

Council**Thursday, 12 May 2016, County Hall, Worcester - 10.00 am****Minutes****Present:**

Mr A A J Adams, Mr R C Adams, Ms P Agar,
Mr A T Amos, Mrs S Askin, Mr J Baker, Mr R W Banks,
Mr M L Bayliss, Mr A N Blagg, Mrs S L Blagg,
Mr C J Bloore, Mr P J Bridle, Mr M H Broomfield,
Mr J P Champion, Mr S J M Clee, Mr S C Cross,
Mrs P E Davey, Mr P Denham, Mr N Desmond,
Mrs E A Eyre, Ms L R Duffy, Mr A Fry, Mr S E Geraghty,
Mr W P Gretton, Mrs J L M A Griffiths, Mr P Grove,
Mr A I Hardman, Mr M J Hart, Ms P A Hill,
Mrs A T Hingley, Mrs L C Hodgson, Mr C G Holt,
Mr I Hopwood, Mr M E Jenkins, Ms R E Jenkins,
Mr R C Lunn, Mr P M McDonald, Mr A P Miller,
Mr T A Muir, Mrs F M Oborski, Mr S R Peters,
Dr K A Pollock, Mr D W Prodger, Prof J W Raine,
Mrs M A Rayner, Mr A C Roberts, Mr J H Smith,
Mr C B Taylor, Mr J W R Thomas, Mrs E B Tucker,
Mr P A Tuthill, Mr G J Vickery and Mr G C Yarranton

Available Papers

The Members had before them:

- A. The Agenda papers (previously circulated).
- B. 12 questions submitted to the Head of Legal and Democratic Services (previously circulated).
- C. The Minutes of the Council held on 11 February 2016 (previously circulated).

1772 Apologies and Declaration of Interests (Agenda item 1)

Apologies for absence were received from Mr L C R Mallett, Mr R J Sutton, Mr R M Udall and Mr T A L Wells.

1773 Chairman's Announcements (Agenda item 6))

The Chairman announced he would not be standing for re-election, referred to the printed Announcements and his year in office and thanked members and officers for making it such a memorable year.

1774 Chairman (Agenda item 2)

The nomination of Mr A P Miller was moved by Mr J H Smith and seconded by Mrs E A Eyre. There were no other nominations.

		RESOLVED that Mr A P Miller be elected Chairman of the Council for the ensuing year, to hold office until his successor becomes entitled to act.
1775	Vice-Chairman (Agenda item 3)	<p>The nomination of Mrs J M L A Griffiths was moved by Mrs S L Blagg and seconded by Mr A C Roberts.</p> <p>A further nomination, that of Mr A Fry was moved by Mr P M McDonald and seconded by Mr R C Lunn.</p> <p>RESOLVED that Mrs J M L A Griffiths be elected Vice-Chairman of the Council until the election of the Chairman at the next annual meeting.</p>
1776	Public Participation (Agenda item 4)	<p>Two petitions were presented at the meeting and a question was asked.</p> <p>Mr P Denham presented a petition on behalf of residents of Rainbow Hill who were calling on the County Council to assist in the retention of the 33A and 34A bus service in that area of Worcester.</p> <p>Mr Bill Mapp presented a petition concerned with parking in St. Alban's Close and Peterborough Close near to Perry Wood Primary School. Local residents were seeking the application by the Council of a Parking Scheme to alleviate increasing difficulties.</p> <p>Mr Rod Hopkins asked a question about the possibility of provision of pedestrian crossings at the Westlands Roundabout on the A38 in Droitwich.</p> <p>The Chairman thanked all participants for their contributions and said responses would be forthcoming from the relevant Cabinet Members with Responsibility.</p>
1777	Minutes (Agenda item 5)	RESOLVED that the Minutes of the meeting held on 11 February 2016 be confirmed as a correct record and signed by the Chairman.
1778	Chairman's Announcements (Agenda item 6)	The Chairman referred to earlier announcements made by the outgoing Chairman and made reference to the Council group photograph to be taken later in the day.
1779	Annual State of the County report of the Leader of the Council	<p>The Leader of the Council presented his annual state of the county report which covered several overarching themes:</p> <ul style="list-style-type: none"> • Open for Business • Children and Families

(Agenda item 7)

- Health and Wellbeing
- Environment
- Focused on the views of our residents and businesses
- The Financial Challenge
- An Enabling Authority
- Our toolkit to deliver financial stability and better outcomes
- reaching out across county boundaries
- Pension Fund
- Audit and Governance Committee.

