

Agenda

Cabinet

Thursday, 11 July 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.

Cabinet

Thursday, 11 July 2019, 10.00 am, County Hall, Worcester

Membership: Mr S E Geraghty (Chairman), Mr A T Amos, Mr A I Hardman, Mr M J Hart, Mrs L C Hodgson, Ms K J May, Mr A P Miller, Dr K A Pollock, Mr A C Roberts and Mr J H Smith

Agenda

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2	Public Participation 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 (Thursday 6 June 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	Confirmation of the Minutes of the Previous Meeting The Minutes of the meeting of 6 June 2019 have been previously circulated.	
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NOTES

- Webcasting**

Members of the Cabinet are reminded that meetings of the Cabinet 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.

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To obtain further information or a copy of this agenda contact Nichola Garner, Committee & Appellate Officer on Worcester (01905) 843579 or email: ngarner2@worcestershire.gov.uk

All the above reports and supporting information can be accessed via the Council's website.

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CABINET
11 JULY 2019**ADULT SERVICES: WORCESTERSHIRE COUNTY**
COUNCIL CARE AND SUPPORT SERVICES

Relevant Cabinet Member

Mr A I Hardman

Relevant Chief Officer

Avril Wilson – Director of Adult Services

Local Member

Mr J O'Donnell

Recommendation

1. **The Cabinet Member with Responsibility for Adult Social Care recommends that Cabinet:**
 - (a) **approves in principle the creation of a community re-ablement service and delegates the final decision upon it to the Director of Adult Services in consultation with the said Cabinet Member;**
 - (b) **approves the strategy for the direct provision of services by the Council to adults who are eligible under the Care Act 2014; and**
 - (c) **notes that capital expenditure will be required in future years relating to Howbury House, and a further report will be submitted to Cabinet subject to the development of a viable business case.**

Background

2. As part of the Council's commitment to taking a strategic commissioning approach, all services directly provided by Adult Services have been reviewed over the last years in line with the commissioning cycle, and where appropriate, officers have sought to identify an alternative provider. However, following formal tendering, market engagement and strategic review of market capacity, it has not been possible to identify an alternative provider, other than Timberdine Nursing and Rehabilitation Unit which was transferred to Worcestershire Health and Care NHS Trust. This has been largely due to the unwillingness of the market to take on the TUPE implications of any transfer, without a full underwriting by the Council, other than Timberdine Nursing and Rehabilitation Unit which was transferred to Worcestershire Health and Care NHS Trust.

3. Since 2014, the following changes to adult services directly provided by the Council has taken place:

- Timberdine Nursing and Rehabilitation Unit was transferred to Worcestershire Health and Care NHS Trust in April 2016
- Howbury House was re-provided as long-term residential care home in October 2017
- Following extensive consultation, Cabinet decided to retain its existing replacement care homes for people with learning disabilities in July 2018
- Cabinet decided to remodel its day opportunities for people with learning disabilities in November 2018, which included the closure of Wyre Forest Connect service in March 2019
- The Grange closed on 31 March 2019, following the decision of Cabinet in November 2018.

4. In November 2018, Cabinet approved the Adult Services Business Plan. This set a vision for adult services that Worcestershire residents are healthier, live longer, have a better quality of life and remain independent for as long as possible. This Plan set an action to review the services directly provided by the Council to ensure they were fit for purpose and the outcome of this, including a strategy, is now being brought to Cabinet for consideration.

5. The annual budget for in-house services is £13.8m (including Better Care Fund) with approximately 446 staff employed. This represents approximately 9% of total expenditure by the Council on care services to adults who are Care Act eligible. A brief overview of each current service for adults who are Care Act eligible which are directly provided by the Council is provided at Appendix A and a map of their locations at Appendix B. These can be summarised as:

- 32 residential care beds for Older People
- 36 units of accommodation (residential & supported living) for Adults with a Learning Disability
- 152-day opportunity places for Adults with a Learning Disability
- 3 Leisure Link social clubs for Adults with a Learning Disability
- Responsive service to support on average 70 new discharges from hospital each week
- Specialist domiciliary care services for adults with dementia
- Shared lives support to Adults with a Learning Disability in domestic family homes to promote independence.

Strategy for Services Directly Provided by the Council for Care Act Eligible Adults

6. In light of the commissioning challenges, and as set out in the Business Plan, the Directorate undertook a strategic review between September 2018 and March 2019. This review worked closely with all managers of the services with the aim of defining the vision and purpose of services directly provided by the Council for Care Act eligible adults, and the role in which the Council can play as a provider in the mixed economy of care.

7. The full strategy is available at Appendix C. The vision, supported by all service managers, is “to maximise the health and wellbeing of people by working with others to ensure the right care is available at the right time, sharing best practice across services.” The strategy sets out that the Council has a role in the market and that the retention, development and investment in services should reflect this role. This role can be characterised as follows:

- The Council is one of a range of providers in the market.
- The Council should not set itself to compete directly with the market and should be seeking mutually beneficial partnerships.
- Where the Council provides services, this should be exemplary in terms of safety and quality – always rated at least ‘Good’ by CQC.
- The Council should provide care directly where the market is unable or unwilling to provide care at a price affordable to the Council.
- The Council should innovate new way of providing high quality and safe care, particularly where the market perceives the risk of innovation too great.
- The Council should share its learning with the independent sector
- Services provided by the Council should work collaboratively with all stakeholders, including social work teams, health partners and independent sector providers.
- Services should take a promoting independence approach, building on people’s strengths, in line with the Council’s vision and consistent with the 3 Conversation model of social work practice.

8. The services set out in Appendix A will now be collectively referred to as Worcestershire County Council Care and Support Services.

9. All current services have been reviewed to determine the extent to which they fulfil the above roles and what steps should be taken to improve or develop them where appropriate. The outcome of this is set out in page 15 of the Strategy in Appendix C. The review has confirmed that it remains appropriate for the Council to retain all current services at the same time.

10. By approving this Strategy, Cabinet is being asked to commit in principle to the investment and development of Worcestershire County Council Care and Support Services. In all cases, viable business cases will be developed for any investment or development, and approval sought from the Director or Cabinet as appropriate. At this stage, Cabinet is asked to consider proposals in respect of Howbury House and a Community Re-ablement Service.

Howbury House (Malvern)

11. Howbury House is a 32-bed residential care home for older people in Malvern, rated ‘Good’ by CQC which provides good value care in the Malvern area. In December 2017, the Cabinet Member with Responsibility for Adult Social Care agreed to an investment in the installation of assistive technology to enhance the care and support offered, and to model more innovative ways of providing care at reduced cost. The Council has since worked with Altium Limited and has been able to demonstrate an annual saving of £110,000. This has principally been achieved through the use of assistive technology to enable the home to care for people who would otherwise have needed to be placed in other more expensive external care

home placements due to the need for higher staffing ratios. The plan is for Howbury House to showcase its achievements to the wider market. Through the introduction of assistive technology, the management and staff at Howbury House have demonstrated a willingness and capability to embrace change and innovation, reflecting the principles of the new strategy.

