be:
 - (i) a complainant,
 - (ii) a witness, or
 - (iii) involved in the administration of any investigation or proceedings,in relation to an allegation that a member (including yourself) has failed to comply with the authority's Code of Conduct;
 - (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the authority.

4. You must not:
- (a) do anything that is likely to cause your authority to breach Data Protection law;
 - (b) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:
 - (i) you have the consent of a person authorised to give it;
 - (ii) you are required by law to do so;
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is:
 - (aa) reasonable and in the public interest; and
 - (bb) made in good faith and in compliance with the reasonable requirements of the authority; or
 - (c) prevent another person from gaining access to information to which that person is entitled by law.
5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.
6. You:
- (a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
 - (b) must, when using or authorising the use by others of the resources of, or under the control of, the authority:
 - (i) act in accordance with the authority's reasonable requirements including in relation to the use of authority stationery and official logos and branding;

- (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
- (c) must have regard to any applicable Local Authority Code of Publicity.

7. You must:

- (a) when reaching decisions on any matter have regard to any relevant advice provided to you by the authority's officers and in particular by the authority's Monitoring Officer and Section 151 Officer; and
- (b) give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the authority

8. You must not place yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties, and must comply with the authority's guidance on gifts and hospitality (attached as Appendix 4)

Part 2

Interests

Disclosable Pecuniary Interests ("DPI")

- 9. (1) You will have a Disclosable Pecuniary Interest ("DPI") under this Code if:-**
- (a) such interest meets the definition prescribed by the DPI regulations as amended from time to time and set out in Appendix 2 to this Code; and
 - (b) it is either an interest of yourself; or it is an interest of :-
 - (i) your spouse or civil partner; or
 - (ii) a person with whom you are living as husband and wife: or
 - (iii) a person with whom you are living as if you were civil partners;

and you are aware that the other person has the interest.

Registration of DPIs

- 10. (1)** You must within 28 days of becoming a member of the authority or being re-elected notify the Monitoring Officer in writing of any DPI which you hold at the time notification is given.
- (2) You must within 28 days of becoming aware of any new DPI, or changes to existing DPIs, notify the Monitoring Officer in writing of the detail.

Other Disclosable Interests (ODI)

- 11.(1)** You will have a Disclosable Interest in any matter if you are aware that you or a member of your family or person or organisation with whom you are associated have a:-
- (a) pecuniary interest in the matter under discussion which is not de minimis; or
 - (b) a close connection with the matter under discussion.
- (2) If you are a member of another local authority, or public body, or you have been appointed as the Council's representative on an outside body, you do not have a Disclosable Interest unless a member of the public knowing the circumstances would reasonably regard membership of the body concerned as being likely to prejudice your judgment of what is in the public interest.

Disclosure of Interests

12.(1) Formal Meetings

Disclosable Pecuniary Interest (DPI)

If you are present at a Meeting and you have a DPI then you must:

- (a) disclose the nature and existence of the interest;
- (b) leave the meeting (including the meeting room and public gallery) and take no part in the discussion; and

- (c) If the interest has not already been recorded notify the Monitoring Officer of the interest within 28 days beginning with the date of the meeting.

Other Disclosable Interest (ODI)

If you are present at a Meeting and you have an ODI then you must:

- (a) disclose the nature and existence of the interest; and
- (b) if the interest;
 - (i) affects your pecuniary interests or relates to the determination of a planning or regulatory matter; and
 - (ii) is one which a member of the public knowing the circumstances would reasonably regard as being likely to prejudice your judgment of what is in the public interest

then you must leave the Meeting (including the meeting room and public gallery) and take no part in the discussion.

(2) Informal meetings and correspondence

Disclosable Pecuniary Interest (DPI)

If you have a DPI in the matter you must not participate in informal meetings, briefings or site visits, and must disclose the DPI in any correspondence with the authority.

Other Disclosable Interest (ODI)

If you have an ODI in the matter, then you must disclose the existence and nature of that interest at informal meetings, briefings or site visits, and must disclose the ODI in any correspondence with the authority.

If the ODI is such that you would be required to leave a formal Meeting as above, then you must not participate in the informal meeting.