The Leader answered questions about the report which included:

- demand management and the reduction of services in key areas. Particular mention was made of library opening hours and the way in which residents were affected. The Leader stated that he was concerned to protect as many front-line services as possible and reductions in the library service had been targeted on hours identified as those least popular with customers.
- problems of oversubscription in schools and certain high-profile cases within the city of Worcester were highlighted. Members also highlighted potential problems with further waves of 'academisation' and academies being insensitive to local conditions - an example being the experience in Redditch of the attempt to impose 2-tier system of education in an arbitrary and unilateral manner. The Leader made reference to levels of oversubscription generally and restated the Council's position on Academy schools and their relationship with the County Council.
- various comments on highways conditions, capacity and journey times and how this impacted on the Council's Open for Business aims. The Leader said specific points raised at the meeting would be examined.
- Bromsgrove Railway Station. Members spoke about the short-term difficulties associated with the construction works. The Leader responded and also talked about the longer-term benefits which included train frequencies and the proposed electrification works on the line.

1780 Reports of Cabinet - Matters which require a decision by Council - ICT

- Stronger Families funding Phase 2 - would the Council be in a position to deliver given reductions in funding? A general answer was given which referred to the funding of both phases.
- The Council's digital aspirations and how this had to include support for such processes as "Your life, your choice" and other on-line services. The Leader confirmed it was his wish that as many people as possible should be assisted to access the Council's services in this way.
- would resources be better invested in front-line services rather than the further expansion of superfast broadband. The Leader reiterated the advantages to the county of enhancing this infrastructure.
- visits around the county and which members these involved. The Leader also outlined plans for visits to the EfW plan in Hartlebury and the sharing information about its operation.
- disposal of assets and whether a register was being prepared and if it would be available for members. The Leader said this information would be signposted for Members.
- a possible increase in the Councillors' Divisional Fund. The Leader spoke generally about the Fund and how popular it has become with Members.
- the role, influence and extent of the 'Midlands Engine'.

The Leader promised a written response on the Residents' Survey and areas which had not been highlighted as a priority for the County Council.

The Chairman thanked the Leader for his report.

The Council had before it a report on the conclusion of a review of its computer and software requirements to take account of future service delivery and operating procedures. The report contained a recommendation that an addition of £1.6m be made to the Capital Programme funded from the uncommitted headroom allocation for new starters.

replacement programme 2016/17 - 2018/19 (Agenda item 8(a))

RESOLVED that a £1.6 million addition to the Capital Programme, to extend the ICT Replacement Programme for three years 2016/17 to 2018/19, be approved and the capital cash limits be updated accordingly.

1781 Reports of Cabinet - Summary of Decisions Taken (Agenda item 8(b))

The Leader of the Council reported the following topics and answered questions in relation to them:

- Property Asset Strategy - Enabling Economic Development and Service Delivery for the Council
- Worcestershire County Council Local Flood Risk Management Strategy
- Resources Report
 - Revenue Budget monitoring 2015/16 - Outturn Forecasts at 31 December 2015
 - Capital Programme Budget Monitoring - 2015/16 Forecast
 - Future Fit Programme Update
 - Pearl Izumi Tour Services - Redditch 26 May 2016

1782 Constitutional, Structural and Other Matters - Temporary amendment to the Council's Financial Regulations (Agenda item 9(a))

The Council had before it a report recommending a temporary amendment to the Council's Financial Regulations. The report set out that officers had worked hard in 2015/16 to balance the need to consistently improve on the outcomes that the Council delivered whilst managing within their cash limited budgets. Whilst financial performance for 2015/16 confirmed that budgets would breakeven, this had been achieved through the use of existing flexibility to manage cost pressures arising. The report clarified that looking forward there was a need to identify and deliver £80 million of income generation, efficiencies or budget reductions over the next three years, with £34 million relating to next financial year alone as the pattern of Government funding reductions was front loaded for 2017/18.

In view of the size of the financial challenge in 2017/18 the Chief Financial Officer had confirmed that the Financial Regulations limiting Directorates to a carry forward up to 2% of their budgets to support between year flexibility would need be relaxed over the next two financial years and would be re-established at the 2% limit from 2018/19 onwards.

The report made clear that Regulation 28 of the Financial Regulations set out the 2% limit, and consequently there was a recommendation to amend the Constitution

1783 Constitutional, Structural and Other Matters - Structure of the Council's Directorates (Agenda item 9(b))

accordingly to facilitate this variation.

RESOLVED that a temporary amendment to the Council's Financial Regulations to allow the Directorates' 2% carry forward limit for earmarked reserves to be relaxed for 2016/17 and 2017/18 be approved.

The Council had before it a report on changes to the Directorate structure.