12. Due to the changing needs of the older population and the increase in the number of people with high needs dementia, the Council is facing a growing market challenge to source appropriate good value care placements. This need was originally identified in November 2017 as an option for the re-provision of the Grange. Commissioners have since undertaken market engagement and development work with the independent sector and are satisfied that demand for this sort of care can be met across the County.

13. The Council is also exploring the feasibility of developing a high-needs dementia unit within Howbury House, taking advice from the Association of Dementia Studies at the University of Worcester. This feasibility study will assist the Council in its understanding of the cost of care when seeking placements from the market, and, subject to viability being proven, through a business case, will enable the Council to model this kind of provision supported by assistive technology. This approach is consistent with the strategy: providing exemplary services, innovating new ways of providing care and working in partnership.

14. Achieving this change, will require an investment to maintain the existing infrastructure and estate. A condition survey of Howbury House completed in September 2018 identified that £206k of capital investment is required over the next 5 years to maintain the existing fabric of the building and its environs.

15. Cabinet is asked therefore to note that future capital resources are likely to be required over the medium term to fund the desirable works.

16. Additional investment will also be required in the future to make the necessary adaptations for any high-needs dementia provision, although this has not yet been specified.

Community Re-ablement

17. Community re-ablement is a short and intensive service, delivered in the home, which is offered to people with disabilities and those who are frail or recovering from an illness or injury. Adult Services current reablement focus is only enabling timely discharge from hospital and does not offer a service to people living in the community. These services are therapy-led, usually by an Occupational Therapist and offered free of charge for up to 6 weeks. There is significant national evidence that such services have a major impact on enabling people to recover and sustain their independence and are recommended by the National Institute of Health and Social Care [see <https://www.nice.org.uk/about/nice-communities/social-care/quick-guides/understanding-intermediate-care>]

18. Community re-ablement is a key to enabling the Council to deliver its vision of promoting independence for adults. This would increase the options as part of the Three Conversation approach to respond to people in a crisis [Conversation Two]

and would support the health and social care system via Neighbourhood Teams in their ambition to reduce admissions to acute or residential care. The Directorate has developed a detailed business case and has requested funding from the Business Rates Pilot initiative.

19. The proposal is to establish to expand the current reablement service run by the Council so that it responds to people in the community as well as though discharged from the Acute hospitals. The estimated cost of the expanded service would be £740k per annum and modelling based on the performance of similar services elsewhere has shown projected net savings of between £1.0m per annum from base budget when fully established from April 2020, based on 55% of people not requiring a care package following reablement. This proposed service is currently the subject of a bid for Business Rates Pilot Funding to fund the service for an initial 12-month period in order to establish "proof of concept" and refine modelling assumptions regarding the number of people who will benefit from reablement and the extent to which the service will reduce individual care requirements. This approach is consistent with the strategy for our Care and Support Services as the market is not currently developed enough to provide this service effectively and the Council is a successful provider of Urgent Care Promoting Independence: rated 'good' by CQC and meeting national targets for proportion of people rehabilitated within 90 days. As this would require the establishment of a new service, Cabinet is asked to approve in principle the creation of a community re-ablement service and delegate the final decision to the Director in consultation with the Cabinet Member.

Legal, Financial and HR Implications

20. Legal advice will be provided to support any changes in service delivery in accordance with the requirements of the council's policies and procedures. The Council will remain under an obligation to meet its statutory duties.

21. The existing DAS Capital Programme will be used to cover the urgent and immediate works required of £63k at Howbury House.

22. The remaining £143k of desirable works are likely to be required in the medium term along with further works to make the necessary adaptations for any high-needs dementia provision. The additional level of investment required will incur annual debt charges which would need to be accommodated within existing service budgets through more effective use of the building. A further report will be presented to a subsequent Cabinet meeting, subject to a viable business case.

23. The establishment of a Community Reablement Service would cost approximately £0.740m. To be cost neutral it would be necessary for approximately 25% of those using the service to be able to live independently without a care package for an average of 12 months following reablement. Experience elsewhere would indicate that on average 55% of people will not require a care package following reablement and this would deliver potential net savings of approximately £1m per year. This proposed service is currently the subject of a bid for Business Rates Pilot Funding to fund the service for an initial 12-month period in order to establish "proof of concept" and refine modelling assumptions.

24. No assumption has currently been made within the Council's MTFP for any savings arising from this service, however it is likely that additional savings will be

required to offset demographic growth in future years, which these savings will support.

25. HR advice will be provided to support any changes in service delivery in accordance with the requirements of the council's policies and procedures

Risk Implications

26. There will be individual risks associated with any changes to the Worcestershire Care and Support service and to ensuring reablement is a high focus and the service is redesigned with this in mind. All risks will be individually managed through project meetings and will be reported through highlight reports and actions will be taken to mitigate where necessary.

Public Health Impact Assessments

27. These proposals have no direct impact on public health. However, all directly provided Council services actively promote the physical and emotional wellbeing of residents.

Privacy and Data Protection Impact Assessments

28. These proposals have no direct impact on information risk or privacy impact at this stage

Equality and Diversity Implications

29. The Council must, during planning, decision-making and implementation, exercise a proportionate level of due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010
- Advance equality of opportunity between people who share a protected characteristic and those who do not
- Foster good relations between people who share a protected characteristic and those who do not.

30. An Equality Relevance Screening has been completed in respect of these recommendations. The screening did not identify any potential Equality considerations requiring further consideration during implementation.

See Appendices D, E and F

Supporting Information (available electronically)

- Appendix A – Overview of Provider Services
- Appendix B– Map Showing Adult Care Venues
- Appendix C - Worcestershire Care and Support Strategy
- Appendix D – Impact Screening
- Appendix E – Equality Assessment
- Appendix F – Equality Impact Screening

Contact Points

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Background Papers

In the opinion of the proper officer (in this case the Director of adult services) the following are the background papers relating to the subject matter of this report:

- Conditions Survey

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CABINET
11 JULY 2019**LIBRARIES RE-MODELLING**

Relevant Cabinet Member

Mrs L C Hodgson

Relevant Officer

Director of Commercial and Commissioning

Recommendation

- 1. The Cabinet Member with Responsibility for Communities recommends that Cabinet:**
 - a) notes the feedback and findings from the public consultation held from 29 October 2018 to 28 February 2019;**
 - b) notes the feedback from the Local Government Association Peer Review held in May 2019;**
 - c) adopts the proposed updated definition of Library need as described in paragraph 14 and in more detail in the Libraries' Needs Assessment;**
 - d) agrees to use the Libraries' Needs Assessment, the findings from the public consultation, the Peer Review and discussions with the DCMS to inform the development of a Worcestershire Libraries Strategy that sets out the longer-term vision for the service across Worcestershire which continues to meet the statutory duty;**
 - e) approves the proposed plan to realise the necessary in-year savings for Libraries as outlined in paragraphs 29-30;**
 - f) agrees to use the proposed Libraries Strategy to then inform the decisions around change and resource allocation for front-line library provision from 2020/21; and**
 - g) receives a further report in Autumn 2019 to consider and approve the Libraries Strategy and implementation plan.**

Background

2. Library authorities (upper-tier local authorities) have a statutory duty under the Public Libraries and Museums Act 1964 'to provide a comprehensive and efficient library service for all persons' in the area that want to make use of it (Section 7). Local authorities have the scope to offer wider library services beyond the statutory service to other user groups, and the Act allows for joint working between library authorities.

