

Agenda

Council

Thursday, 12 May 2016, 10.00 am
County Hall, Worcester

This document can be made available in other formats (large print, audio tape, computer disk and Braille) on request from Democratic Services on telephone number 01905 728713 or by emailing democraticservices@worcestershire.gov.uk

If you can not understand the contents of this document and do not have access to anyone who can translate it for you, please contact 01905 765765 for help.

বাংলা। আপনি যদি এই দলিলের বিষয়বস্তু বুঝতে না পারেন এবং আপনার জন্য অনুবাদ করার মত পরিচিত কেউ না থাকলে, অনুগ্রহ করে সাহায্যের জন্য 01905 765765 নম্বরে যোগাযোগ করুন। (Bengali)

廣東話。如果您對本文檔內容有任何不解之處並且沒有人能夠對此問題做出解釋，請撥打 01905 765765 尋求幫助。 (Cantonese)

普通话。如果您对本文件内容有任何不解之处并且没有人能够对此问题做出解释，请拨打 01905 765765 寻求帮助。 (Mandarin)

Polski jeżeli nie rozumieją Państwo treści tego dokumentu i nie znają nikogo, kto mógłby go dla Państwa przetłumaczyć, proszę zadzwonić pod numer 01905 765765 w celu uzyskania pomocy. (Polish)

Português. Se não conseguir compreender o conteúdo deste documento e não conhecer ninguém que lho possa traduzir, contacte o 01905 765765 para obter assistência. (Portuguese)

Español. Si no comprende el contenido de este documento ni conoce a nadie que pueda traducirselo, puede solicitar ayuda llamando al teléfono 01905 765765. (Spanish)

Türkçe. Bu dokümanın içeriğini anlayamazsanız veya dokümanı sizin için tercüme edebilecek birisine ulaşamıyorsanız, lütfen yardım için 01905 765765 numaralı telefonu arayınız. (Turkish)

اردو۔ اگر آپ اس دستاویز کی مشمولات کو سمجھنے سے قاصر ہیں اور کسی ایسے شخص تک آپ کی رسائی نہیں ہے جو آپ کے لئے اس کا ترجمہ کر سکے تو، براہ کرم مدد کے لئے 01905 765765 پر رابطہ کریں۔ (Urdu)

کوردی سۆزانی، ننگێر ناتوانی تێبگهی له ناوهرۆکی نهم بێلگهی و دهستت به هیچ کس ناگات که وهیگهریتنوه بۆت، تکلیه تملخون بکه بۆ ژمارهی 01905 765765 و داوای رینۆینی بکه. (Kurdish)

ਪੰਜਾਬੀ। ਜੇ ਤੁਸੀਂ ਇਸ ਦਸਤਾਵੇਜ਼ ਦਾ ਮਸ਼ਹੂਰ ਸਮਝ ਨਹੀਂ ਸਕਦੇ ਅਤੇ ਕਿਸੇ ਅਜਿਹੇ ਵਿਅਕਤੀ ਤੱਕ ਪਹੁੰਚ ਨਹੀਂ ਹੈ, ਜੋ ਇਸਦਾ ਤਰਜਮਾ ਲਈ ਅਨੁਵਾਦ ਕਰ ਸਕੇ, ਤਾਂ ਕਿਰਪਾ ਕਰਕੇ ਮਦਦ ਲਈ 01905 765765 'ਤੇ ਫ਼ੋਨ ਕਰੋ। (Punjabi)

DISCLOSING INTERESTS

There are now 2 types of interests:
'Disclosable pecuniary interests' and **'other disclosable interests'**

WHAT IS A 'DISCLOSABLE PECUNIARY INTEREST' (DPI)?

- Any **employment**, office, trade or vocation carried on for profit or gain
- **Sponsorship** by a 3rd party of your member or election expenses
- Any **contract** for goods, services or works between the Council and you, a firm where you are a partner/director, or company in which you hold shares
- Interests in **land** in Worcestershire (including licence to occupy for a month or longer)
- **Shares** etc (with either a total nominal value above £25,000 or 1% of the total issued share capital) in companies with a place of business or land in Worcestershire.

NB Your DPIs include the interests of your spouse/partner as well as you

WHAT MUST I DO WITH A DPI?

- **Register** it within 28 days and
- **Declare** it where you have a DPI in a matter at a particular meeting
 - you must **not participate** and you **must withdraw**.

NB It is a criminal offence to participate in matters in which you have a DPI

WHAT ABOUT 'OTHER DISCLOSABLE INTERESTS'?