(3) Single Member Decisions

Disclosable Pecuniary Interest (DPI)

If when participating in single member decision-making you have a DPI in the matter being decided, then you must take no steps in relation to the

decision other than asking for the matter to be decided in some other manner.

Other Disclosable Interest (ODI)

If you have an ODI in the matter being decided, then you must disclose the existence and nature and record it on the record of decision.

If the ODI is such that you would be required to leave a formal Meeting as set out above, then you must take no steps in relation to the decision other than asking for the matter to be decided in some other manner.

(4) Dispensations

You may take part in the discussion of and any decision or vote on a matter in which you have been granted a formal dispensation.

Sensitive Information

13. An interest will be a sensitive interest if the two following conditions apply:

- (a) that you have an interest (whether or not a DPI); and
- (b) the nature of the interest is such that you and the Monitoring Officer consider that disclosure of the details of the interest could lead to you or a person connected to you being subject to violence or intimidation.
- (c) where it is decided that an interest is a “sensitive interest” it will be excluded from published versions of the register. The Monitoring Officer may state on the register that the member has an interest the details of which are excluded under this section.
- (d) where the sensitive interest is a DPI the usual rules relating to disclosure will apply save that the member will only be required to disclose that they hold a DPI in the matter concerned.

APPENDIX 1

The Ten Principles of Public Life

APPENDIX 2

The Localism Act Definition of Disclosable Pecuniary Interests Regulations

APPENDIX 3

Examples of bullying and harassment

APPENDIX 4

Gifts and hospitality

MEMBERS CODE OF CONDUCT

THE TEN GENERAL PRINCIPLES OF PUBLIC LIFE

Selflessness – Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

Honesty and Integrity – Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly, and should on all occasions avoid the appearance of such behaviour.

Objectivity – Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability – Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

Openness – Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

Personal judgement – Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

Respect for others – Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers and its other employees.

Duty to uphold the Law – Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

Stewardship – Members should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law.

Leadership – Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

DISCLOSABLE PECUNIARY INTERESTS

This note explains the requirements of the Localism Act 2011 (Ss 29-34) in relation to disclosable pecuniary interests.

These provisions are enforced by criminal sanction.

They come into force on 1 July.

1 Notification of disclosable pecuniary interests

Within 28 days of becoming a member or co-opted member, you must notify the Monitoring Officer of any 'disclosable pecuniary interests'.

A 'disclosable pecuniary interest' is an interest of yourself or your partner (which means spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners) within the following descriptions:

<i>Interest</i>	<i>description</i>
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.

Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and (b) either— (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

These descriptions on interests are subject to the following definitions;

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” includes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means the person M referred to in section 30 of the Act;

“member” includes a co-opted member;

“relevant authority” means the authority of which M is a member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) of the Act;

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act;

securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets

Act 2000() and other securities of any description, other than money deposited with a building society.

EXAMPLES OF BULLYING AND HARRASSMENT

Bullying and harassment may include:

- physical contact ranging from touching to assault
- verbal and written comments through jokes, offensive language, personal comments about appearance, size, clothing etc
- innuendo, gossip and letters etc.
- malicious rumours and allegations, including fabricating complaints from clients and other members of staff.
- open aggression, threats, shouting, abuse and obscenities, persistent negative attacks.
- constant humiliation, criticism and ridicule, belittling efforts and undervaluing contribution
- trolling behaviour.

Harassment is unwanted conduct on the grounds of any protected characteristic as defined by the Equality Act 2010, political or Trade Union affiliation, or take the form of victimisation, that:

- has the purpose of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person; or
- is reasonably considered by that person to have the effect of violating his/her dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for him/her, even if this effect was not intended by the person responsible for the conduct.

This is not exhaustive.

GIFTS AND HOSPITALITY

1. Minor gifts and hospitality are sometimes part of the normal courtesies of life: a resident may offer a modest gift as a token of appreciation and sometimes simple items such as diaries and pens are distributed as advertising matter. In dealing with a matter in your division you may be offered a cup of tea or light refreshments.
2. As a guideline, any gift or hospitality with a value of £15 or more is highly unlikely to be viewed as a 'token'. You must consider whether it is appropriate to accept even token gifts, especially where you are dealing with regulatory or procurement matters when it would usually be inappropriate to receive any gift from involved parties. In case of doubt you should consult the Monitoring Officer.
3. Offers of hospitality, even if seemingly minor in nature, must be treated with particular caution as they can leave individuals and the Council open to allegations of impropriety. The timing of offers of hospitality, for example in relation to the award of contracts, granting of applications or other decisions, should be considered equally to the generosity of the hospitality offered. Accepting hospitality must be justified in the public interest, for example when there is a genuine need to represent the Council.
4. All offers and receipt of gifts and hospitality with a value of £15 or higher must be reported to the Monitoring Officer who will ensure it is recorded in the Council's register of gifts and hospitality, which will be published.