The report set out that when the previous Director of Adult Services and Health left the Council in February 2016, the statutory role of Director of Public Health (DPH) and its associated responsibilities were removed by the Appointments etc Panel from within the job specification for the 'Director of Adult Services and Health' post and a new reporting line established directly to the Chief Executive. The Chief Executive was now proposing that this separation of the statutory roles of Director of Adult Services and Director of Public Health be carried forward into the Council's organisational structure, with the current Directorate of Adult Services and Health dividing to become the Directorate of Adult Services and the Directorate of Public Health with effect from 1 July 2016. The DPH role would be at Head of Service level and the proposal will therefore not lead to an additional Chief Officer post.

The report set out that this proposed separation would encourage a more Council-wide ambition for public health with a focused approach, to ensure a greater positive impact on the population of Worcestershire both young and old and across other services and outcomes within and outside social care.

The report concluded with the statement that in addition to the Council's Public Health functions, 2 'additional' elements were currently also managed by the DPH – Emergency Planning and Community Safety. It was proposed that these services also transfer to the Directorate of Public Health for management and service continuity.

RESOLVED that that the current DASH Directorate be divided into the Directorate of Adult Services and the Directorate of Public Health as set out in the report with effect from 1 July 2016, and the Head of Legal and Democratic Services be authorised to update the constitution accordingly.

1784 Constitutional, Structural and Other Matters - Chairmen and Vice-Chairmen of member bodies (Agenda item 9(c))

The Council had before it a report on constitutional appointments.

RESOLVED that the constitutional appointments set out in the Appendix to the report be approved.

1785 Constitutional Structural and Other Matters - Council meeting dates for 2017 (Agenda item 9(d))

The Council had before it a report on meeting dates for 2017 up to and including the first meeting of the Council after the County Council elections in May 2017.

RESOLVED that the following dates be approved:

**12 January 2017
9 February 2017
25 May 2017**

1786 OSPB Future Work Programme - 2016/2017 (Agenda item 10)

The Council had before it a report on the proposed Overview and Scrutiny Work Programme for 2016/2017.

The report set out that effective work programming was the bedrock of an effective scrutiny function. Done well, it could help to lay the foundations for targeted, incisive and timely work on issues of local importance, where scrutiny could add value. Done badly, scrutiny could end up wasting time and resources on issues where the impact of any work done was likely to be minimal.

The report made clear that Worcestershire County Council had a rolling annual Work Programme for its Overview and Scrutiny function, the Work Programme was developed by taking into account the results of the annual Work Programme consultation exercise, the views of the budget scrutiny process, and by prioritising work using scrutiny feasibility criteria in order to ensure that Work Programme topics were selected objectively and that the 'added value' of a review was considered right from the very beginning.

The report also set out that Overview and Scrutiny was a Member-led function and it was important that Members were involved in every stage of development of the Work Programme.

The Work Programme consultation exercise for 2016/17 had involved consideration of the following:

- (a) Items from 2015/16 Work Programme that were not completed or required follow up
- (b) outcomes of the Budget Scrutiny 2015/16 process
- (c) views of Members as community champions
- (d) views of the Executive
- (e) views of officers
- (f) views of stakeholders and partners
- (g) views of the public.

Each Overview and Scrutiny Panel and Committee had received an item at their last meeting (with the exception of Environment and Economy where the March meeting had been cancelled) to discuss and make suggestions for items to be included in the Work Programmes from a Panel/Committee perspective. A series of suggestions were made through this process.

The Leader of Council had consulted his Cabinet members as part of the consultation exercise in order to develop suggestions for the Work Programmes from a Cabinet perspective. A series of suggestions were made by the Cabinet.

County Councillors had been contacted directly by the Scrutiny Unit as part of the consultation exercise asking for suggestions from a Divisional Councillor perspective; a number of suggestions were made through this process.

The Chief Executive consulted the Strategic Leadership Team as part of the consultation process and provided a series of suggestions.

The report also set out that a central part of the consultation exercise was the creation of a webpage where anyone wishing to make suggestions for the Work Programme could go and make them. The web page asked if participants were a County Councillor, council officer, partner, business or member of the public and then invited them to make suggestions based around the current four Council Priority areas of:

- Open for Business
- Children and Families
- The Environment
- Health and Wellbeing

The online survey did allow other suggestions to be received outside of the Council priority areas.

The survey had been promoted in a number of ways, which were set out in the report, to try and draw attention to the consultation exercise and increase the number of surveys completed. 65 suggestions were received directly by the

Head of Legal and Democratic Services and 305 respondents completed the questionnaire, providing in excess of 3,000 topic suggestions. Responses to the questionnaire came from all across the county.

A criteria and scoring system was developed which encouraged higher scores for suggestions that reflected the concerns of the public and service users and to promote suggestions that could genuinely lead to service improvements and outcomes.

