

## COUNCIL 13 JULY 2017 - AGENDA ITEM 9 – QUESTION TIME

Questions and written responses provided below.

**QUESTION 1** – Mrs E Eyre will ask Ms K J May:

*"In 2004 Worcestershire County Council produced a Scrutiny report on the use of sprinklers in County buildings: schools and older people's facilities. Interestingly this report not only informed our Council but others: West Berkshire and Lancashire. Disappointingly the recommendations showed costs trumped the obvious value of sprinklers in new builds and even more so for retro fits despite the additional costs being identified as between 1.8% and 5%.*

*The Fire Service at that time was urging local authorities to consider installation of sprinklers in schools as part of its wider strategy.*

*By 2010 the County Council had moved forward. Our Corporate Services Directorate - Property Services GUIDANCE NOTES FOR DESIGNERS - MECHANICAL & ELECTRICAL stated that the County Council was particularly keen to comply with or exceed the guidance set out in DfES Building Bulletins and other guidance applicable to Local Authority premises. In respect of Sprinkler Installations Building Regulations, Regulatory Reform orders and Insurers were increasingly calling for active fire suppression systems such as sprinklers as part of the design of new schools and major extensions. DCSF BB100 sets out a risk assessment methodology which dictates the use of sprinklers in the majority of new-built schools.*

*Can the Cabinet Member outline the Council's current sprinkler policy in respect of:*

- new build especially schools*
- older local authority buildings especially schools and those housing older people*

*Can the CM reassure me that our strategic property managers (PP) really do understand in their technical role that the focus should be on safety first with aesthetics and clever design coming second."*

### **Draft Answer**

The Council is still using the Guidance Notes For Designers - Mechanical & Electrical 2010 which specifies the installation of sprinklers within new buildings and major extensions. Currently, sprinklers are being installed in the new school at Malvern Vale and have been included within the tendered scheme at Holyoakes. With regards extensions and refurbishments, the historic approach has been to include only where there was an existing system and this currently remains the case.

There are plans to revise and update the 2010 Guidance Notes and re-affirm the policy on sprinklers as part of our review of fire safety arrangements and management. In the light of the Grenfell Tower fire we will also take the opportunity to review the policy in respect retrofitting sprinklers in older buildings and those used by vulnerable people.

However, what we must remember is that sprinklers are there to protect property and not necessarily people. Our priority must be to swiftly and safely evacuate people from our

buildings / premises in the event of fire. Sprinklers have to be considered as part of our fire safety arrangements and their adoption will be considered on a case by case basis.

*"Can the CM reassure me that our strategic property managers (PP) really do understand in their technical role that the focus should be on safety first with aesthetics and clever design coming second."*

Absolutely, the Property Team in the Council have a strongly safety focus and this is being reiterated to our designers and property agents on an almost daily basis. Regular meetings are held with Place Partnership in particular about safety and compliance. We are working hard to ensure that we have safe working environments for our staff and anyone using our buildings / premises.

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

*"Would the portfolio holder responsible please inform me how many and the names of County Schools that have water sprinklers throughout their premises and those that do not"*

**Draft Answer**

We are in the process of going through a fire safety survey with schools, the results of this will provide the most up to date information for schools in Worcestershire, therefore the detail required to respond to the question will be provided on completion of the returns by schools. The expected date is 1st September 2017.

**Supplementary Question**

In response to a supplementary question, Ms May commented that the total cost of the removal of asbestos from schools was £58m. In most circumstances, professional advice was that it was safer to leave asbestos in situ.

**QUESTION 3** – Mr C J Bloore will ask Mr A Amos:

*"Does the Cabinet Member with Responsibility for highways agree with me that VAS are an important tool for communities to tackle the problems of speeding in their communities?"*

**Draft Answer**

Mobile battery operated, Vehicular Activated Speed (VAS) signs have been hugely popular in Worcestershire and enable communities to have more control to address the issues that are important to them – to tackle speeding problems within their local areas Local decision making powers is one of the key areas of the Localism Act 2011.

