

COUNCIL 14 SEPTEMBER 2017 - AGENDA ITEM 11 – QUESTION TIME

Questions and written responses provided below.

QUESTION 1 – Mr P McDonald will ask Mr A Amos:

"Would the Cabinet Member for Highways please inform me of the number of street lighting engineers employed by the County."

Answer

The Street Lighting Service involves a combination of Worcestershire County Council employees and contractors. The County Council currently directly employs two Engineers plus associated business support. Engineering resource beyond this for both new designs and maintenance is secured via our existing term contracts.

Supplementary Question

In response to a supplementary question about the lack of street lighting engineers, the Cabinet Member for Highways indicated that he had not received any complaints about the street lighting service provision, only compliments. He was aware that there was an unresolved issue in the Rubery Division which was currently being investigated.

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

"Would the Cabinet Member for Transformation and Commissioning please inform me of the number of unpaid internships within the County Council"

Answer

Thank you Cllr McDonald for your question regarding the number of unpaid internships within the County Council and the answer to your question is none.

Supplementary Question

In response to a supplementary question, the Cabinet Member for Transformation and Commissioning undertook to respond in writing as to whether the Council employed any staff on zero hour contracts.

QUESTION 3 – Mr R C Lunn will ask Mr A Amos:

"Does the Cabinet Member agree with me, that legislation should be enacted to enable County Councils to fine Developers for unreasonable overrunning of Section 278 works which keeps roads closed unnecessarily? Does he also agree that this would have eased the inconvenience and annoyance felt by people in and around Church Road, Webheath, who have had to endure a road closure of over 5 months when they were promised 3? Does he agree that Developers have a responsibility and a duty to get roads open promptly and safely?"

Answer

S.48(3) New Roads and Street Works Act 1991 (NRSWA) excludes 'works for roads purposes' from the definition of street works subject to the NRSWA regime where we can impose fines. Developers act under our powers as the highway authority through a S278 agreement, hence there would need to be a change in legislation to enable us to fine developers. S.278 allows only for recovery of expenses incurred by the highway authority, so would not allow for punitive fines. Utility companies do face over run fines and this does act as incentive and so may have influenced speedier resolutions to the numerous issues that arose on this site and may have placated residents. The permit to work on the public highway imposes a duty on the developer's contractor to complete their works safely within a defined period.

Supplementary Question

In response to a supplementary question, the Cabinet Member for Highways acknowledged that the developers needed to improve their performance in relation to the adoption of roads and the Council would ensure that developers met their statutory duties.

QUESTION 4 – Mr R C Lunn will ask Mr A Amos:

"Does the Cabinet Member agree that if Developers keep roads closed longer than can be justified for Section 278 works, then members of the public who can prove they have been continually inconvenienced should be allowed to claim reasonable compensation from the responsible developer?"

Answer

There is a specific scheme for certain losses (e.g. property devaluation) caused by specified public works, but there is no general right to compensation where traffic flow is disrupted by authorised road works. This would require a change in legislation as Developer's works are currently carried out on our behalf and additionally would need to be considered carefully as we would not want to have to pay compensation for all our own works to maintain/improve the public highway.

QUESTION 5 – Mr P Middlebrough will ask Mr A Amos:

"Rat runs are infuriating to residents at the best of times, the volume of traffic, the speed and the noise cause anxiety and distress to residents. Imaging how much worse it is when a road signed as ACCESS ONLY becomes the rat run. The road through Ryall is one such rat run linking the A38 to the A4104. Every working day morning and evening, on days when there are events at the Three Counties Show Ground motorists ignore the signs and there is no attempt to prosecute those drivers. What steps can you take to eliminate this one mile rat run and bring some degree of tranquillity back to Ryall?"

Answer

A large majority of residences are on through roads which are open to all traffic. In a few instances, Access only Orders have been pursued that raise resident expectations that only those accessing that particular stretch of road will use the road. Unfortunately, with limited police resource, concentrated upon areas where safety issues are present, then significant enforcement is not possible leading to abuse of the Order. Fortunately, in this instance, there are no recent (3yr reporting period)recorded personal injury collisions along this road. In the past, other engineering measures have been considered in similar

situations, but there is no perfect solution as these can cause additional noise, pollution and limited accessibility and so are not supported by all residents, can cause increased congestion on other parts of the network and consequently there is currently no funding allocated for such measures.

QUESTION 6 – Mr R M Udall will ask Karen May:

"Will the Cabinet Member tell us what steps the County Council is taking on procurement to ensure that companies that have blacklisted workers do not get contracts?"

Answer

For all OJEU procurements the Council uses the standard Selection Questionnaire, which not only asks bidders to provide standard supplier information but also asks questions that may give grounds to exclusion from the tender process.