- No need to register them but
- You must **declare** them at a particular meeting where:
You/your family/person or body with whom you are associated have a **pecuniary interest** in or **close connection** with the matter under discussion.

WHAT ABOUT MEMBERSHIP OF ANOTHER AUTHORITY OR PUBLIC BODY?

You will not normally even need to declare this as an interest. The only exception is where the conflict of interest is so significant it is seen as likely to prejudice your judgement of the public interest.

DO I HAVE TO WITHDRAW IF I HAVE A DISCLOSABLE INTEREST WHICH ISN'T A DPI?

Not normally. You must withdraw only if it:

- affects your **pecuniary interests OR** relates to a **planning or regulatory** matter
- **AND** it is seen as likely to **prejudice your judgement** of the public interest.

DON'T FORGET

- If you have a disclosable interest at a meeting you must **disclose both its existence and nature** – 'as noted/recorded' is insufficient
- **Declarations must relate to specific business** on the agenda
 - General scattergun declarations are not needed and achieve little
- Breaches of most of the **DPI provisions** are now **criminal offences** which may be referred to the police which can on conviction by a court lead to fines up to £5,000 and disqualification up to 5 years
- Formal **dispensation** in respect of interests can be sought in appropriate cases.

Thursday, 12 May 2016, 10.00 am, County Hall, Worcester

Agenda and Summons

Councillors: Mr I Hopwood (Chairman), 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 M E Jenkins, Ms R E Jenkins, Mr R C Lunn, Mr L C R Mallett, 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 R J Sutton, Mr C B Taylor, Mr J W R Thomas, Mrs E B Tucker, Mr P A Tuthill, Mr R M Udall, Mr G J Vickery, Mr T A L Wells and Mr G C Yarranton

1 Apologies and Declaration of Interests

To receive apologies and invite any councillor to declare any interest in any of the items on this agenda.

2 Chairman

To elect a Chairman of the Council to hold office until his or her successor becomes entitled to act.

3 Vice-Chairman

To appoint a Vice-Chairman of the Council to hold office until immediately after the election of a Chairman at the next Annual meeting of the Council.

4 Public Participation

To allow a member of the public to present a petition, or ask a question relating to the functions of the Council, or to make a comment on any matter on the agenda.

Members of the public wishing to take part should notify the Head of Legal and Democratic Services in writing or by e-mail indicating both the nature and content of their proposed participation no later than 9.00am on the working day before the meeting (in this case Wednesday, 11 May 2016). Further details are available on the Council's website. Enquiries can also be made through the telephone number/e-mail address listed below.

5 Minutes

To approve as a correct record and authorise the signing of the Minutes of the meeting held

on 12 February 2016 (circulated previously electronically).

6 Chairman's Announcements

To receive any announcements to be made by the Chairman (both the retiring Chairman and the incoming Chairman).

7 Annual State of the County report of the Leader of the Council 1 - 8

To receive this report and to receive answers to any questions on it (blue pages – attached).

8 Reports of Cabinet 9 - 14

To consider a report on decisions required by Council (yellow pages) and on decisions taken by the Cabinet (white pages).

9 Constitutional, Structural and Other Matters 15 - 18

To consider a report on various constitutional and other related matters.

10 OSPB Future Work Programme 19 - 28

To consider the future work programme being recommended for the OSPB (yellow pages).

11 Notices of Motion 29 - 32

To receive the report of the Head of Legal and Democratic Services on any Notices of Motion received by him (Lilac pages). Councillors are asked to note that any Notices of Motion must be received by the Head of Legal and Democratic Services no later than noon on Thursday, 5 May 2016.

12 Question Time 33 - 36

To receive answers to any questions asked by Councillors (Orange pages).

(Members are reminded of the timescale adopted by Council for notice of questions. A Councillor may only ask a question if:

- It is delivered in writing to the Head of Legal and Democratic Services by noon on Monday 9 May 2016 or

- If it relates to urgent business, the Head of Legal and Democratic Services is notified at least half an hour before the start of the meeting.)

13 Reports of Committees 37 - 50

To consider the reports of the Audit and Governance Committee, the Pensions Committee, the Planning and Regulatory Committee and the Standards and Ethics Committee on decisions taken (white pages attached).

NOTES

- **Webcasting**

Members of the Council are reminded that meetings of the Council are Webcast on the Internet and will be stored electronically and accessible through the Council's Website. Members of the public are informed that if they attend this meeting their images and speech may be captured by the recording equipment used for the Webcast and may also be stored electronically and accessible through the Council's Website.