3. The Act does not try to define what a comprehensive and efficient Library service is, but when considering how best to deliver the statutory duty, each library authority is responsible for determining, through consultation, the local needs and to deliver a modern and efficient library service that meets the requirements of their communities within available resources.

4. In fulfilling its duty under s7, a library authority shall, in particular, have regard to the desirability—amongst other things:

- a) of securing, by the keeping of adequate stocks, by arrangements with other library authorities, and by any other appropriate means, that facilities are available for the borrowing of, or reference to, books and other printed matter, and pictures, gramophone records, films and other materials, sufficient in number, range and quality to meet the general requirements and any special requirements both of adults and children; and
- b) of encouraging both adults and children to make full use of the library service.

5. The general duty under s7(1) of the 1964 Act does not extend "to make such facilities available to persons other than those whose residence or place of work is within the library area of the authority or who are undergoing full-time education within that area".

6. The Council currently meets its statutory duty through the services delivered via twenty-one static libraries, two fully volunteer-run community library links based in village halls at Welland and Martley, a mobile library and a range of digital services and digital content that are accessible on the Council's library web pages.

Next phase of transformation

7. The role of libraries within Worcestershire communities has been changing for over a decade and continues to evolve within a challenging financial environment. Traditional library services of book borrowing are now delivered alongside computer access, family activities, a comprehensive adult learning programme, targeted reading and literacy schemes, job clubs, job fairs, health and wellbeing services and a varied volunteering programme.

8. Considerable progress has been made over recent years in modernising Worcestershire's library services and ensuring value for money. Over £3.9m of efficiency savings has been achieved since 2011/12, when the Libraries Transformation Programme was first launched by Cabinet in May 2011. A range of transformational approaches have been implemented including: a comprehensive property re-modelling programme; a series of staff and management restructures; a reduction in the Mobile Library service; investment in self-service technology; introduction of consortium stock purchasing and direct book delivery

9. In October 2018, the Council's Cabinet (see supporting information) considered a report which set out the next phase of Libraries Remodelling. This was set out in context of the Council's Medium-Term Financial Plan which for Libraries is articulated in the two tables below.

	Gross Base Budget (Inc. all Hive based services) £000	Gross Base Budget (WCC Library services only) £000	Net Base budget (WCC Library services only) £000
2019/20 with The Hive	10,984	8,910	3,752
2019/20 without The Hive	3,881	3,881	2,282

	Approved MTFP Savings	Re-profiled Savings
2018/19 achieved	£200,000	£200,000
2019/20	£145,000	£395,000
2020/21	£455,000	£205,000
Total	£800,000	£800,000

10. To meet these savings targets identified for libraries, an approach is required that will substantially transform library service delivery models whilst balancing need and promoting wider engagement and use of services. Previous legal challenges to decisions made by other local authorities concerning libraries indicate that major change to an authority's library service is best made in the context of a strategic review that in turn is informed by a needs assessment. It is considered that only through the strategic review and needs assessment process, can an authority demonstrate that any proposal to fundamentally change the service delivery model would continue to secure the delivery of a comprehensive and efficient service.

11. Therefore, the report in October presented the findings of Worcestershire's libraries' needs assessment. The report also outlined a set of recommendations to help shape the County's approach to further library transformation along with draft proposals for the future delivery of front-line library provision. As a result, Cabinet agreed to launch a formal public consultation to seek feedback on these proposals as part of the Council's strategic review.

12. This report provides a summary of the feedback from the public consultation along with feedback from a Local Government Association Peer Review that was held in May 2019 and focused on Library provision in Worcestershire (see supporting information for both reports). This report outlines proposals and recommendations for how to act on the findings of the consultation and peer review and clarify the position in relation to 2019/20 savings.

Public Consultation Feedback

13. The Libraries Consultation was launched on 29 October 2018 and ran until 28 February 2019. It consisted of an online survey and face to face public meetings, which were fronted by the Cabinet Member with Responsibility at all 23 Library Delivery Points. The online survey was promoted widely through libraries, local press and social media. The consultation was used as an opportunity for the Council to share the initial options for library change with Worcestershire residents and community organisations so that people could provide their views and make other suggestions.

14. In total 1947 responses to the survey were received and approximately 800 people attended face to face sessions held in libraries. A total of 2 petitions challenging the proposals were lodged with the Council with 2476 signatures in total. The full analysis report is available in the supporting information, but in summary:

- exclusive use of home library site and library activity levels.
- Comments were received around the service isolation indicator of need and links to public transport and in response we have updated the ranking of libraries by isolation to take into account public transport journey times and availability during library opening hours.
- There was a strong response to raising the profile of libraries to promote their benefit to local communities.
- There was also a strong response in support of sharing space in libraries with other mutually beneficial services.
- 41% of respondents use public computers and 15% of respondents access the free wifi through their own devices.
- Respondents were broadly not in favour of fully volunteer-managed libraries but there was strong support for a continued offer from the Council (e.g. stock, management oversight).
- 67 respondents were willing to volunteer, and 355 respondents stated that they 'maybe' interested in volunteering.
- There was variable support for the introduction of 'open' libraries (39% Droitwich – 28% Stourport). The levels of support increased when responses from customers who visited each library most were considered in isolation, e.g. Pershore 59%, Droitwich 55% and Wythall 52%. Less than half of respondents (41%) stated that they would not be willing to use libraries in unstaffed hours, with the main concerns identified being security and safety and missing the expertise and assistance of library staff.
- Among respondents who suggested that it would be appropriate for a library to reduce their opening hours, Saturday was the most commonly mentioned preferred time for when libraries should remain open.

Local Government Association Peer Review

15. The Council was successful in its application for a peer review through the Arts Council England and Local Government Association partnership. The request was that this review took place following the completion of the public consultation to allow the findings of the peer review to inform future recommendations presented to Cabinet for decision.

16. The peer team considered the following three core questions applicable to all library peer reviews:

- Is WCC getting best value from its library assets?
- How does the service contribute to the corporate agenda?
- What is the role of the council and service in the local community

and at the request of the Council, these specific questions:

- Are the current (transformation) proposals and approach the right ones?
- What relevant good practice could be learned from other authorities?
- Do the current proposals stand up to the rigour of the Council's statutory duty to deliver a library service?

17. The peer team prepared for the peer review by reviewing a range of documents and information in order to ensure they were familiar with the Council and the challenges it is facing. The team then spent two days onsite in Worcestershire, during which they spoke to more than 20 people including a range of council staff together with councillors and external partners and stakeholders.