The relevant question that covers "blacklisting" is 3.1 in the standard Selection Questionnaire:

Please indicate if, within the past three years, anywhere in the world if the following situation has applied to you, your organisation or any other person who has powers of representation, decision or control in the organisation - breach of labour law obligations.

- If the response is yes, then the bidder must explain what measures have been taken to demonstrate how the breach has been corrected and how the lessons learnt have been embedded in the organisation.
- If this is inadequate, the Council can exclude the supplier from the tender process.

Supplementary Question

In response to a supplementary question, the Cabinet Member for Transformation and Commissioning emphasised that "blacklisting" was illegal and each individual procurement would be judged on its benefits.

QUESTION 7 – Mr R M Udall will ask Ken Pollock:

"Will the Cabinet Member confirm how Worcestershire produce is promoted by the County Council?"

Answer

The horticulture sector contributes some £2.6 billion annually to the UK economy. There are almost 2,000 agriculture, horticulture and food and drink manufacturing businesses in Worcestershire. This sector is profiled through our World Class Worcestershire website and social media campaigns including the promotion of local food festivals and local produce including Wychbold Fudge and Worcestershire Sauce.

With Worcestershire having a wealth of world class produce we provide support in a number of ways

- **Find it in Worcestershire** has an annual Food and Drink Forum, bringing together local producers and buyers we have over the past 2 years had more than 250 attendees and buyers from Aldi, Marks and Spencer, Blakemore Fine foods,

Spar, Howgarth Manor, Webbs Garden Centre and Gloucester Services, Valentine Foods.

- **Supporting partners and district councils** in the promotion of key festivals promoting Worcestershire produce including
 - Pershore Plum Festival
 - Tenbury AppleFest
 - Evesham Asparagus
 - Worcester Foodie Festival
 - Droitwich Salt Festival
- Wychavon DC, WLEP and WCC have worked together to ensure the Vale of Evesham is recognised as one of the UK's leading horticultural areas and is home to the only **Food Enterprise Zone** in the West Midlands.
- **Invest in Worcestershire (liW)** is the inward investment service, with a strategic aim to secure significant levels of new investment and employment for the County. This is achieved through the global business marketing of Worcestershire, targeting key markets and sectors, and the provision of an extensive, free and confidential package of advice and assistance for location consultants and potential investors.
- **World Class Worcestershire** – Worcestershire County Council is one of the main supporters of World Class Worcestershire which is a campaign that showcases the very best of the county. Local companies who thrive by using local produce and local crafts people are publicised. A recent example of a local company celebrated by World Class Worcestershire is Wychbold Fudge, a family business based in Wychavon
- Recently Worcestershire County Council worked on a ITV again profiling Worcestershire as an area of significant economic growth, this programme profiled Worcestershire's The Friday Beer company
- **LEADER Programme:**
The LEADER programme supports the growth of the rural communities by supporting local people and businesses to remove barriers to growth. The programme in the past 12 months has supported 14 of the 27 business we have contracted with so far are farmers/growers or food suppliers and the grant amount awarded totals £298k. Some of the items we have funded include; precision drills, GPS Systems, Bottling/Juicing Equipment, Apple Graders, Cold Store room for fresh herbs and a Hop Kiln.

All these items enable the businesses to become more efficient in terms of their yield, time saving and ultimately keep up with the innovative farming techniques.

Supplementary Question

In response to a supplementary question, the Cabinet Member for Economy and Infrastructure was happy to support the suggestion for an ice cream festival in August to support the local dairy industry and tourism.

QUESTION 8 – Mrs F M Oborski will ask Alan Amos:

"In view of the fact that barely a day goes by without a Diamond bus on a service in Wyre Forest either breaks down on its service route or fails to leave the garage because it is unserviceable; could the Cabinet Member please tell me what if any progress he has made in discussions with the management of DiamondBus?!"

Answer

Officers have met with the Management Team of Diamond Buses to discuss performance issues within the Wyre Forest, they have assured us that they have made procedural and personnel changes that will start to improve the services in the area. Additionally we have mutually agreed a two month period of monitoring services in the Wyre Forest area that are operated under contract to WCC. Officers are meeting with them monthly to discuss the results of this exercise and at the end of the two month period a review of the results will be presented to the CMR. Any decision on the future of tendered service provision will be informed by the outcome of the agreed monitoring.

Supplementary Question

In response to a supplementary question and subject to Mrs Oborski forwarding the details to him, the Cabinet Member for Highways undertook to look into the details of the incident where the driver of the 192 Diamond Bus in Kidderminster did not know the route or stopping points. In future, he would act as the conduit for complaints made about Diamond Buses.

QUESTION 9 – Mrs F M Oborski will ask Alan Amos:

"It would appear that Highways Maintenance decisions are being made on roads where traffic management schemes have previously been installed by the Accident Studies Team without any reference back to that Team. This has resulted in previously installed road safety schemes being effectively negated. Could the Cabinet Member please inform me what steps are going to be taken to ensure that "joined up working" takes place and long fought for schemes are not destroyed?"