VAS signs have been in present in Worcestershire since 2008 and were historically managed by the then Accident Studies team and used where there was an identified accident and speed related history. Policy was reviewed in 2010 and the scheme was rolled out to Parish Councils who could then opt to purchase a sign, however the responsibility for the sign still rested with the County Council. Further expansion of the scheme in 2011 resulted in Parish Councils taking full responsibility for the signs, including purchase and maintenance.

VAS signs are not enforceable. The signs are there to alert motorists to their speeds and to encourage them to change their behaviour accordingly.

The Parish Council approaches the Liaison Engineers in the first instance to discuss their concerns and where they would like to put a VAS. The Liaison Engineer will then carry out location assessments at a number of agreed sites to ensure that there are no safety

implications to road users and the public, and that the VAS is effective. The VAS is rotated around the various sites in the parish; to leave in one location would breed complacency. WCC raise an order for the unit (currently at a cost of £2650 each) from a reputable supplier and the Parish Council pays for this. Alternatively, the parish can purchase direct from the supplier, as recommended by the Liaison Engineer. The Parish Council is responsible for all associated costs, including maintenance and moving of the sign to the other agreed locations (carried out by the Parish Lengthsman or District Councils). Additionally District Council's can also purchase VAS signs also; however, as with the Parish Council, the District would be responsible for all associated costs.

#### Supplementary Question

Residents in Brockhill, Bromsgrove had waited nearly four months for the street lighting team to repair a faulty VAS. In response, Mr Amos responded that he would look into the matter and report back to Mr Bloore.

#### **QUESTION 4** – Mr R C Lunn will ask Mr M Hart:

*""Can the Cabinet Member responsible explain why if a school pupil is in hospital there is no provision from the County Medical education team. If a school want them to receive an education, the school must pay for a tutor through Babcock. In Birmingham the authority covers this. Why don't we?"*

#### **Draft Answer**

Worcestershire County Council has a statutory duty to make arrangements for the provision of suitable education at school or otherwise for a child of compulsory school age who, because of illness, would not receive it unless such arrangements were made. This is done on behalf of the Council by Babcock who run The Medical Education Team (MET). There are three separate MET settings in Worcestershire where these children can receive this education:

- Worcester City
- Redditch
- Kidderminster

There is no hospital in Worcestershire with an on-site education facility. If education needs to be provided to a child who is either at one of the MET settings or in a hospital, this is arranged by Babcock's Medical Education Team and is funded by 80% of the child's school's Age Weighted Pupil Unit (AWPU). (AWPU is the rate local authorities set to allocate basic entitlement funding for all pupils in the funding formula for pre-16 pupils in mainstream schools. It is a compulsory factor which must be used in the funding formula).

To date, Babcock has not received a request to educate a child who is in hospital.

#### Supplementary Question

In response to a query, Mr Hart undertook to find out whether there were any cases in the County where the Medical Education Team would be required to provide educational support for a child in hospital.

#### **QUESTION 5** – Mrs F M Oborski will ask Mr Hart:

*"Could the Cabinet Member for Education and Skills tell me, in the last 2 years, how many times has the County Council been referred to an SEND Tribunal and how many cases has the Authority lost?"*

## **Draft Answer**

83 appeals made to date  
70 appeals heard / considered  
27 were upheld in full / part or the council conceded (total number lost)

The 13 cases outstanding have not yet been heard / resolved.

## Supplementary Question

What was the average cost of a SEND Tribunal in the county? Mr Hart commented that the Council had a Service Level Agreement with a firm of solicitors to undertake the work at a cost of £85,000 per annum. It also took a lot of officer time and each case cost the Council £1,000.

