

**Council****Thursday, 14 January 2016, 10.00 am, County Hall, Worcester****Supplement**

<b>Item No</b>	<b>Subject</b>	<b>Page No</b>
5	<b>Constitutional Matters</b> To consider a report on various constitutional matters <b>(yellow pages)</b> .	49 - 54
7	<b>Notices of Motion</b> To receive the report of the Head of Legal and Democratic Services on Notices of Motion received by him <b>(Lilac pages)</b> .	55 - 58

---

Agenda produced and published by Simon Mallinson, Head of Legal and Democratic Services, County Hall, Spetchley Road, Worcester WR5 2NP

To obtain further information or a copy of this agenda contact John Higginbotham, Committee & Appellate Officer on Worcester (01905) 766607 or Kidderminster (01562) 822511 (Ext 6626) or minicom: Worcester (01905) 766399  
email: [jhigginbotham@worcestershire.gov.uk](mailto:jhigginbotham@worcestershire.gov.uk)

All the above reports and supporting information can be accessed via the Council's website at <http://www.worcestershire.gov.uk>

Date of Issue: Tuesday, 5 January 2016

This page is intentionally left blank

**COUNCIL**  
**14 JANUARY 2016****CONSTITUTIONAL MATTERS AND APPOINTMENTS**

---

**(a) Election of the Leader of the Council****Recommendation**

- 1. The Head of Legal and Democratic Services recommends that Council elects the Leader of the Council.**
2. Council will be aware that Mr A I Hardman has resigned as Leader of the Council and so there is a vacancy as of the date of Council. The Council operates under a 'Leader and Cabinet' model for its executive arrangements and election to the position of Leader of the Council is a matter for Full Council.

**(b) Political Balance on Committees****Recommendation**

- 3. The Head of Legal and Democratic Services recommends that Council considers the political balance on committees in the light of the recent Stourport-on-Severn by-election and confirms the allocation of seats in accordance with Appendix 1.**
4. The Council is under a legal duty to ensure that the seats on its committees are allocated between its respective Political Groups in accordance with the principles of political balance - as far as is reasonably practicable.
5. These principles of political balance (in descending order) are that as far as is reasonably practicable: not all seats are allocated to a single Group; a majority Group has a majority on each of the committees; subject to that, the overall number of committee seats allocated to each of the Groups reflect political balance across the Council; and subject to all of the above that seats on individual committees reflect political balance between the Groups.
6. The recent by-election following the death of Mr J Parish led to the election of Mr Tony Muir, who has joined the Conservative Group on the Council. However, Mr A I Hardman is currently not a member of the Conservative or any other Group. Therefore, as of 8 January 2016, the Political Group memberships (with 1 non-Grouped independent) are:

Conservative	32
Labour	11
2013	6
Independent Alliance	5
UKIP	2.

7. At present, the only net change in Political Group sizes following the by-election has been a reduction in members of the Independent Alliance Group from 6 to 5. The consequential calculations on political balance are that the total number of committee seats allocated to the Independent Alliance Group needs to reduce from 10 to 9.
8. There is flexibility for Council to determine the committee from which the Independent Alliance Group should lose this seat. There is a practical advantage for that lost seat to be from one of the committees on which Mr Parish served, but no constitutional or legal requirement for this. It is a matter for Council to determine but in consultation with the Group Leader it is suggested that the Independent Alliance Group loses its seat on the Waste Credit Governance Committee, reducing the committee's size by 1. The attached Appendix shows a proposed allocation of committee places to reflect the reduction in size of the Independent Alliance Group.

### **(c) Designation of statutory Scrutiny Officer**

#### **Recommendation**

9. **The Head of Legal and Democratic Services recommends that Council designates the post of Democratic Governance and Scrutiny Manager as the Council's statutory Scrutiny Officer.**
10. Section 9FB of the Local Government Act 2000 requires the Council, as an upper tier local authority, to designate one of its officers as the statutory Scrutiny Officer.
11. The functions of this Scrutiny Officer are to promote the role of the Overview and Scrutiny committees, provide support to them and their members, and provide support and guidance to all members and officers in relation to scrutiny functions. The Council's Head of Paid Service (Chief Executive), Monitoring Officer (Head of Legal and Democratic Services) and Chief Financial Officer may not be designated as the statutory Scrutiny Officer.
12. The Council's May 2015 Constitution designates the Overview and Scrutiny Manager as the statutory Scrutiny Officer. This was the substantive post held by Suzanne O'Leary, who has recently left the Council. As a result of streamlining, Democratic Services management posts have been merged into one and the specified post no longer exists. It is therefore recommended that the designated post of statutory Scrutiny Officer should be that of the successor post of Democratic Governance and Scrutiny Manager. That post is currently being filled on a temporary basis by Mr Jodie Townsend, who has taken on the role previously held by Suzanne O'Leary.