- **Catering Arrangements**

Luncheon will be available at 1.00pm or thereabouts in the Lakeview Room. This will be provided for all Councillors, without payment, and for pre-notified guests, who must be paid for in advance. An indication of any guests wishing to take luncheon should be given to staff in the Business Support Unit at least three days before the Council meeting.

- **Council Photograph**

Arrangements are being made for a photograph to be taken of the whole Council. Details will be included in the Chairman's Announcements circulated on Council day. It is envisaged that the photograph will be taken either during the luncheon break or at the end of the meeting, whichever is earlier.

Agenda produced and published by Simon Mallinson, Head of Legal and Democratic Services, County Hall, Spetchley Road, Worcester WR5 2NP. The above reports and supporting information can be accessed via the Council's website at: www.worcestershire.gov.uk

To obtain further information or a paper copy of this agenda please contact John Higginbotham, Committee and Appellate Officer by telephone on Worcester (01905) 766607 or jhigginbotham@worcestershire.gov.uk

Date of Issue: Wednesday, 4 May 2016

This page is intentionally left blank

COUNCIL
12 MAY 2016

ANNUAL STATE OF THE COUNTY REPORT OF THE LEADER OF THE COUNCIL

1. Four months into the role of leading the Council, this report covers both a summary of successes achieved in delivering our existing plan, priorities and budget as well as the challenges ahead and how we are going to go about reviewing the Corporate Plan for the next five years, addressing the financial gap that Worcestershire faces whilst still being ambitious for our county. I have also used this report to set out my initial thoughts and views on the way ahead. I'm sure these will be shaped by the discussion and engagement we will be undertaking over the coming months before we finalise the new Corporate Plan later in the year.

2. Looking at the financial gap and changing policy landscape ahead, I have no doubt this will be a challenging period for us all. However, I remain upbeat and optimistic about the future for this Council and Worcestershire as a place. Rightly we have an ambitious vision to improve the county as a place to live, work, visit and invest in and this is reflected in our plans around our Open for Business and Environment themes. Our Children's and Families and Health and Well Being themes reflect the work we do with people, rather than places, to help some of the most vulnerable people in society who need us most. We also have a role to help people to achieve their full potential and live healthier, happier and more independent lives for as long as possible. So how are we doing against these four priorities?

Open for Business

3. Open for Business is a key objective, since it is vital to assisting individuals and businesses to achieve their full potential and increase prosperity in our county. This in turn helps boost our income via Council Tax and Business Rates as well as hopefully reducing the demand for some of our services.

4. Worcestershire LEP's Strategic Economic Plan set an ambitious ten year plan to boost the economic value (GVA) of the county by around a third (£2.9bn), create 25,000 jobs and build 21,500 new homes by 2025. A total of £54.2m was secured from the Government in Growth Deals and the WLEP influences a 68m Euro programme of investment. We have seen the highest investment from Central Government into our county in decades to unlock barriers to growth and working with our district council partners many areas now have agreed plans in place for housing and employment growth.

5. A key aspect of our economic plan is to ensure good quality employment sites are available for existing local businesses looking to grow and to attract new firms from outside the county. The "Game Changer" programme focuses on four such sites. In Kidderminster we saw the new bridge being installed a few months ago as part of the Hoobrook Link, in Redditch the Eastern Gateway is moving forward, in Malvern phase four of the Science Park is open and work on clearing the site for phase five has begun

and at Worcester Six we attracted some £15m of foreign investment and much of the off-site infrastructure is complete.

6. Our rail investments in Bromsgrove, and soon at Worcestershire Parkway, will also improve our connectivity and I continue to press strongly the case for faster connections to London by rail. Better infrastructure to enable our goods, services and people to be able to efficiently move around and access other markets \ places is essential. Progress continues on work to dual the Southern Link Road from Whittington to Powick Hams with a key bid to secure Central Government investment for phase four, including dualling the Carrington Bridge, due to be submitted this summer. In the north of the county our focus remains on tackling congestion along the A38 with plans been worked up for the measures required.

7. The headline results so far are impressive with Worcestershire being in the top four fastest growing local economies in the country in terms of Gross Value Added for the last two years. Equally important Worcestershire's productivity grew by 2.8% in 2013-14, placing the county in the top 2 out of 39 LEP's in the Country for two consecutive years in a row. Clearly if we are to achieve our aspiration to move our economy up in the economic rankings and rival that of Warwickshire we will need to achieve similar results in the coming years and that will require sustained focus on this theme and continued investment in the unlocking the barriers to faster economic growth and growing the numbers of higher paid jobs in the county. The Government's recently announced Growth Deal 3 provides a further opportunity to secure funding as does the Local Major Schemes programme.