The work programme suggested by the Overview and Scrutiny Performance Board for approval by Council contained a wide range of topics all of which had been suggested through the consultation exercise. The suggestions had been predominately made by members of the public but have also been supported by partner agencies, council officers and elected members. The report considered the full suggested list.

In addition each Overview and Scrutiny Committee/Panel had items that were part of the 2015/16 work programme that required completion.

As well as the items suggested each Overview and Scrutiny Committee/Panel had standard agenda items that it would include in its activities, these were:

- Review of Work Programme and Cabinet Forward Plan
- Performance Management
- Call-ins (OSPB)
- Budget Scrutiny Process
- Leader of Council Q&A (OSPB)
- Crime & Disorder meeting (OSPB)
- Substantial Variation considerations (HOSC)
- Quality Accounts (HOSC)
- Safeguarding (A&WB and C&F)

At the Overview and Scrutiny Performance Board meeting on 21 April 2016 the Leader of the Council had committed to involve the Overview and Scrutiny function in the Corporate Plan Refresh process. OSPB would advise the Overview and Scrutiny Committees/Panels on how they feel this should be delivered in consultation with the Leader of Council.

A discussion ensued during which the following principal points were made:

- the extensive nature of the consultation undertaken to produce the proposed work programme.

1787 Notices of Motion - Notice of Motion 1 - Planning Applications relating to fracking (Agenda item 11)

- that the work programme proposed was imposing an enormous workload on members and officers.
- how closely the proposed work programme mirrored the outcome of the consultation.
- during the course of debate an amendment was moved, seconded and adopted that items 2 and 3 from the Economic and Environment Overview and Scrutiny Panel proposed work programme be removed.

RESOLVED that

- (a) the 2016/17 Scrutiny Work Programme (as amended by the removal of items 2 and 3 on page 25 of the report) be endorsed.**
- (b) the Overview and Scrutiny Work Programme consultation exercise be noted.**

The Council had before it a Notice of Motion standing in the names of Mr P Denham, Mr P M McDonald, Mr C J Bloore and Mr R M Udall.

The Notice of Motion was moved by Mr P Denham and seconded by Mr C J Bloore who both spoke in favour of it.

The Council then agreed to consider and deal with the Motion on the day.

Those speaking in favour suggested:

- that Government was seeking to erode further the powers of local councils to make decisions affecting their own areas and this should be resisted.
- that if the concept of localism meant anything it was that locally elected and locally accountable people should be in the position to decide, or at least influence what was best for their local environment.
- that local democracy was worth defending and the Council should be taking a stand on the principle behind this issue.
- that no-one could really object to the principle behind the Notice of Motion and urged Council to

support it.

Those speaking against suggested:

- that this was another thinly-veiled attack on the Government given that this county was not an area geologically disposed to allow fracking.
- that rather than the Chief Executive being the person to send any representations to the Government it should be the Leader of the Council. The signatories of the Notice of Motion present at the meeting accepted this as an alteration to the Motion.
- whilst the signatories of the Motion claimed it was a matter of principle, other members suggested it was clearly and specifically about fracking and should be rejected as a time-wasting and mischievous attempt to undermine Government-policy.
- there was anecdotal evidence that local people did not believe local politicians were the best people to make important planning decisions.

On a named vote the Motion as altered was lost.

Those voting in favour were:

Ms P Agar, Mrs S Askin, Mr J Baker, Mr C J Bloore, Mr P J Bridle, Mr S C Cross, Mr P Denham, Mr A Fry, Ms P A Hill, Mr M E Jenkins, Mr R C Lunn, Mr P M McDonald, Mrs F M Oborski, Mr S R Peters, Prof J W Raine, Mr J W R Thomas, Mrs E B Tucker and Mr G J Vickery (18).

Those voting against were:

Mr A A J Adams, Mr R C Adams, Mr A T Amos, Mr R W Banks, Mr M L Bayliss, Mr A N Blagg, Mrs S L Blagg, Mr J P Campion, Mrs P E Davey, Mr N Desmond, Ms L R Duffy, Mrs E A Eyre, Mr S E Geraghty, Mrs J L M A Griffiths, Mr P Grove, Mr M J Hart, Mrs A T Hingley, Mrs L C Hodgson, Mr I Hopwood, Mr A P Miller, Mr T A Muir, Dr K A Pollock, Mr A C Roberts, Mr J H Smith, Mr C B Taylor, Mr P A Tuthill and Mr G C Yarranton (27).

The Council had before it a Notice of Motion standing in the names of Mr P Denham, Mr P M McDonald, Mr C J Bloore and Mr R M Udall.

1788 Notices of Motion - Notice of Motion 2 -

**Government
White Paper -
Educational
Excellence
Everywhere
(Agenda item
11)**

The Notice of Motion was moved by Mr P Denham and seconded by Mr C J Bloore who both spoke in favour of it.