18. In summary the review concluded that the Council should build on the existing needs assessment and consultation feedback and invest more time in developing and setting out a vision for the future of libraries in a new library strategy which can be delivered within the current financial envelope. This should be developed in collaboration with the Department for Digital, Culture, Media and Sport (DCMS) with the process requiring leadership, innovation and further involvement of the public, both library users and non-library users. It is suggested that this vision will need to set out what libraries will look like in Worcestershire in the medium to long term, and for the strategy to articulate how this ambition will be achieved, and its efficacy measured.

19. As part of the development of the Strategy, the Peer Team also suggested the Council continues to build on more innovative service solutions. For example, further consider the role the Hive can play in supporting the wider offer e.g. joining the British Library Living Knowledge network; revisiting the concept of Open Libraries and doing more to convince the public of its benefits; strengthening the marketing and communications work to increase the usage of libraries and considering single staffed libraries to enhance the community managed library concept.

20. The peer review acknowledged the tremendous efforts to date to keep transformation on track and achieving remodelling on time and to budget. They stated that staff should be congratulated on their obvious commitment to the library service and time taken out to mark this success. However, they did suggest refocusing attention on relevant networks and getting out more to see good practice exemplars of a modern and effective library service to more inform future options in Worcestershire's Library Strategy.

21. The peer review reinforced the national 'Libraries First' ambition and challenged Worcestershire to think more creatively around how Libraries are positioned as part of broader corporate agenda. They also provided challenge as to how the Hive could take on more of a leadership role across library provision and how operational delivery models, such as open libraries, single staffed libraries and community support libraries could be embedded into operational delivery.

22. It is important to note that the peer review is not an inspection. Peer reviews are

improvement-focused and tailored to meet individual councils' needs. They are designed to complement and add value to a council's own performance and improvement. The process is not designed to provide an in-depth or technical assessment of plans and proposals. Therefore, it is recommended that the Council notes the findings of the feedback from the peer review and uses it to help inform future plans.

Proposed recommendations

a. Libraries Needs Assessment

23. Taking on board the feedback from the public consultation, changes have been made to the methodology to defining library need. Whilst keeping with the four characteristics of need as deprivation levels; service isolation; exclusive use of home library site and library activity levels, changes have been made to the way the service isolation factor has been calculated to include availability of public transport.

24. Along with the changes to the social isolation characteristics there have also been updates to the home site usage and the activity levels based on 2018/19 data. These updates have meant some movement in the overall ranking of libraries including Wythall moved into the top 6, Upton moving out of bottom 6 and Bromsgrove and Hagley move into bottom 6. The full needs assessment can be found in the supporting information.

25. Based on these changes Cabinet are asked to agree the latest needs assessment and adopt the refined definition of need to be used.

b. Development of Worcestershire Libraries Strategy

26. In early June 2019 the Council met with library policy advisors from the Department for Digital, Culture, Media and Sport, who strongly re-enforced the LGA recommendation that the county's library transformation proposals be underpinned by a library strategy that articulates a medium and long-term vision for the service.

27. In response to advice from DCMS and LGA, Cabinet are asked to approve the development of a library strategy which links libraries to the Council's corporate strategy; reflects local need as identified in Libraries' Needs Assessment and demonstrates how changes to service provision will reflect feedback from residents and communities.

28. It is anticipated that with appropriate prioritisation of resource, a library strategy can be ready for review by Cabinet in October 2019.

c. Implements proposed savings plan 2019/20

29. Savings in 2019/20, which are greater than agreed in the original plan (see paragraph 9), have been delivered with measures that do not directly impact frontline library service provision. These include:

- a. the deletion of five surplus, vacant Library Support Assistant posts at the Hive,
- b. reductions in IT licence fees from the re-procurement of a new Library Management System,

- c. full year effect income from the re-location of Wychavon Customer Service Hub to Evesham Library in February 2019 and the delivery of face-to-face support for County Hub services in libraries from June 2019.

30. In addition, Worcester City Council have agreed to contribute towards the running costs (£157,000) of both St John's and Warndon libraries. This contribution is most welcome, and work will now commence with Worcester City Council on how these two libraries continue to operate to meet local resident needs and future operating model forms part of Worcestershire's Library Strategy.

Financial and HR Implications

31. 2018/19 savings were met in full and the plan for 2019/20 is to achieve £395k savings which comprises the MTFP savings target of £145k plus £250k of early delivery of the 2020/21 target. This leaves £205K to be delivered in 2020/21 which will be identified through the development and implementation of the Libraries Strategy.

Privacy, Public Health, Equality and Diversity Impact Assessments

32. The potential Public Health and Equality Impacts of both Proposed strategic direction and of specific proposals (whether or not included within a medium/long-term strategy) are being jointly assessed and recorded. There are clear synergies regarding the potential impact for Protected Groups (listed in Equalities legislation) and residents who could be impacted from a Public Health perspective. A joint assessment will enable the Council to identify and better understand the combined impact of proposals.

Supporting Information / Appendices

- Appendix 1 Libraries Needs Assessment
- Appendix 2 Consultation Feedback Report
- Appendix 3 Libraries Peer Challenge
- Appendix 4 Public Health Impact Assessment

Contact Points

County Council Contact Points

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Specific Contact Points for this report

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Background Papers

In the opinion of the proper officer (in this case the Director of Commercial and Commissioning) the following are the background papers relating to the subject matter of this report:

Agenda and background papers for the meeting of the Cabinet held on 18 October 2018

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CABINET
11 July 2019**RECOMMISSIONING THE COUNCIL'S CUSTOMER SERVICES**

Relevant Cabinet Member

Mrs K May

Relevant Chief Officer

Director of Commercial and Commissioning

Recommendation

- 1. The Cabinet Member with Responsibility for Transformation and Commissioning recommends that Cabinet:**
 - a) approves serving of the required 12 months' notice for termination 'by convenience' of the Council's contract with Civica Ltd for the provision of the Customer Service Contact Centre;**
 - b) delegates to the Director of Commercial and Commissioning, in consultation with the Cabinet Member with Responsibility for Transformation and Commissioning, the authority to approve the terms of exit from this contract; and**
 - c) delegates to the Director of Commercial and Commissioning, in consultation with the Cabinet Member with Responsibility for Transformation and Commissioning, the development of an updated Customer Services Strategy and the recommissioning of Customer Services, to support the objectives of the Council's Organisational Redesign Programme.**

Background

- 2. The joint Customer Service Contact Centres for Worcestershire County Council, Malvern Hills District Council and Worcester City Council, collectively known as the "Worcestershire Hub Shared Service" (WHSS), was commissioned to Civica in May 2015 on an 8.5 year contract, implementing the Cabinet decision of 20 November 2014.**
- 3. The service is provided across several channels; telephony, face to face, webchat, switchboard and is supported by a fulfilment team who process applications for service such as Blue Badge requests, National Travel Passes and Commercial Vehicle & Trailer Permits for Household Waste Sites.**
- 4. The service is currently delivered by 16 telephony staff, eight face to face staff and four members of staff on the fulfilment team. In addition to this there are two**

team leaders responsible for these teams and there is one further management post above this level.