## **QUESTION 6** – Mrs F M Oborski will ask Ms May:

*"Parents and carers of children attending the Medical Education Team facility at Lea Street School Kidderminster have raised concerns with me about the state of the building:*

- 1. In the very hot weather there is no shady outdoor space available for these young people some of whom are emotionally very frail. This means they are forced to remain indoors in stuffy classrooms; and*
- 2. In heavy rain the roof leaks.*

*Could the Cabinet Member tell me what steps are being taken to ensure that the facilities provided for the MET are fit for purpose?"*

## **Draft Answer**

As part of our monitoring of services commissioned to Babcock (of which the Medical Education Team is one), officers will visit the site to ensure that the matters raised are investigated. To date parents have not raised these concerns with us but we acknowledge that this has now been raised by Cllr Oborski on their behalf. Should the result of our visit highlight concerns then these will be addressed appropriately.

A full condition survey has been commissioned for Lea Street under this year's Capital maintenance programme so we will understand what the issues are with the roof and what the recommendations are to remedy this. If the recommendation is for a new roof in part or whole this will be considered together with the overall condition of the building.

## **QUESTION 7** – Mr C J Bloore will ask Dr Pollock:

*"In light of the recent comments made by the Police and Crime Commissioner regarding proposed further roadworks to the M5 that will impact Worcestershire residents. Does the leader agree with me, it's time for a formal investigation in partnership with the PCC into the actions of Highways England and their disregard for the health and wellbeing of local residents and the sustainability of local businesses."*

## **Draft Answer**

The reconstruction of the Oldbury viaduct is clearly vital to extend the life of the existing structures. It is a major investment of resources (£80m over two years' work) and will cause significant disruption to the strategic highway network and adjacent local highway network.

In reality the works were always going to have a degree of impact on Worcestershire, but the member will be aware that the scale of restriction at the M42 junction proposed by Highways England (HE) has come very late in the day.

We disagree with HE's proposals for the following reasons:

- the impact on Worcestershire's roads has not been considered in any detail and therefore there are no planned amelioration measures;
- there is no detailed signage plan on Worcestershire's roads. This is essential at least to direct traffic to utilise the M42/M6 route rather than the M5 and at more distant locations to encourage use of other routes to avoid use of the M5;
- Communications to organisations outside the Combined Authority and the public are starting too late and will be implemented too late for alterations to journey plans for flights, appointments, meetings etc.

However, we continue to work with Highways England to overcome all of these issues and are seeking:

- Keeping open two lanes of the M5 heading north at junction 4a, together with greater flexibility to alter the layout to react to current traffic conditions across the highway network
- Amendments to the current signage plan and inclusion of further signage in Worcestershire
- More active communications strategy in local press

Currently works are due to start from the beginning of the school holidays, and the Leader and Cabinet Member with Responsibility for Highways have written to senior HE and Metropolitan Authority Highway members. We will continue to push for a revised approach to the M42 junction.

### Supplementary Question

Would the CMR hold Highways England to account for their actions? Dr Pollock responded that the Leader had lobbied Highways England but Council had no power to hold them to account. As this was a national matter and any concerns should be raised with members of Parliament.

### **QUESTION 8** – Mr J H Smith will ask Mr Amos:

*"Is the Cabinet Member for Highways aware of Virgin Media and their contractors installing Broadband in my Division of Evesham North West and, in particular, the way that they are undertaking the process, by working in the footways and I believe causing irreparable damage to County Council property and generating lots of complaints regarding the workmanship."*

### **Draft Answer**

Officers are / I am aware there is work underway in the Division of Evesham North West and other parts of the county by Virgin Media and their contractors; Virgin Media's deployment aims to increase the availability of fibre to the home broadband through their commercial programme. The County Council recognise the importance of improved broadband infrastructure to homes and businesses and welcome commercial deployment that improves coverage. However, as the Member correctly points out, as a Highways Authority we must manage and maintain the Highway to ensure it's physical integrity,

longevity and clearly the immediate safety of users on the network, therefore we must be satisfied by the working practices of those organisations seeking to work upon it.

As a 'Permitting Authority' the County Council did receive and authorise 'Permit' applications that detailed Virgin's intentions to work on the Highway, including footways. As these works have been undertaken they have been inspected by County Council's Inspectors and any defaults or concerns have been raised to the Defect Team and higher Management for Virgin Media to put right at their cost and fines being issued as required. Virgin Media have worked with County Council Officers to resolve issues as they have arisen. We are also holding Monthly improvement meetings with Virgin Media to reduce the amount of outstanding defects.