The Council then agreed to consider and deal with the Motion on the day.

Those speaking in favour suggested:

- that the Government's new stance announced in the past few days was welcome but did not address the main problems which came with the creation of academy schools.
- that creation of academy schools was not the panacea the proponents of such change claimed it to be.
- the use of coercion to achieve conversion was not only wrong it was damaging and counter-productive.
- a straw poll of local schools might be a useful exercise and assist future planning of education.
- a healthy mixed-economy of schools relied on co-operation and not the use of force which was purely dogmatic.

Those speaking against suggested:

- the Motion had been overtaken by events and was as a result largely redundant.
- the academy schools programme had been initiated under a Labour Government which made the contents of the Notice of Motion surprising. The process had evolved and evidence showed that more pupils were now succeeding in academy schools.
- it would be serving students ill to change trajectory. The process of conversion to academy status had brought great improvements in schools and the Government and the Council were committed to that process.
- the Notice of Motion was another example of political posturing and should be voted down.

On a named vote the Motion was lost.

1789 Notices of Motion - Notice of Motion 3 - Asbestos in Council Buildings (Agenda item 11)

Those voting in favour were:

Ms P Agar, Mrs S Askin, Mr J Baker, Mr C J Bloore, Mr P Denham, Mr A Fry, Ms P A Hill, Mr M E Jenkins, Mr R C Lunn, Mr P M McDonald, Prof J W Raine, Mrs E B Tucker and Mr G J Vickery (13).

Those voting against were:

Mr A A J Adams, Mr R C Adams, Mr A T Amos, Mr R W Banks, Mr M L Bayliss, Mr A N Blagg, Mrs S L Blagg, Mr J P Campion, Mrs P E Davey, Mr N Desmond, Ms L R Duffy, Mrs E A Eyre, Mr S E Geraghty, Mrs J L M A Griffiths, Mr M J Hart, Mrs A T Hingley, Mrs L C Hodgson, Mr I Hopwood, Mr A P Miller, Mr T A Muir, Mrs F M Oborski, Mr S R Peters, Dr K A Pollock, Mr A C Roberts, Mr J H Smith, Mr C B Taylor, Mr P A Tuthill and Mr G C Yarranton (28).

Messrs P J Bridle, S C Cross and J W R Thomas abstained (3).

The Council had before it a Notice of Motion standing in the names of Mr P M McDonald, Mr C J Bloore, Mr P Denham and Mr R M Udall.

The Notice of Motion was moved by Mr P M McDonald and seconded by Mr P Denham who both spoke in favour of it.

The Council then agreed to consider and deal with the Motion on the day.

Those speaking in favour suggested:

- this was a very serious matter and the purpose of the Motion was to address it in a serious manner.
- this was a long-standing issue and should have been addressed as part of a carefully planned removal schedule. This had not been done and unless air tests had been conducted current risks were probably unknown.
- the Council had a duty of care to users of its buildings especially to students and teachers in educational establishments.

Those speaking against suggested:

- that the Council did take very seriously its duty of care to users of all its buildings. The Council had a policy for managing asbestos in its buildings which was compliant with all legal and other requirements placed upon it. It was wrong to suggest that the Council had no knowledge of the range of potentially dangerous substances in buildings, that the Council did not take its duties of care very seriously or that there was a policy of inactivity.
- that various types of asbestos existed and not all were potentially dangerous to public health. To treat all in the same way was clearly not appropriate.
- that this Motion was another example of political posturing and whilst the signatories may be sincere in their wish to protect the users of Council buildings there were elements of scaremongering which were both unfortunate and ill advised.
- that schools themselves also had a responsibility in management of their premises and members who served as school governors said they took this very seriously.

On a named vote the Motion was lost.

Those voting in favour were:

Ms P Agar, Mr J Baker, Mr P Denham, Mr A Fry, Ms P A Hill, Mr R C Lunn, Mr P M McDonald and Mr G J Vickery (8).

Those voting against were:

Mr A A J Adams, Mr R C Adams, Mr A T Amos, Mrs S Askin, Mr R W Banks, Mr M L Bayliss, Mr A N Blagg, Mrs S L Blagg, Mr P J Bridle, Mr J P Campion, Mr S C Cross, Mrs P E Davey, Mr N Desmond, Ms L R Duffy, Mrs E A Eyre, Mr S E Geraghty, Mrs J L M A Griffiths, Mr M J Hart, Mrs A T Hingley, Mrs L C Hodgson, Mr I Hopwood, Mr M E Jenkins, Mr A P Miller, Mr T A Muir, Mrs F M Oborski, Mr S R Peters, Dr K A Pollock, Prof J W Raine, Mr J H Smith, Mr C B Taylor, Mr J W R Thomas, Mrs E B Tucker, Mr P A Tuthill and Mr G C Yarranton (34).