Answer

Discussions take place between the teams where Highway maintenance works are required, in the vicinity of an existing or proposed safety scheme, due to deterioration of the highway. There are occasions where slight changes are made to existing layouts due to the use of more suitable or robust materials where they will not impact the integrity of an existing scheme.

Supplementary Question

In response to a supplementary question, the Cabinet Member for Highways undertook to respond in writing to set out the additional costs borne by the Council in re-installing traffic management schemes following highways maintenance work.

QUESTION 10 – Mr A Roberts will ask Alan Amos:

"You will be aware that the safe route to school to Nunnery High and Primary Schools is incomplete. A controlled crossing at a point near the Hospital roundabout on the B4636 was to have been provided as a condition of the adjacent field being developed. However, the City's Planning Authority has been unable to grant permission for development so the crossing hasn't been provided.

I welcome that the County is now to take the initiative and provide the crossing but my concern is for the interim period.

Could I ask that a professional view is taken of what interim measures might be introduced as quickly as possible to safeguard children using this route. Could serious consideration also be given to extending the 30 MPH limit to the Nunnery/Grange Way roundabout, which I believe would reduce the speed of vehicles approaching the crossing point?"

Answer

We will seek to pursue the extension of the 30 mph between the Woodgreen Drive / Newtown Road / Charles Hastings Way roundabout closer towards the A4440 / B4636 / Newtown Road roundabout over the coming months. With favourable consultation the 30mph should be in place by February 2018. Unfortunately we are not able to extend the 30mph all the way between the two roundabouts as this would not meet Department for Transport criteria due to the lack of frontage development, however we would be able pursue a 'buffer' limit of 40 or 50 mph between the extended 30 mph and the A4440 roundabout which would be dealt with separately to the extension.

QUESTION 11 – Mr A Roberts will ask Alan Amos:

"You will be aware of the frustration and inconvenience caused by nuisance parking by commuters in the Harley area of Warndon Parish. I have been assured that a survey of parked vehicles and drivers will be carried out to establish their final destination and why they don't park closer to where they want to go.

This information is essential before any further work is done. Could I be told when the survey will be carried out?"

Answer

We know from residents' concerns that the majority of vehicles parked are not owned by residents and that the drivers' destinations are the hospital and associated commercial development at King's Court. The Highway Authority has no control over parking at these destinations but I understand the hospital is actively pursuing provision of more parking. Consequently, we revisited the need for a survey as it would not add to solving the problem. It would need a large number of surveyors in a number of roads when people would be under no obligation to answer or give accurate information.

Consequently, I can assure Cllr Roberts that I will work very closely with him to persuade the hospital to provide additional parking. In addition, to work with the local community to remove any parking that causes safety or accessibility problems by extending existing lines and signs to provide further restrictions on key junctions and accesses. This approach, I am sure, will reassure residents by avoiding a total parking ban with the significant parking displacement into adjacent roads that a permit parking solution would cause.

So I hope Cllr Roberts would agree that this approach is the best first step forward to solving this problem, whilst admittedly not removing all the parking in the immediate future.

Supplementary Question

In response to a supplementary question, the Cabinet Member for Highways undertook to review the decision not to carry out a survey of parked vehicles in the Harley area of Warndon Parish.

QUESTION 12 – Mr P Denham will ask Andy Roberts:

"Can the Cabinet Member for Children and Families please tell me whether he has had the opportunity, since Council last met, to visit The Riversides School, Spring Gardens, Worcester to assess whether Looked After Children attending these premises are suitably accommodated according to their special needs?"

Answer

On 31 July the Executive Head, Director of Children Services, Virtual School Head and Andy Roberts (Cabinet Member for Children Families & Communities) met together to discuss the concerns raised by the school. It was established during the meeting that the concerns weren't specific to the needs of the Looked After Children but the building conditions. The Head of School clearly stated that they were satisfied with the progress of our five Looked After Children and the recent Ofsted Report and the quality of the PEPs reflect this.

The Virtual School Head is therefore satisfied that the Looked After Children are having all of their educational needs met. If any concerns arise on individual Looked After Children this will be highlighted through the PEP (Personal Education Plan) and EHCP (Education Health Care Plan) process and escalated accordingly.

Supplementary Question

In response to a supplementary question, the CMR for Children and Families commented that the Head Teacher's concerns related to the unsuitable nature of the building, not the performance of Looked After Children. The professional view of Ofsted was that the school was good and officers believed the school was satisfactory. He had asked the Director of Children, Families and Communities to advise the Head teacher as to the best way forward to meet his requirements. As requested, he had visited the school as soon as possible which unfortunately meant that the visit had had to take place outside school term time.