Virgin Media have also recently committed to more detailed coordination meetings with the Highways team and the County's proposed plans to improve the quality of the Highway through the Driving Home programme and our commitment to improving footways. Due to the scale of upcoming works we do accept there will be a small number of clashes, but with the right approach to planning and ongoing communication we are confident that these will have been minimised.

And I would like to conclude with a few words about my expectation of works carried out by the utilities. Worcestershire is "open for business" which means that my priority must be to keep traffic and people moving, and businesses open and expanding. So the utilities need to know that Worcestershire is not a soft touch. When they are doing work in this County, they are working for the residents of Worcestershire so we expect them to undertake their work efficiently and with the highest quality of workmanship. All too often, we see holes dug, traffic congestion needlessly caused whilst no work is going on. It infuriates motorists and it infuriates me. If the work is an emergency, then we expect the utilities to have all the workforce and materials ready to get the job done. If the works are planned then, equally, they will have had enough time to have gotten the workforce and necessary materials and parts in place. Furthermore, we expect the finished work to be of a high standard. Consequently, I have instructed officers to impose the maximum penalties possible for overruns caused by incompetence and selfishness, unnecessary delays, inconsiderate working, and unsatisfactory and second-rate reinstatements.

#### Supplementary Question

In response to a supplementary question, Mr Amos acknowledged concerns about the standard of the work of utility companies and would endeavour to hold Virgin Media to account for any examples of poor workmanship.

#### **QUESTION 9** – Mr Udall will ask Mrs Hodgson:

*"Will the Cabinet Member for Communities confirm what action is being taken by the County Council to ensure Worcestershire communities deprived of local community facilities are helped and supported?"*

#### **Draft Answer**

In response to Cllr Udall's question help and support for Communities deprived of local community facilities are provided in three main ways

Thank you Richard for your interesting question, I am not quite sure what are suggesting has been deprived from the local community

Firstly all Worcestershire residents are able to access help and support through the use of the online service Your Lives Your Choice. Colleagues across all directorates have been working together to improve the old site, previously just for adults, and add information for

children, young people and families. The site aims to provide residents with information, advice and guidance on a range of topics and help residents to help themselves to prevent their problems from getting worse. There is also an e-marketplace of support services and products that can help and events, activities and support groups within each local area. Colleagues are now working with providers to get their services and events registered on the site before it is relaunched to the public at the end of July. Access to online information is also supported our digital inclusion work and our digital champion. All our library building have recently had new Wi-Fi connections installed therefore enabling those who do not have computers at home. Indeed many of our libraries are now run by community groups who have made them into community hubs for the local area.

Secondly, many of our community services reach out and deliver services away from their main bases. For example Museums Worcestershire has just delivered a project called Suitcase Stories. This has been delivered in a range of communities across Redditch, Evesham and Kidderminster for people living with dementia and their carers, working with the local dementia cafes gathering the memories of participants through workshops as well as creating interactive sessions with museum objects.

Also our Library service also delivers a Library service at home function, supported by volunteers, for those residents who are unable to get to their local library and runs alongside the mobile library service.

And thirdly, for our most vulnerable residents where a social care service is needed, these services are delivered in families' homes. Actions are being taken to continue to build capacity and capability across all social care workforce to deliver a high quality of service which will also include using and promoting the online information, advice and guidance that is available. In addition to this, we continue to work with the voluntary and community sector to build capacity across communities to help themselves.

For example a quote from one of Parenting and Family Support Providers "Since the 1st of December we have had over 30 people register an interest in volunteering within the new service. This has been driven by the public's desire to see activity groups continue to run from the children's centres. So far 28 individuals are at various points along the application process, with the majority ready to be placed within new volunteer led groups" March 17.

#### Supplementary Question

Would the Council provide to support to community ownership of local public houses which were threatened with closure? Mrs Hodgson responded that it was recognised that public houses were at the centre of the community and would positively consider any request for support for a community asset transfer.