1790 Notices of Motion - Notice

The Council had before it a 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.

**of Motion 4 -
Bus Services
and the
Council's
Integrated
Transport
Policy
(Agenda item
11)**

The Notice of Motion was moved by Mr M E Jenkins and seconded by Mrs E B Tucker who both spoke in favour of it.

The Council then agreed to consider and deal with the Motion on the day.

Those speaking in favour suggested:

- that in order to earn the epithet of World Class Worcestershire and be truly "Open for Business" a decent and comprehensive bus service was essential. The current bus services and timetables were not fulfilling those ambitions.
- the Council was not meeting its own strategic targets in relation to access to services such as health care.
- the quality of life for people of the county was being impaired by rural isolation, increased urban congestion and lower air quality because the Council was not fulfilling promises made in policy documents.
- lack of public transport was a risk to the Council's economic aspirations.

Those speaking against the Motion suggested that:

- the Council was meeting its duties under the Transport Act 1985 and any other concerns were being picked up in LTP4, a draft of which would be available in the autumn.
- officers were working hard with a range of operators and other transport providers to ensure any identified shortcomings in existing services were addressed. However most services would be subject to commercial viability considerations. Continuing and increasing pressures on the Council's budget had also to be taken into account.
- despite the financial and other pressures faced by the Council both members and officers took very seriously the concerns expressed and registered by residents of the county.

On being put to the meeting the Motion was lost.

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| 1791 Question Time
(Agenda item
12) | Twelve questions had been received by the Head of Legal and Democratic Services and had been circulated before the meeting. Ten questions were asked at the meeting and answered. Two questions were promised written answers as the questioner was no longer present.

(All answers are enclosed with these Minutes.) |
| 1792 Reports of Committees - Summary of decisions taken by the Audit and Governance Committee
(Agenda item 13(a)) | The Council received the report of the Audit and Governance Committee containing a summary of decisions taken |
| 1793 Reports of Committees - Summary of decisions taken by the Pensions Committee
(Agenda item 13(b)) | The Council received the report of the Pensions Committee containing a summary of decisions taken. |
| 1794 Reports of Committees - Summary of decisions taken by the Planning and Regulatory Committee
(Agenda item 13(c)) | The Council received the report of the Planning and Regulatory Committee containing a summary of decisions taken. |
| 1795 Reports of Committees - Summary of decisions taken by the | The Council received the report of the Standards and Ethics Committee containing a summary of decisions taken. |

**Standards and
Ethics
Committee
(Agenda item
13(c))**

The meeting adjourned for luncheon between 12.55pm and 2.15pm.

The meeting ended at 4.48pm

Chairman

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COUNCIL 12 MAY 2016 - AGENDA ITEM 12 – QUESTION TIME

Answers given at the meeting may have been a précis of the full answer which is set out below. In some cases additional information is also included. Where, due to time or other constraints, it was not possible for the question to be asked formally the written response is also included below.

QUESTION 1 – Mr G J Vickery asked Mr J H Smith:

“Amongst the formal recommendations from the Transport Task & Finish Group to the Future of Acute Hospital Services in Worcestershire Board Proposed Clinical Model of Care is the improvement of the 350 bus service connecting the Redditch and Worcester hospitals to a regular hourly ‘clock face’ service, and that the County Council be tasked with scoping this action. Can the Cabinet Member with Responsibility for Highways and the Cabinet Member with Responsibility for Health and Wellbeing give an initial response?”

Answer given

The County Council has obtained an indicative cost for augmenting the frequency of the 350 bus service between Redditch and Worcester. This has been sent the appropriate colleague in the NHS for consideration.

Supplementary Question

In response to a supplementary question aimed at the Cabinet Member with Responsibility for Health and Wellbeing that Cabinet Member with Responsibility confirmed that he wished to add nothing at this stage.

QUESTION 2 – Mr G J Vickery asked Mr M J Hart:

“How do you see the evolution of the Health & Wellbeing Board in the context of the NHS 5-year Sustainability and Transformation Plan defining the local unit of planning now as Herefordshire and Worcestershire together and the wishes of provider organisations to be represented at and participate in the functioning of Health & Wellbeing Boards as happens in other local authority areas?”

Answer given

The NHS has defined Herefordshire and Worcestershire together as a unit of planning for the purposes of its 5-year Sustainability and Transformation Plan. Council officers, at a senior level, are working closely with the NHS to make sure that we have a common vision and approach to this important planning exercise and of course we are able to build on our mature integration work which has been funded through the Better Care Fund for a number of years.