5. Following the exit of MHDC from the contract on 28 February 2019 the annual contract price is now split between the two remaining partner organisations. The current total annual contract price is £1.044m with Worcestershire County Council contributing £716k per annum.

6. When the service was commissioned, the annual volume for telephony contact for all partners totalled 264,936 calls. The 2018/19 annual volume for telephony contact for all partners was 127,563, representing a 52% reduction as a result of the partners' drive to shift contact online. Reductions have also been achieved in face to face contact with a reduction of 32%.

The Original Case for Commissioning

7. At the time the contract commenced, each partner authority was responding to challenging savings targets. At this time the number of customers accessing the internet or other mechanisms of self-service was increasing and it had not been possible to align this closely to the pace of staffing reductions that were needed to meet the level of savings required. This had a negative impact on the then WHSS's capacity to balance transaction cost and service level, making the service increasingly inefficient and less responsive, leading to the move to Civica.

8. In 2014 the technology platform for WHSS was primarily based on a CISCO platform with several "add-ons" to enhance the contact centre operation. The CISCO platform was at the end of its life, and the entire telephony infrastructure was expensive to maintain. Contracting with Civica resolved this situation by enabling us to join a new telephony system.

9. Entering into a commercial arrangement with Civica secured further benefits across several areas including financial, quality and resilience and innovation. In addition, Civica fully supported the County Council's ambition to become a "Digital Council" by offering customers a more efficient and accessible set of services on-line, which supported and enhanced the digital strategy.

10. The purpose of the commissioning activity was to appoint an organisation which could deliver a highly professional, flexible and dynamic service with greater operational resilience, increased capacity and delivered at a lower price point than the existing level through increased efficiencies.

11. The Civica proposal offered the participating authorities of the WHSS the following benefits:

- a) A minimum saving of over £1.8m and a maximum of over £2.6m against a recommended 8.5 year term (minimum and maximum savings dependant on the volume reduction of telephony contact);
- b) A fixed price guaranteed savings structure for an 8.5 year term at a set level;
- c) The flexibility to move to a cost per contact charging model following review points in year 1 and 2 to allow future savings to take account of progress

made by the Councils in achieving further channel shift and reduction in assisted contact.

Changes Since Placing the Contract with Civica

12. The volume reduction that has been achieved through channel shift and other activities has been significantly higher than was originally anticipated. The three partner councils have achieved approximately a 52% reduction in volumes compared to the original baseline. As a result, Civica have had a greater reduction in staff numbers than was forecast and are currently operating the service with approximately 31 FTEs. The original TUPE list included 43.8 FTEs across the whole service.

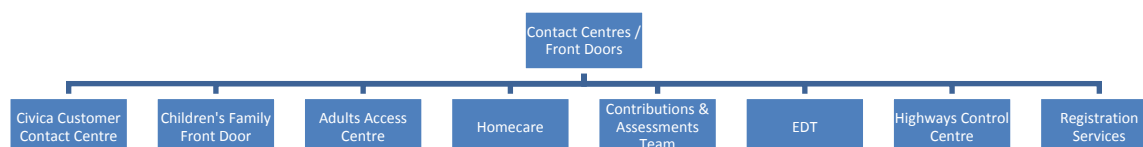
13. In February 2018 Malvern Hills District Council served notice to Civica and exited from the contract in February 2019. Worcester City Council have also agreed at a recent Policy & Resource Committee meeting to serve Civica with their required 12 months' notice to withdraw from the contract. With the exit of Malvern Hills District Council and pending future exit of Worcester City Council it is an appropriate time to review the County Council's own position regarding the contract with Civica and whether it still represents value for money for the County Council, specifically as the original business case was based on it being a multi-council shared service.

14. The current fixed price contract is £1.044m per annum for the remaining two partners (the County Council and Worcester City). The County Council's contribution is £716k per annum. Following Worcester City's decision to serve notice and exit the contract Civica are required under the terms of the contract to provide the County Council with an updated charging model for the remaining term of the contract.

15. The technology landscape within the County Council has evolved since the service was commissioned. Expensive legacy systems have been decommissioned and replaced with modern and more cost-effective systems. As a result, the County Council already has the required systems to run the contact centre in house.

Other Contact Centres within the Council

16. As shown in the diagram below the council currently has several other externally facing contact centres in addition to the Customer Services Contact Centre provided by Civica.



17. These additional contact centres are provided directly by specific service areas to handle telephony and self-service contact from citizens and professionals that is not currently routed through the main Customer Services Contact Centre.

18. There are two main reasons why this contact is handled directly by the service area:

- a) the service was not within the original scope of the contract when it was commissioned to Civica.
- b) the contact types are complex in nature and are required to be handled by a service area subject matter expert.

19. Due to the positive outcomes of our channel shift activities over the past 3 years there has been a significant drop in the volume of low complexity calls to all contact centres across the Council. This has resulted in some service areas taking back responsibility from the Civica Customer Contact Centre for handling the residual volumes of high complexity calls.

Recommendation

20. Having undertaken a full analysis of the current contract, our existing service delivery model and the potential changes as a result of the Organisational Redesign the recommendation is to recommission the Council's Customer Services To achieve this the following stages would be required:

- Stage 1: Give Civica 12 months' notice of cancellation for convenience to avoid loss of profit compensation and breakage/stranded cost and to start the clock ticking so not to delay the implementation of the commissioning cycle.
- Stage 2: Negotiate the transformation cost recovery payment required
- Stage 3: Create a new Customer Services Strategy that is aligned with the Organisational Redesign
- Stage 4: Follow the Council's Commissioning Cycle to recommission the service in line with the agreed Customer Services Strategy and Organisational Redesign objectives.

Legal, Financial and HR Implications

21. There is a one-off transformation cost recovery payment to Civica which would be due at the point of exiting the contract. Together with the one-off costs to recommission the service, costs of c£0.7m would need to be funded on termination through a combination of capital investment and by the savings generated from exiting the contract.

22. The payment of these transformation costs would be recovered through the recommissioning of the service at a lower price point. Our initial estimates indicate there would be an approximate 2-year payback period to recover these costs and to start generating a net saving.

23. Civica are not legally obliged to provide TUPE information until such a time that formal notice of terminating the contract is given, so it is not yet possible to confirm the exact number of posts that would TUPE.

Benefits of this Proposal

24. Recommissioning this service offers the Council more flexibility with the delivery of our customer services strategy and contact centre model.
25. The service would also be more responsive and adaptable to customers of the Council through the analysis of performance management dashboards that have been developed through the Digital Transformation Programme.

Transitioning and Transforming Customer Service Delivery

26. Recommissioning the services will give the Council increased flexibility and agility to transform our customer services delivery model in line with the Council's Organisational Redesign programme and against our emerging Digital and Customer Services Strategy.