#### **Contact Points**

County Council Contact Points  
Worcester (01905) 763763

Worcestershire Hub: 01905 765765  
Email: [worcestershirehub@worcestershire.gov.uk](mailto:worcestershirehub@worcestershire.gov.uk)

Specific Contact Points for this report

Simon Mallinson, Head of Legal and Democratic Services  
Tel: 01905 766652  
Email: [smallinson@worcestershire.gov.uk](mailto:smallinson@worcestershire.gov.uk)

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

This page is intentionally left blank

## Political Structures - Proposed Allocation of Places

	<b>TOTAL</b>	<b>CON</b>	<b>LABOUR</b>	<b>2013</b>	<b>IND ALL</b>	<b>UKIP</b>
Planning & Regulatory	13	8	2	1	1	1
Standards & Ethics	9	5	2	0	1	1
Audit & Governance	7	4	1	1	1	0
Pensions Committee	5	3	1	0	1	0
Waste Credit Governance Committee	8	5	2	1	0	0
Appointments Etc Panel	5	3	1	1	0	0
<b>Scrutiny</b>						
OSP	8	5	2	1	0	0
HOSC	9	5	2	1	1	0
Adult Care and Well-being	9	5	2	1	1	0
Children & Families	7	4	1	1	1	0
Corporate & Communities	9	5	1	1	1	1
Environment & Economy	9	5	2	1	1	0
<b>TOTAL</b>	<b>98</b>	<b>57</b>	<b>19</b>	<b>10</b>	<b>9</b>	<b>3</b>

January 2016

This page is intentionally left blank



**COUNCIL**  
**14 JANUARY 2016****NOTICES OF MOTION**

---

**Notices of Motion Received**

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

**Notice of Motion 1 – Spending on public footways**

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

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

"Council requests that Cabinet gives careful consideration in its preparation of a draft Budget and Capital Programme to recommending that up to £2m of the proposed £12m 'Driving Home' highway infrastructure improvement programme be invested in maintaining and improving public footways across the county."

**Notice of Motion 2 – Procurement Policy**

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

6. Notice of Motion standing in the names of Mr P M McDonald, Mr R C Lunn, Mr L C R Mallett, Mr G J Vickery and Ms P Agar:

"This Council notes that the UK Government has taken steps to tackle the issue of tax abuse by companies seeking to secure Government contracts for the supply of goods and services and has issued Policy Note 03/14: promoting tax compliance.

Subject to Worcestershire County Council officers reviewing the practical implementation issues, we request that the Cabinet Member with Responsibility considers incorporating Procurement Policy Note 03/14 into all procurement

procedures, including tenders, also this motion calls for the Cabinet Member with Responsibility to consider Council's procurement policies to be amended to ensure that all bidders for Council contracts self-certify that they are fully tax compliant in line with central Government practice."

### **Notice of Motion 3 – Fostering Costs**

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

8. Notice of Motion standing in the names of Mr P M McDonald, Ms P A Hill, Mr R C Lunn, Mr L C R Mallett, Mr G J Vickery and Ms P Agar :

"Families who foster children whether for the public or private sector have to be applauded for their dedication as they offer young children the opportunity of a sense of belonging within their home environment.

However there is no doubt fostering for profit in the private sector is a scenario where the organisation treats the raising of a foster child solely as a business.

Alternatively, the County Council gives the foster parents money that is supposed to go towards taking care of the child and in our case that cost is an average of £430, whereas in the private sector that cost is £800. The cost to the Council is now over £8m and expected to be £10m next year.

With the cost increasing by nearly a million pounds each year the time has come to have this area scrutinised to ensure the extra £370 cost is going towards fostering and recruiting, not on luxury goods or high margins of profit.

Thus, the Council to ensure it is receiving value for money calls upon the Overview and Scrutiny Performance Board to immediately investigate such expenditure."

### **Notice of Motion 4 – Bus Provision**

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

10. Notice of Motion standing in the names of Mr R C Lunn, Mr G J Vickery Mr L C R Mallett, Mr C J Bloore and Ms P Agar :

"This Council is concerned about the quality and standard of bus provision provided by the Diamond Bus Company.

Council calls upon the Cabinet Member with Responsibility to consider opening discussions with the Transport Commissioners to achieve real improvements in the reliability, quality and customer satisfaction. If necessary to consider a revocation of their licence."

## **Notice of Motion 5 – Work of the Council**

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

12. Notice of Motion standing in the names of Mrs E B Tucker, Prof. J W Raine, Mrs S Askin, Mr M E Jenkins and Mrs F M Oborski:

"We are in times of rapid change. Significant financial and other challenges confront local government locally, as nationally, over the next few years. Being just one year out from the next County Council elections, this is a key time for us to review the role of councillors and the Council's constitution and their fitness for purpose in these difficult times.

Huge effort has been invested by our cabinet members and the senior officer team in the task of transforming our services and their management to respond to the unparalleled contraction in Government grant support. But a potential further resource for this Council, which has thus far largely escaped the pressures for change, is the contribution of the main body of elected councillors and the added value that they should represent, for example, when meeting together in full Council or in scrutiny and other committee settings and in addition through inputs and interactions with cabinet members and council officers on local issues, and through more engagement in training and development activities. It is time to review this contribution and how it can be optimised.

Accordingly Council resolves to form a cross-party working group to consider and report back to Council in the autumn on how better use might be made of the opportunities that full Council meetings represent, and how, through constructive challenge and scrutiny, each and every councillor can make a strong personal contribution for the benefit of their local residents and Worcestershire as a whole, particularly in the difficult years ahead."

### **Contact Points**

#### County Council Contact Points

County Council: 01905 763763

Worcestershire Hub: 01905 765765

Email: [worcestershirehub@worcestershire.gov.uk](mailto:worcestershirehub@worcestershire.gov.uk)

#### Specific Contact Points for this report

John Higginbotham, Committee and Appellate Officer

Tel: 01905 766607

Email: [jhigginbotham@worcestershire.gov.uk](mailto:jhigginbotham@worcestershire.gov.uk)

### **Background Papers**

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

This page is intentionally left blank