The shared approach with Herefordshire will include a common understanding of the health and well-being, quality, and financial gaps that face the two counties, and the extent to which mutual benefit can be found in shared solutions.

I support this approach, and will want to be assured, as it develops, that our 5-year NHS plans drive improvement and affordability throughout the health and social care system across the two counties and in particular for the people of Worcestershire.

I note that different areas have very different membership of HWB Boards, and membership here has already been reviewed and has evolved over the 3-4 years the Board has been in place. We do look for active provider involvement through the Health Improvement Group and this could be greater and we would encourage that. We continue to review and develop the HWB Board but the specific issue for example, of the two main provider trusts in Worcestershire coming onto the Board has previously been considered and at the current time, we don't have any plans to change the makeup of the Board. The HWB Board is particularly focussed on overseeing commissioning plans and the oversight of the Better Care Fund is one of the Board's key functions and therefore, having large provider trusts around the Board table is not appropriate at this time.

Supplementary Question

In response to a supplementary question about the balance of representation on the Board Mr Hart confirmed that he was content with that.

QUESTION 3 – Mr P M McDonald asked Mr M L Bayliss:

"Would the Cabinet Member with Responsibility for Transformation and Change please inform me how many officers from PO5 upwards are from BAME backgrounds?"

Answer given

The Equality Act 2010 requires public bodies to record relevant protected characteristics (such as race) but there is no corresponding requirement for employees to disclose this information to the Council. A small percentage of our staff do, indeed, choose not to disclose this information to us. The percentage of BME staff known to be at level PO5 and above may therefore be a slight under-representation

As at 31 March there were 80 employees on Grade PO5, (not all have ethnicity recorded), 4 are from BME backgrounds which equates to 5%, the overall WCC BME is 6.84%.

Supplementary Question

In response to a supplementary question about whether this was an appropriate level Mr Bayliss said the 2011 Census data showed 7.6% of the Worcestershire population to be of BME origin and the Council's workforce represented that.

QUESTION 4 – Mr P M McDonald asked Mr J H Smith:

"Would the Cabinet Member with Responsibility for Highways inform me how much the Council has paid out in compensation and in additional staff time in relation to damage caused by pot holes?"

Answer given

The compensation claims for damage arising from incidents that have occurred due to potholes paid in 2015/16 is £2,262, which is the lowest level for many years. The County Council with its Highways Term Service Contractor Ringway has a comprehensive system in place to identify, investigate and repair potholes. This is achieved via our agreed Highways Inspections & Review process and addressing issues raised from the public in line with Government guidance. As such, there is no additional officer time spent in relation to damage caused by potholes.

QUESTION 5 – Mr R C Lunn asked Mr S E Geraghty:

"Does the Leader of the Council regret the cancellation of the annual Worcestershire Youth Music concert at Symphony Hall which had run for 14 years? Why was it cancelled and what does he plan to do to restore it in 2017, and thereby provide once again a memorable and uplifting occasion for all the children involved showcasing the best of Worcestershire Youth Music?"

Answer given by Mrs Hodgson

- A strategic decision was taken in 2014 not to stage the Symphony Hall concert in May 2016. The event, whilst being a regular part of the Worcestershire Youth Music (WYM) calendar, was not actually planned to take place and, strictly speaking, was not cancelled.
- Many Music Services in the West Midlands stage similar events in Symphony Hall but these tend to take place every 4-5 years in order to offer the opportunity to each school generation - **it is highly unusual and possibly unique that an annual concert be staged by a Music Service at Symphony Hall.**
- WYM is going through a period of significant change (particularly with regard to its establishment as a social enterprise) and there is currently not the management capacity to organise such a large- scale event.
- Falling audience numbers, schools being less willing to be involved with an event staged on a Bank Holiday weekend and the rising costs of booking Symphony Hall all led to the event incurring losses in recent years. The relatively small number of children and young people able to take part in the event was also a factor in the suspension of the event.
- There is a commitment to return to Symphony Hall at some point in the future but, in the meantime, we will continue to offer thousands of Worcestershire children and young people an increasing number of high –profile performance opportunities

Supplementary Question

In response to a supplementary question Mrs Hodgson reiterated that the event has been suspended and not cancelled.

QUESTION 6 – Mr R C Lunn asked Mrs L C Hodgson:

"Will the Cabinet Member with Responsibility for Localism and Communities, consider the sensible suggestion of allowing Redditch Library to open half an hour later from Monday to Friday but keeping the same evening closing times? Does she agree that this is a more reasonable alternative than simply cutting opening hours and will enable more people particularly children and working people to use the library?"