COUNCIL
7 NOVEMBER 2019**NOTICES OF MOTION**

Notices of Motion Received

1. The Head of Legal and Democratic Services reports that he has received the following 5 Notices of Motion. The Constitution provides that any submitted motion must be moved and seconded at the meeting. Otherwise, unless postponed with the consent of the Council, it will be treated as withdrawn.
2. If a motion is in relation to the exercise of an executive function it will be referred to the Cabinet for decision (if applicable this will be indicated below). Otherwise the Council may decide itself to determine the Motion, or refer it to the Cabinet or another appropriate Committee for advice before determining it at the next available meeting.

Notice of Motion 1 – Support for Entrepreneurs and Innovators in Worcestershire

1. **This motion is not in relation to the exercise of an executive function and the Council may decide to determine the Motion.**
2. Notice of Motion 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:

"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 products and services to enhance our economy.”

Notice of Motion 2 – The ‘GET SAFE’ Initiative – safeguarding young people

3. This motion is not in relation to the exercise of an executive function and the Council may decide to determine the Motion.

4. Notice of Motion 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:

"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 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.”

Notice of Motion 3 – Employment agencies

5. This motion is not in relation to the exercise of an executive function and the Council may decide to determine the Motion.

6. Notice of Motion standing in the names of Mr R C Lunn, Mr L C R Mallett, Mr P Denham and Mr P M McDonald:

“Council is concerned about a recent disclosure that it paid £823.00 per day since July 2017 for one agency worker. To secure value for money and to protect Worcestershire from poor reputational risk, Council requests the Overview and Scrutiny Performance Board to establish an urgent review into the use of

employment agencies by the County Council. To uncover total spend, assess value for money and to recommend any new methods of engagement”.

Notice of Motion 4 – Royal Mail and Post Office Services

7. This motion is not in relation to the exercise of an executive function and the Council may decide to determine the Motion.

8. Notice of Motion standing in the names of Mr R C Lunn, Mr L C R Mallett, Mr P Denham and Mr P M McDonald:

“Council has the power to act as champion of the consumer by investigating the Post Office and the Royal Mail and by scrutinising the provision of their services within the county. Council is concerned by the number of recent Post Office closures in the county and asks the Overview and Scrutiny Performance Board to consider a scrutiny exercise into the services provided by both the Royal Mail and the Post Office”.

Notice of Motion 5 – Proposals for Voter ID

9. This motion is not in relation to the exercise of an executive function and the Council may decide to determine the Motion.

10. Notice of Motion standing in the names of Mrs E B Tucker, Mr M E Jenkins, Mr T A L Wells Mrs F M Oborski and Prof J W Raine:

“Council recognises that the low voter turnout is a major concern at both local and national elections which could affect public confidence in the discharge of our statutory duties to the public and undermine the democratic mandate of our Worcestershire county councillors.

Council therefore regrets that the proposals for Voter ID as unveiled in the Queen’s Speech are likely to further depress voter turnout amongst the poorest and most vulnerable in society who are least likely to have Passports or Photo Driving Licences.

Council is concerned that this will further reduce the broad democratic mandate for its 57 councillors.

Council therefore requests our Worcestershire MPs to press government to reconsider the side effects of this proposed new policy.”

Contact Points

County Council Contact Points

County Council: 01905 763763

Worcestershire Hub: 01905 765765

Specific Contact Points for this report
Simon Lewis, Committee Officer
Tel: 01905 846621
Email: slewis@worcestershire.gov.uk

Background Papers

In the opinion of the proper officer (in this case the Head of Legal and Democratic Services) there are no background papers relating to the subject matter of this report.