27. A number of options and principles are outlined below that could be considered as part of our Digital and Customer Services Strategy and in the future transformation of our customer service delivery model:

- a) Adopting an approach to Customer demand management and customer contact to maximise self-reliance, signposting to information, advice, guidance and alternative service provision, combining all Council front doors / contact centres into one single contact centre in order to deliver a "One Council" approach to customer contact and increase the percentage of "one and done" contacts at the front door.
- b) Do not change our existing approach to customer service delivery and retain the 8 independent customer services contact centre whilst maximising the opportunities of some or all the principles listed below.
- c) Taking a proactive approach towards "Demand Management" and "Contact Avoidance" by reviewing all web page content, telephony scripts and "Interactive Voice Response" routing options to ensure customers are explicitly signposted to all relevant self-service channels as their primary point of contact.
- d) Maximising the use of artificial intelligence and intelligent self-assessments for service eligibility checks before calls reach an advisor to ensure all customers are signposted and routed to the right contact channel for their circumstances including alternative service provision.
- e) Maximising all digital contact channels included the use of video conferencing for undertaking remote initial assessments / triage stages, with a particular focus in the Adult social care sector.
- f) Using subject matter experts (i.e. social workers, highways engineers, etc) at the front door to increase the percentage of "one and done" contacts to reduce demand and cost on 2nd and 3rd line services in the Council.

- g) Providing the contact centre with the required resources, information, data and access to systems to reduce demand and costs on 2nd line and 3rd line services in the Council
- h) Physically co-locating into one central hub to enhance knowledge sharing and upskilling of staff.
- i) Consolidating telephony technologies to reduce costs.

Equality and Diversity Implications

28. An Equality Impact Assessment has been carried out which did not identify any significant equality impact issues at this stage. Further equality impact screening and analysis will be required in respect of implementing any service provision changes as a result of the recommissioning activity.

Contact Points

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Specific Contact Points for this report
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Background Papers

In the opinion of the proper officer (in this case the Director of Commercial and Commissioning) the following are the background papers relating to the subject matter of this report:

- Original 2014/15 Cabinet Decision Paper for Commissioning the Worcestershire Hub Shared Service

CABINET
11 July 2019**BALANCED SCORECARD PERFORMANCE AND
CORPORATE RISK UPDATE**

Relevant Cabinet Member

Mrs K J May

Relevant Officer

Director of Commercial and Commissioning

Recommendation**1. The Cabinet Member with Responsibility for Transformation and Commissioning recommends that Cabinet:**

- (a) receives the latest update of the Corporate Balanced Scorecard for Quarter Four 2018/19, noting the 24 indicators rated as 'green', including an indicator that has been highlighted as demonstrating positive progress in performance and considers actions being taken to improve performance for the six indicators rated 'red' where there has been an update in Quarter Four 2018/19; and**
- (b) notes the latest update of the Corporate Risk Register including actions to mitigate the risk areas that are rated 'red'.**

Corporate Balanced Scorecard

- 2. The Corporate Balanced Scorecard is the means of understanding progress against the Council's Corporate Plan. The Scorecard contains a range of indicators linked to key priorities and themes. Many measures are long-term and may be affected by a wide range of factors, some of which are outside the direct control of the Council.
- 3. The attached Appendix contains an overview of performance for Quarter Four 2018/19. Currently there are 61 indicators reported in the Scorecard. 24 of these are rated 'green' representing good performance or progress, and 7 are rated as 'red'. One indicator (staff sickness rate) has been highlighted (and performance details included) because it demonstrates positive performance progress. Out of the 7 performance indicators that are currently assessed as 'red', 6 have had a performance update in Quarter Four 2018/19 and are detailed within the attached Appendix. The 6 indicators assessed as red following an update this quarter are:

• **Condition of Principal (A-class) Roads**

'A' roads: These can be trunk or principal roads. They are often described as 'main' roads and tend to have heavy traffic flows, though generally not as high as motorways. Many of the long distance rural 'A' roads are trunk roads, for which responsibility for maintenance in England lies with Highways England (formerly the Highways Agency). 'A' roads for which local highway authorities are responsible are non-trunk routes of regional and urban strategic importance.

The combination of 2017/2018's very wet winter followed by the 2018 summer drought has seen an increase in the incidence of recorded carriageway cracking. The Principal road maintenance programme for 2018/19 is now well advanced and the work delivered aims to both preserve and enhance the structural integrity of key commuter/transportation routes across the County. Progress towards this objective is being monitored through this indicator and related indicators which detail the number of reported defects associated with carriageways and residents' satisfaction with the condition of roads.

'B' roads are maintained by the local highway authority. In urban areas, such roads are not regarded as being as significant as 'A' roads, though in some cases may have similarly high flows. They are useful distributor roads, often between towns or villages. 'B' roads in rural areas often have markedly low traffic flows compared with their 'A' road counterparts. 'C' Roads, which the local highway authority maintains, are regarded as of lesser importance than either 'B' or 'A' roads and generally have only one carriageway of two lanes and carry less traffic. They can have low traffic flows in rural areas. Condition of B and C roads in Worcestershire is not assessed as red.

• **Condition of Unclassified Roads**

'Unclassified' roads include residential roads both in urban and rural locations and rural lanes, the latter normally having very low traffic flows. Most 'Unclassified' roads will have only two lanes and in rural areas may only have one lane with 'passing bays' at intervals to allow for two-way traffic flow. As non-trunk roads, their maintenance is the responsibility of the local highway authority.

The percentage of the county's unclassified roads deemed to require major maintenance following the annual Coarse Visual Inspection survey has increased from 13.5% in 2012/2013 to 19.85% in 2018/2019. However, the 2018/2019 figure of 19.85% represents a stabilisation in road condition, the percentage-point increase over twelve months being the smallest for three years. Additional funding made available to urban roads in this class as part of the 'Driving Home' project has limited the overall rate of deterioration on the Unclassified road network. This programme of work, which has resulted in a stabilisation in road condition over the last two years, is to continue in 2019/2020.

• **Looked After Children**

Although the overall number of looked after children has increased in year (a trend reflected nationally) and we remain above statistical neighbours and England. At April 2017, 59% of the children in care had been in our care for over two years, this has reduced to 38% at March 19. Three-year Permanence data also shows a continued rise in the number of children achieving permanence via Adoption/Special Guardianship Order (SGO) /Child Arrangement Order (CAO). Preventing children coming into care, where it is safe to do so, is an important part of the Service's work and proposals for an Edge of Care Offer to be developed has now begun.

• **Schools Judged Good or Outstanding by OFSTED**

The vast majority of schools receiving support from Babcock Prime (our outsourced service provider for School Improvement), through the Aiming for Outstanding strategy have benefited markedly; as shown by Ofsted Inspection reports, Pupil outcome trends over time and analysis of school feedback. There has been a reduction in the percentage of schools receiving a good or outstanding assessment by Ofsted since 2017/18. However, seven of the eleven schools judged inadequate by Ofsted have had subsequent monitoring inspection visits. They have all been judged by inspectors to be 'taking effective action'. Of the nineteen schools judged to 'require improvement' by Ofsted, twelve have since had monitoring visits and 100% of these were judged to be 'taking effective action' by inspectors. The Service will continue to support those Schools who are not currently rated as 'Good' or 'Outstanding' on their improvement journey.