Answer given

Yes we will consider this. However when the proposals were put forward to close at 4.00pm on Monday and Tuesday we analysed customer usage data and chose those hours to minimise disruption to customers. Analysis of customer usage patterns shows that any change to opening after 4.00 p.m. on Monday and Tuesday would inconvenience less than 5% of computer users and a tiny fraction over 3% of borrowers, compared to 24% of computer users and 6.5% of borrowers in the first hour of the day therefore the action was based on that.

QUESTION 7 – Mr P Denham asked Mr John Campion:

"Why has the planned provision of primary school places caused such a high level of dissatisfaction this year?"

Answer given

I do not agree that the planned provision of primary school places has caused a high level of dissatisfaction.

QUESTION 8 – Mr P Denham asked Mr John Campion:

"Why does the Council's policy on subsidising the cost of travel to assist students aged 16-18 to attend college courses discriminate unreasonably against those from poor families who wish to take courses not available at their nearest college?"

Answer given

I do not believe the Council's policy discriminates against poor families.

Supplementary Question

In response to a supplementary question Mr Campion stated that he thought the Council's policy was appropriate.

QUESTION 9 – Mrs F M Oborski's printed question to Mr J H Smith:

"Given the ongoing concerns in the Wyre Forest area about the poor performance of Diamond buses will the Cabinet Member with Responsibility for Highways help to facilitate a meeting between councillors whose Divisions are badly affected and the local management of Diamond?"

Answer now given

Diamond Bus are currently reviewing their senior management structure, officers have convened a meeting with Diamond on 16 May to ascertain what the changes mean in terms of:

- (1) The senior management team, and
- (2) Who will be the point of contact for officers.

I can convene a meeting when the new team is in place and are in a position to engage in a meaningful discussion.

QUESTION 10 – Mrs F M Oborski's printed question to Mr J H Smith:

"Students living in Wyre Forest are no longer able to access land-based courses at Pershore College due to the cancellation of the bus service which they used to use. What steps is the Cabinet Member with Responsibility for Highways able to take to allow students without their own transport to access these courses?"

Answer now given

Students from Kidderminster and Stourport have access to the 294 service to Worcester, where they can change to the 550 service to Pershore College. Students are able to purchase Severncards from the County Council to facilitate this journey.

In 2012 a policy change regarding the placement of students in Post 16 education relates to the level of course provided, this means that transport is only an option for the nearest college or school offering the appropriate equivalent level of course, the course subject is considered to be personal preference and has no influence on the offer of transport.

QUESTION 11 – Mrs E B Tucker asked Mr John Campion:

"Would the Cabinet Member with Responsibility for Children and Families please state how many of our ex-employees who were transferred to Babcock Prime on 1 October last year have since left that company by reason of redundancy, how many have left for other reasons, and how many postholders are still at formal risk of redundancy.

Would he also confirm that Freedom of Information rights continue even when services have been contracted out. "Public Authorities can only withhold commercially sensitive information where the public interest in Maintaining the exemption outweighs the public interest in disclosing information" (Freedom of Information Act - Annexe to Awareness Guidance No 5 Commercial Interests)."

Answer given

Clearly employment matters are the responsibility of Babcock, however they inform us that after full consultation with staff and unions, the process resulted in 65.8FTE redundancies, the vast majority voluntary redundancies. Babcock confirm that to date they have not dismissed anyone that TUPE transferred from the Council for any reasons other than redundancy.

Information that a contractor holds on behalf of a public authority can fall within the scope of a Freedom of Information request to the Council, subject to the statutory definitions and exemptions, and our standard contract clause requires contractors to co-operate and assist the Council in its duty to comply with the legislation.

Supplementary Question

In response to a supplementary question Mr Campion stated that if members were having difficulty in finding information he would do his best to assist.

QUESTION 12 – Mr A T Amos asked Mr John Smith:

"I would like to ask the Cabinet Member with Responsibility for Highways if he will pass on my thanks to our Highways Inspectors for their valiant efforts to ensure Severn Trent Water carry out works in a professional manner.

However, would he acknowledge that all too often Severn Trent Water show no care or consideration for public or private property, leave damage and defacement, and fail to co-operate with our Inspectors, and would he not agree with me that Severn Trent would have gone out of business long ago were it not a monopoly from whom customers cannot escape?"

Answer given

Thank you for your compliment for the street works inspectors they carry out an important role overseeing highway works and reinstatement.

We work very closely with all utilities including Severn Trent. If there are any issues as a result of utilities undertaking work on the highway the new Permit Scheme together with

more inspectors will enable us to carry out additional site visits to ensure compliance with standards of workmanship are complied with.

Supplementary Question

In response to a supplementary question Mr Smith restated that the Council were able to require statutory undertakers to comply with standards of workmanship.