COUNCIL
7 NOVEMBER 2019**QUESTION TIME**

Question 1 – Independent schools

1. Mr A D Kent will ask the Cabinet Member with Responsibility for Education and Skills:

"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?"

Question 2 – Rubery Library

2. Mr P M McDonald will ask the Cabinet Member with Responsibility for Communities:

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

Question 3 – Children on roll with Education Health and Care Plans

3. Mr R C Lunn will ask the Cabinet Member with Responsibility for Education and Skills:

"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?"

Question 4 – Cabinet report on Brexit preparations

4. Mrs E B Tucker will ask the Cabinet Member with Responsibility for Economy and Infrastructure:

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

Contact Points

County Council Contact Points
County Council: 01905 763763

Worcestershire Hub: 01905 765765

Specific Contact Points for this report

Simon Lewis, Committee Officer

Tel: 01905 846621

Email: slewis@worcestershire.gov.uk

Background Papers

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COUNCIL
7 NOVEMBER 2019**REPORTS OF COMMITTEES****(a) SUMMARY OF DECISIONS TAKEN BY THE AUDIT AND GOVERNANCE COMMITTEE**

Internal Audit Progress Report – 2019/20

1. Since the last progress report, a final report for one audit had been issued, one audit was with managers for sign off and 9 audits are underway (including 4 IT audits which are being delivered by Worcestershire Internal Audit Shared Service). A number of older outstanding actions had been completed and there was now a total of 83 outstanding actions, with 58 overdue. This is a significant improvement from the last quarter and of the 50, 19 of these relate to Northleigh Primary School and Internal Audit are working with the new headteacher at the school to manage these. The Committee has noted the Internal Audit Progress Report.

External Auditor – Annual audit Letter 2018/19

2. Grant Thornton is responsible for producing an Annual Audit Letter which brings together all aspects of external inspection work undertaken across the County Council including the audit work carried out on the accounts. The Annual Audit Letter looks back over the year and summarises all of the reports and work the external auditors have undertaken and closes that year's audit. As such there are no new audit findings. The Committee has noted the External Auditor – Annual audit Letter 2018/19.

Fourth Update on Finance Improvement Plan

3. To ensure that the Council has a fit for purpose finance function to support the organisation in the coming years a Finance Improvement Programme is in place. The Finance Improvement Programme has six projects that are interlinked and the Committee received an update on each of the following projects: Control Environment; Budget Structures and roles and responsibilities; Financial Transactions; Staffing structures; Systems; and Partners and customers. Underpinning these projects are two cross-cutting projects: Communications; and Training. The Committee has noted the report and that a further update will be brought to the March 2020 Committee meeting. The Committee has also requested that a report on debt be brought to the December 2019 Committee meeting.

Corporate Risk Report

4. The Corporate Risk Register provides a mechanism for collating and reporting risks that could affect the delivery of corporate objectives. In April 2017 the Council adopted an electronic risk register tool to hold in one place all the major risks identified by individual Directorates and major projects. A scoring system is used to rate individual risks. This allows risks to be ranked and provides a view of the highest risks identified across the organisation.

5. The Council's approach to risk monitoring and risk management continues to develop, and over the next 12 months the Corporate Risk Management Group (CRMG) will review the system and reporting requirements for risk management (including, for example, an assessment of the suitability of Pentana, the Council's new internal audit system, as a potential replacement for the corporate risk register tool).

6. At the end of Quarter One 2019/20 there were 124 individual risks entered in the risk register of which 15 were identified as high / "red" risks. The highest risks have been grouped into five risk areas, following discussion by CRMG and the Performance and Transformation Board as follows: Safeguarding vulnerable children; Education; Demand for Adult Social Care; Compliance management of the council's estate; and business continuity response to major event. Two further risk areas that have previously been reported as high / "red" are highlighted as medium / "amber" following significant mitigating activity during 2018/19 as follows: financial control; and staff capacity, capability and productivity.

7. The Committee has noted the latest update of the Corporate Risk Register including mitigating actions identified in respect of red risk. Following concerns expressed during the debate about the Council's response to Brexit, the Committee has requested that the full local and regional Brexit planning arrangements, report and spreadsheet of risks and mitigations be considered for release to all members of the Council.

Work Programme

8. The Committee has noted its future work programme subject to the addition of an item on cash management and debt to the December 2019 meeting.