• **Older People Funded in Permanent Care Home Placements**

Since March 2018 there has been a gradual increase in the number of older people in permanent placements each month (a net increase from 1315 to 1385). Measures are in place to control numbers going into residential and nursing homes where possible. For example, there is a scrutiny panel for all new high cost placements and all long-term placements can only be approved by Area Managers. However, this is offset against an ageing population with increasingly complex needs and pressure from increased demand particularly from self-funding pickups and continuing health care pick-ups.

• **Adults With a Learning Disability in Paid Employment**

At 6.86% there are 92 people in paid employment, 24 of whom started their employment in 2018-19, with 6 of these in the last quarter. This number is offset by those leaving paid employment during the period. "In Work Support" activity continues to form a large part of the work of the Service. The service will be securing more external funding packages through Access to Work, to fund extra support for people in addition to our service. This could be for support such as travel to work and adaptations in the workplace. The Service will continue to develop more employment opportunities within WCC and with partners and Providers.

Corporate Risk Register

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. At the end of Quarter Four 2018/19 there were 127 individual risks entered in the risk register of which 14 were identified as high/"red" risks. The risks in the register have been reviewed significantly since Q2 2018/19 (when 187 risks were reported) and risks that no longer exist have been removed, whilst similar risks entered multiple times by different directorates have been rationalised.

5. An overview of risks identified at the end of Quarter Four 2018/19 is provided in the attached Appendix including details of the steps in place to mitigate them. The seven main risk areas, with mitigations, are summarised below.

- **Safeguarding vulnerable children** – delivery of the service improvement plan for Children’s Social Care and the implementation of Worcestershire Children’s First. Dedicated team to support implementation of new social care case management system.
- **Education** – review of schools with budget deficits, agreement and implementation of the Special Educational Needs and Disability (SEND) Improvement Plan, supporting schools to the propose of any school organisation change
- **Service for vulnerable adults** – roll out of the Three Conversations model by Adult Social Care, monitoring of care market and workforce availability to identify areas of risk, monthly monitoring of service and directorate budgets
- **Compliance management of the council’s estate** – capital investment of £1m agreed to carry out survey, assessment and remedial works. Programme of risk assessments and surveys carried out and up to date for 2018/19.
- **Business continuity response to major event** – business continuity portal (part of Resilience Direct) established and updated with all critical business continuity plans, review of corporate business continuity plan agreed for 2019/20 including a planned exercise to test key elements, agreement with NHS England for supply of face masks for front line workers in the event of pandemic

6. The following risk areas are no longer assessed as red, but are included in the report as they have been red during 2018/19. Both are currently assessed as amber.

- **Financial control** – program of rapid cost saving measures delivered in 2018/19 significantly reduced overspend projected mid-year, review of reserves and financial standing undertaken by Director of Finance, new financial and budget monitoring system ready for roll out in 2019/20, rationalisation of cost codes to simplify budget monitoring and promote further accountability, commercial review of contract review, tail-spend and payment terms initiated
- **Staff capacity, capability and productivity** – dedicated social work recruitment team for children’s and adult social care, organisational redesign underway including staff engagement around performance and productivity

Legal, Financial and HR Implications

7. Any Legal, Financial or HR implications arising from the performance reported here will be addressed as part of the programme of work on those specific areas. The Council’s risk management processes include a focus on specific Legal, Financial and HR risks arising from its work. These risks and the action to address them are detailed in risk registers held across the organisation.

Privacy and Public Health Impact Assessments

8. There are no Privacy or Public Health implications from this report. Where performance data indicates there may be Public Health implications these will be reviewed as part of the performance monitoring cycle.

Equality and Diversity Implications

9. Any Equality and Diversity implications arising from the performance reported here will be addressed as part of the programme of work on those specific areas.

Supporting Information

- Appendix - Quarter Four 2018/19 Balanced Scorecard Performance Summary Dashboard Report and Corporate Risk Dashboard

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Background Papers

In the opinion of the proper officer (in this case the Director of Commercial and Commissioning) there are no background papers relating to the subject matter of this report.

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CABINET
11 JULY 2019**QUALITY OF UTILITY WORKS ON THE PUBLIC HIGHWAY**

Relevant Cabinet Member

Mr A Amos

Relevant Chief Officer

Director of Economy and Infrastructure

Recommendation

1. **The Cabinet Member with Responsibility for Highways recommends that Cabinet:**
 - a) **notes the following information in response to the Notice of Motion submitted to Council on 14 February 2019; and**
 - b) **endorses the approach to holding those undertaking utility works on the highway to financial account and scrutiny.**

Background

2. The Council agreed a Notice of Motion on 14 February requesting that the Cabinet Member with Responsibility for Highways brought a report to Cabinet setting out how the Council can ensure that statutory undertakers, utility companies and 3rd parties not meeting our excellent standards when undertaking works on the highway are held to financial account and scrutiny. The Notice of Motion referred to poor performance of some utility companies in delivering and managing works on the Highway.
3. This report seeks to set out the detail of utility works on the highway, the County Council Street works team's role in managing this activity through the permit scheme and the inspection monitoring and fining of poor performance.
4. The Traffic Management Act 2004 and New Roads and Street Works Act 1991 (TMA 2004 and NRSWA 1991) confer various responsibilities on both the local authority and other works promoters (the utility companies). Specifically, the local authority has a duty to coordinate all works and the right to protect the highway infrastructure it manages and maintains. The works promoter is responsible for carrying out the works safely and expeditiously to minimise impact.
5. There are broadly three types of activity carried out by the utility companies as works promoters:
 - a) Planned maintenance and repair to their existing networks / assets;

- b) Connections of new developments to the existing network, that may or may not involve wider reinforcement works;
- c) Works in response to unplanned failures, strikes etc. or other 'emergency works'.

6. The Council, as the relevant local authority, influences, manages and coordinates a) and b) through regular meetings of all works promoters, reviewing their maintenance and investment programmed works and checking as far as possible that the road space requirements of each promotor does not clash with others. The delivery of these works is then achieved by notification from all works promoters through our Permitting Scheme.

7. The permitting process further checks that disruption from roadworks is considered appropriately. This is done at the application stage by restricting daily working periods, checking for suitable traffic management and challenging the overall works duration, especially on the defined traffic sensitive network. As over 300 enquiries regarding road space occupation are received daily, detailed scrutiny of works proposals is not feasible.

8. More difficult is 'emergency works' where the works promotor is only obliged to inform the authority after the event, events that can account for up to 30% of any one utility company's works.

9. Site checks are carried out in line with the provision made in the NRSWA for a resource to inspect approximately 10% of live works, 10% at works completion and 10% of expiring guarantees (period covered by utility to rectify any arising defects).