Mr N Desmond
Chairman

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Background Papers

In the opinion of the proper officer (in this case the Head of Legal and Democratic Services) the following are the background papers relating to the subject matter of this report:

Agenda papers for the meeting of the Audit and Governance Committee held on 20 September 2019.

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COUNCIL
7 NOVEMBER 2019**REPORTS OF COMMITTEES****(b) SUMMARY OF DECISIONS TAKEN BY THE PENSIONS COMMITTEE**

LGPS Central Update

1. The Committee has received a presentation from Mike Weston, Chief Executive Officer and Callum Campbell, Head of Client Services and Stakeholder Relations of LGPS Central which set out the shared objectives, progress to date, the First 100 Days of the Chief Executive, key performance indicators 2019/20, LGPS Central responsibilities, Worcestershire Assets under Stewardship, current pooling progress, product development protocol and responsible investment and engagement.
2. It is anticipated that around 34% of Worcestershire Pension Fund's assets will be transferred to LGPS Central over the next 5 years to 2023. The main reason this is lower than the other pool members is because of the current allocation in passive funds and the existing commitments to property and Infrastructure. The Committee has noted the LGPS Central update.

Pension Board and Pension Investment Sub-Committee Minutes

3. As set out in the Terms of Reference of the Pension Investment Sub-Committee, all decisions taken and recommendations will be reported back to the next available ordinary meeting of the Pensions Committee in the form of the minutes of the ISC. In addition, the Pensions Board has requested that their deliberations be reported to the Committee. The Committee noted the Minutes of the Pension Board and the Pension Investment Sub-Committee.

Pension Investment Update

4. The Committee has noted the Independent Financial Adviser's fund performance summary and market background. The Committee has noted the update on the Investment Managers placed 'on watch' by the Pension Investment Advisory Panel.
5. The Committee has been kept up to date with the process being conducted for the transition across of the Fund's active Emerging Markets equities to the LGPS Central Active Global Emerging markets mandate (AGEM). Worcestershire had active emerging market mandates with JP Morgan and Schroder's totalling £356.1m as at the end of March 2019. The transition involved the restructuring of two mandates being Worcestershire and Leicestershire to three active global emerging markets equity mandates (BMO, UBS and Vontobel). Originally, further Partner Funds were identified as wanting to contribute to the funding however, it was agreed

that due to the make-up of the legacy mandates only Worcestershire and Leicestershire would fund this launch. Transition trading commenced on 8 July 2019 and completed on 16 July 2019. The transition overall was successful and close to the targeted implementation shortfall. The overall Assets under management (AUM) that have been transferred including Leicestershire is just over £536million. It is anticipated that Derbyshire and Nottinghamshire will also invest into this fund increasing the AUM to an estimated £736million. The Committee has noted the outcome of the transition of the active Emerging Market investments to the LGPS Central Global Emerging Markets Fund.

6. The existing active corporate bonds mandate is currently with JP Morgan with an existing value as at June 2019 of £151.1m. LGPS Central had appoint 2 fund managers, Fidelity IL Pension Management and Neuberger Berman (Europe) Limited. The initial stages of the transition of the existing active corporate bonds mandate have commenced and funds are likely to transfer early 2020. The Committee has noted the update on the transition of the Active Corporate Bonds mandate into the LGPS 'Global active Investment Grade Corporate Bond Fund.

7. The last actuarial valuation undertaken as at the 31 March 2016 showed that the fund was 75% funded with a £654m deficit at this point. The Actuary provided a preliminary valuation in September 2019 which has been updated for discount rate assumptions, life expectancy trends, covenant, data quality etc. The estimated funding levels in March 2019 were to 91% with a deficit of £265m. The Asset valuation as at the end of August 2019 was £2.914m. The Committee has noted the funding position compared to the investment performance.

8. The Committee has noted the update on the Equity Protection current static strategy extension. The Committee has noted the update on Responsible Investment activities and Stewardship investment pooling. The Committee has noted the update on the LGPS Central report on the voting to be undertaken on the Funds behalf. The Committee has noted the update on the development of a Climate Risk Monitoring Platform.

Actuarial Valuation and Draft Pension Fund Strategy Statement Consultation

9. Every three years, in line with legislation, the Fund Actuary, Mercer, carries out a full Actuarial Valuation of the Fund to calculate how much the employers in the Scheme need to contribute going forward to ensure that its liabilities, the pensions due to current and future pensioners, will be paid as they fall due. The purpose of the Funding Strategy Statement ("FSS") is to set out a clear and transparent funding strategy that will identify how each Fund employer's pension liabilities are to be met going forward.

10. At present Mercer have left the main structure of the FSS and the supporting Appendices as the existing 2018 document and just added in new wording as required to cover investment pots, the McCloud judgement and other legislative changes.

11. The provisional results show that the Fund's funding level has increased from 75% funded at 31 March 2016 to 91% at 31 March 2019. The key points relate to the target recovery period for the Fund, a key change to the method of valuing the Fund's liabilities, the remedy to the McCloud judgement not being known, and

investment 'pots'.

12. The consultation on the draft FSS will be sent to Employers on 21 October and will be asked to respond by Friday the 22 November 2019. These will then be considered and the final proposed actuarial valuation and FSS will be presented to the Pensions Committee on the 13 December 2019. The Committee has approved the draft Funding Strategy Statement that is subject to employer consultation. The Committee has noted the results of the provisional Actuarial Valuation.

Risk Register

13. The Risk Register is kept under regular review and, following the September 2019 review by officers, a new risk WPF 30 (Failure to maintain the quality of our member data) has been added to the Register. It has a residual risk score of 25. The residual risk score for WPF 09 (Being reliant on LGPS Central Limited's investment approach following transitioning of assets) has been increased, as the Fund has transitioned some assets. The residual risk score for WPF 07 (future changes to LGPS legislation or other legislation) has been reduced from 25 to 20 to reflect the mitigating actions that are now in place. The Committee has noted the Worcestershire Pension Fund Risk Register as at 19 September 2019.

Pension Fund Audited Annual Report and Accounts 2018/19

14. The Annual Report (only available electronically) is a key communications channel between the fund and a wide variety of stakeholders. The report contains information relating to fund investments, administration, governance, valuations, accounts and membership. Improvements have been made to the presentation and style of the annual report to look at making this more user friendly and easier to read.

15. The Accounts of Worcestershire Pension Fund were signed off by the external Auditor unqualified and on time.

16. The Committee has approved the audited Pension Fund Annual Report and Accounts 2018/19

Worcestershire County Council Pension Fund Administration Budget Forecast Outturn 2019/20

17. . The forecast outturn for 2019/20 is estimated to be £12.752m compared to a budget of £12.630m, a difference of £0.122m. The main reason for the variance is investment management fees (increase of £0.153m) due to some commitments to Property and Infrastructure being drawn earlier than originally anticipated. An increase above budget for investment professional fees (£0.045m) has also been incurred for additional independent advice on the transition of Emerging Market and Bonds to LGPS Central and advice on Capital gains tax from the Fund's tax consultants. This is partly offset by some of the Guaranteed Members Pension exercise being undertaken in 2018.19 and thus saving on the 2019.20 budget a reduction of £0.066m).

18. The Committee has noted the variation to the Pension Fund Administration Budget, including manager fees, for 2019/20 totalling £12.752m.

Business Plan

19. The Business Plan is now reviewed and updated quarterly to deliver an extra management / governance tool to help officers to manage the Fund's activities; and help the Pensions Committee to ensure that the ongoing management and development of the Fund is in line with longer term policy, objectives and strategy. The Committee has noted the Worcestershire Pension Fund (WPF) Business Plan as at 20 September 2019 and the Administering Authority update.

Pension Fund Training Programme

20. The Committee has noted the feedback from the Pensions Training events on the 19 June 2019 and the 8 July 2019; and the Training Plan for Pensions Committee and Pension Board members.

Governance and Pension Board

21. Earlier this year, Hymans Robertson were appointed by the Scheme Advisory Board (SAB) to facilitate a review of governance structures for the LGPS. The SAB commissioned this report to examine the effectiveness of current LGPS governance models and to consider alternatives or enhancements to existing models which can strengthen LGPS governance. The report recommends introducing key benchmarks which will be used to assess each fund. The SAB agreed to take forward the findings and conclusions to improve governance in the LGPS and released a report published in July. The key proposals included an 'Outcomes-based approach to LGPS governance, enhanced training requirements and update of relevant guidance and better sign-posting.