10. Importantly the utility companies are responsible throughout for their works and the main areas we scrutinise are:

Applications for:

- location to prevent clashes
- time of day when working to reduce congestion
- days when working to reduce congestion
- length of works to reduce congestion
- the ability to work collaboratively.

Site works for:

- safety of operations and traffic management
- suitability, extent and sufficiency of traffic management
- application of any imposed conditions
- adequacy of reinstatement.

11. The utility companies are held to account for all works to the public highway and are responsible for rectifying all noted defects. Specifically, we pursue the following:

Financial:

- **Fixed penalty notice (FPN)** - charges (£80 increased to £120 for late payment) are issued for all breaches of permit conditions and for any late start/stop and registration notices. Where utilities are found to be working

without a Permit there is an increased FPN charge (£300 which is further increased to £500 for late payment);

- **Defect charges** - (£47.50) are issued for reinstatement issues; these are monitored and repeat fines issued every 17 days until the defect is repaired
- **Overrun charges** - this charge varies for each works site depending on various factors and agreed charges as noted below.

<u>Incursion of Carriageway</u>	<i>(2) Description of street</i>	<i>(3) Amount (£) (each of first three days)</i>	<i>(4) Amount (£) (each subsequent day)</i>
1.	Traffic-sensitive street or protected street not in road category 2, 3 or 4.	5000	10000
2.	Other street not in road category 2, 3 or 4.	2500	2500
3.	Traffic-sensitive street or protected street in road category 2.	3000	8000
4.	Other street in road category 2.	2000	2000
5.	Traffic-sensitive street or protected street in road category 3 or 4.	750	750
6.	Other street in road category 3 or 4.	250	250

<u>Non-Incursion of Carriageway</u>	<i>(2) Description of Street</i>	<i>(3) Amount (£) (each day)</i>
1.	Street not in road category 2, 3 or 4.	2500
2.	Street in road category 2.	2000
3.	Street in road category 3 or 4.	250

The table below summarises the number of incidents and the fines raised from these three types of incident over the last three years.

	2016-2017		2017-2018		2018-2019 (at 31 May 2019)	
	No.	£	No.	£	No.	£
Fixed Penalty Notice	451	36,700	1037	92,600	976	114,100
Defect	1369	328,988	1483	288,911	1244	309,359
Over run charges	186	291,000	142	218,850	114	397,800
Total		656,688		600,361		821,259

(Please note fines are noted in the NRSWA and set/reviewed by government. They

do not relate to the type of notification system utilised and therefore remain the same whether we operate a Permit Scheme or other notification system.)

Works:

- Works are stopped for dangerous activity or circumstances on active sites
- 2-hour defect rectifications are issued for dangerous matters with a site and are classed as High Risk
- 4-hour Low Risk defect rectifications are issued for circumstances that may lead to a dangerous situation if not rectified
- All other defects are notified for rectification and incur a defect charge as noted above.

Meetings:

- Regional meetings are held where all local authorities join together to seek improved utility performance. Currently, Severn Trent Water is working under a Joint Authorities Group (JAG) improvement plan
- Local utility improvement meetings are held regularly with all utilities where we publicise performance of all works promoters and name and shame the worst performers. At the last meeting both Severn Trent Water and Cadent, the gas utility company, were noted as the worst performing utility works promoters in the County
- Utility meetings are held with individual promoters to discuss and pursue measures to improve performance of specific utilities. Performance improvement meetings are currently being pursued with both Severn Trent Water and Cadent. As a result both companies now have an improvement plan in place.

Performance:

The majority of performance issues are noted during live site inspections. As a result last year, we increased inspections for 6 months in this area above the normal provision of 10% to 15%. As noted above, this resulted in numerous fines for poor performance totalling £821,259 last year. Unfortunately, the current level of routine fines is minimal and does little to drive improvement with some defects recharged over many weeks as not corrected. For example, we have a defect running with Severn Trent Water that has had 16 inspections and so the repeat fines total £760. These defects are all monitored and are reported in their overall performance. In addition to the meetings noted above, next month we are meeting with Severn Trent Water to discuss their performance and reinforce our requirement for them to take greater account of the impact of their works on the highway network.

12. On 20th May 2019 this Council modified the Permit Scheme to collect a fee for each permit for works to enable greater resource. We now have additional staff to monitor site works, this resource will be reactive to monitor emergency works, which can cause considerable disruption on the network as they are not planned or notified in advance. The additional resource will also help ensure correct notification with fines issued to encourage compliance and the resource to enable us to pay more attention to the strategic network to reduce congestion along our key routes.

13. To further drive improved performance, at the end of the month we are trialling a supplement to the current out of hours service, with one specifically dedicated to utility issues. Additionally, we are evaluating alternative methods to resolve issues that arise at utility works that will have an impact on the highway network. The utility company retains overall control of their works, however, if they do not respond within 2 hours, we can step in (and recharge the utility) to make safe dangerous situations.

Conclusion

14. Utility companies have a right to work on the highway and remain responsible for all work carried out, which they organise, manage and supervise. We have a duty to co-ordinate all works on the highway, but this is hampered by the extent of emergency (30%) works and the number (300/day) of road space enquiries.

15. We inspect a limited number of sites to check safety and reinstatement quality and that the utility is working as agreed in their Permit, including minimising their impact on the highway network. Remedial works, charges, fines and meetings are then pursued to drive improved performance.

16. Looking to the future, once we have operated a successful Permit Scheme for several years with no amendment we can consider introducing lane rental for utility companies on our strategic town centre streets. This will introduce a daily fee for road space occupation, which will incentivise utility companies to pursue detailed works scheduling and make better emergency arrangements to minimise road space occupation. Congestion on our network will then be further reduced due to shorter works periods. Specifically, lane rental would force utilities to rethink how they plan and undertake their works encouraging completion to be quicker, at night or outside of traffic sensitive times as road space occupation is charged on a daily basis during traffic sensitive times. Working outside of these times would help to reduce congestion especially during peak traffic flows.

Legal, Financial and HR Implications

17. Failure to coordinate and minimise congestion may lead to government intervention as our duties under the Traffic Management Act would not be met

18. The budgeted income for this service for 2019/10 is c£0.9m which is expected to be met in full and takes account of the financial implications within this report. The Council raises fee invoices in partnership with Liberata, and a number of clients utilise the online payments system. The collection and pursuance of outstanding debt rests with the traffic management department and additional capacity is being built into the team to raise invoices promptly, encourage the use of the online system and ensure outstanding debt is effectively collected.

Risk Implications

19. Failure to inspect or coordinate utility works may increase congestion and safety issues.

Privacy and Public Health Impact Assessments

20. Failure to coordinate utility works may increase congestion and reduce air quality. Failure to inspect may increase public safety issues if compliance with safety measure deteriorates.

Equality and Diversity Implications

21. This report relates to the financial account and scrutiny of utility companies works. There are no noted equality and diversity implications noted in this specific regard.

Background Paper

Agenda papers and minutes of Full Council Meeting 14 February 2019

[Council Agenda and Papers 14 February 2019](#)

Contact Points

County Council Contact Points

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