22. In addition to the work being undertaken by the SAB, the Pensions Regulator (PR) also published its report in September 2019 into the governance and administration risks in public service pension schemes, including the 10 UK local government funds who were engaged with between October 2018 and July 2019. The report summarises the key findings against the Regulator's Code of Practice 14 both in terms of exceeding and falling short of required standards and will be discussed in detail when the SAB next meets on the 6 November 2019. Overall, the PR found a number of common areas, some requiring improvement but others demonstrating good practice relating to the various risk areas we investigated. The key areas for improvement related to Key person risk, Pension boards, Fraud / Scams and Employers.

23. The Committee has agreed that a further report is brought back to the December Pensions Committee benchmarking the Fund and administration of the Fund against the Scheme Advisory Board and Pension Regulator's governance reviews, with recommendations to further strengthen the Fund.

24. The Competition and Markets authority (CMA) has published the Investment Consultancy and Fiduciary Management Market Investigation Order 2019. In summary, the Order defines the Fiduciary Management (FM) services and obliges pension schemes to formally tender for such services. It also obliges pensions

schemes to set objectives for their Investment consultancy (IC) providers as well as placing a variety of new obligations on FM and IC service providers. The Department for Work and Pensions subsequently published a consultation on regulations to enact the provisions of the CMA Order which explicitly rules out the LGPS as falling under the scope of the obligations in relation to FM service providers. The requirement to set objectives for IC providers remains with a deadline for doing so of 10 December 2019. The Committee has agreed that the objectives for the Fund's Advisor be brought back to the next Pensions Committee for review and approval

Forward Plan

21. The Committee has noted the Forward Plan.

Public Participation

22. The Committee received a representation from Mr Philip Oliver, Friends of the Earth requesting that the Committee divest its pension fund from fossil fuels and move to investing in low carbon funds.

Mr P Middlebrough
Chairman

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Background Papers

In the opinion of the proper officer (in this case the Head of Legal and Democratic Services) the following are the background papers relating to the subject matter of this report:

Agenda papers for the meeting of the Pensions Committee held on 16 October 2019.

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COUNCIL
7 NOVEMBER 2019**REPORTS OF COMMITTEES****(c) SUMMARY OF DECISIONS TAKEN BY THE PLANNING
AND REGULATORY COMMITTEE**

Applications

1. The Committee approved the following application subject to detailed conditions:
 - Planning Application made under Section 73 of the Town and Country Planning Act 1990 (as amended) to vary condition 2 of planning permission: 14/000045/CM "Proposed extension to existing Waste Transfer Station Building" to amend the design of the building extension and omission of the proposed 2 metre high wall at Digaway and Clearaway Ltd, Grove House Yard, Tewkesbury Road, Upton-Upon-Severn, Worcestershire
 - Proposed change of use from C2 former Children's home to D1 non-residential institution (family contact) and B1 business (office), the construction of nine additional car parking spaces, one motorcycle space and installation of a bike shelter at 45 Downsell Road, Redditch, Worcestershire.

2. Details of the above application can be found in the agenda papers for the Committee meeting held on 22 October 2019.

Mr R C Adams
Chairman

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Background Papers

In the opinion of the proper officer (in this case the Head of Legal and Democratic Services) the following are the background papers relating to the subject matter of this report:

Agenda papers for the meetings of the Planning and Regulatory Committee held on 20 October 2019.

**COUNCIL
7 NOVEMBER 2019****REPORTS OF COMMITTEES****(d) SUMMARY OF DECISIONS TAKEN BY THE STANDARDS
AND ETHICS COMMITTEE**

Code of Conduct – Complaints Update

1. Since the last report to the Committee in April 2019, the Council has received six formal complaints that County Councillors have breached the Code of Conduct for members. The Committee received a summary of the details of the formal complaints and has noted that no further action was necessary.

Mr S Mackay
Chairman

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Background Papers

In the opinion of the proper officer (in this case the Head of Legal and Democratic Services) the following are the background papers relating to the subject matter of this report:

Agenda papers for the meeting of the Standards and Ethics Committee held on 23 October 2019.

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