Children and Families

8. Linked to the success of our Open for Business priority is that of ensuring young people in the county get the education and skills to be able to fully realise their potential. Our education system provided by a range of academies and maintained schools still continues to offer 89% of pupils their first choice of school in a range of schools where 9 out of 10 are good or outstanding.

9. The growth in apprenticeships is equally impressive with the aim to provide 10,000 places across the county being achieved ahead of plan and the Connecting Schools and Businesses initiative continues to grow.

10. We will over the next few years still have challenges to face as schools flex their new found independence and wrestle with the two tier/three tier issue in some parts of the county, but by and large education continues to move in a positive direction. Therefore we will be closely following the proposed further reforms recently announced by the Government and carefully considering how to respond.

11. In Children and Families the Peer Review of safeguarding last year gave us a reminder of how big the challenge is that we face, since the children in our care as I write this report are at 705, and the question of how we protect the most vulnerable in the county is a task that is at the forefront of work of the Cabinet Member along with the Interim Director, Simon White. I would like to thank them both for the reforms they have been driving forward as they were undoubtedly necessary and will lead to better outcomes. A permanent Director has now been appointed and will be in post in June to continue this work.

12. After spending a day with key workers recently I can see the progress being made. However, work still needs to be done to embed these changes to ensure that the right support is given at the appropriate time to a proportionate level in a consistent manner. I have no doubt safeguarding children will remain a top priority for the whole team to focus on for the foreseeable future. Our Connecting Families work – building on the success achieved through the national troubled families' initiative – is something that has the potential to make the long term changes required with partners to bring down the numbers requiring care in the future and achieve better outcomes for those families. Early indications that I have seen with the team working on the pilot in Redditch are encouraging.

Health and Wellbeing

13. In the area of Health and Wellbeing, Adult Social Care continues to dominate our discussions. Interim director arrangements are in place following Richard Harling's appointment to Staffordshire and there continues to be close management of the finances and change required to transform over the coming year.

14. 'Your Life, Your Choice', the interactive care website that we launched this year continues to grow in strength and I would welcome more providers than the 197 or so that we currently have to form a really vibrant online market place so that people get genuine choice in their care for their later years. At the same time the reforms of this large section of spend must continue unabated. The integration of Health and Social Care has been given a timetable by the Government and so looking forward even closer working with our colleagues in the CCGs will be needed to progress further reform of the system, since the Worcestershire Acute needs as much help as we can give it to rise to the challenges of the very frail and elderly and ensure that its hospitals and the systems around it continue to work as efficiently as possible.

15. It's good to see that we are working closely with the health economy on producing a Sustainability and Transformation Plan, to make sure that we share a vision of the challenges and priorities for the future in health and social care. I am really pleased to see that local people are increasingly giving their time to improve health and well-being in our communities and support the elderly and vulnerable. Scores of people have volunteered to be Digital Champions, supporting people to use the internet in local facilities; hundreds of people are signed up as Health and Well-being Champions, promoting health in their neighbourhoods; and thousands of people have been trained as Dementia Friends.

Environment

16. We have seen great progress in the construction of the Energy from Waste plant at Hartlebury and I am sure that this will turn out to be a significant milestone for the county when it opens in 2017, since we will have a plant that will be able to dispose of the rising volume of waste, some 473 kilogrammes per person, in an economic and environmentally friendly way.

17. We have continued to invest in flood prevention measures and this year will see, through the Growth Deal and our match funding using New Homes Bonus, the start of a series of schemes from the centre of Worcester down to Upton to ensure that our county has more resilience and key routes are not so disrupted by some of the more extreme weather that we have experienced in the past.

18. A final thought on roads, while satisfaction with our roads according to our Viewpoint Survey rose by some 5.5 points, it is still a key priority to our residents and so as an administration, despite the challenges that we face, we have been able to find some £12m to run another 2 year programme of road improvements, centred around the places where people live in villages and estate roads, with our 'Driving Home' programme of investment. Further one off investment of £500k has also been made available to improve pavements and we have agreed a £2m programme of town centre improvements covering Worcester, Redditch, Kidderminster and Droitwich. Monies have also been set aside to look at Malvern and Evesham. Town centres are important social, as well as retail, spaces and maintaining their attractiveness and vibrancy is important so I would like to see us continue to invest in them over the coming years.

19. We continue to deliver our Superfast Broadband roll out faster than many other counties and to have a more ambitious outlook than some. We welcome the over 28% take up which has enabled us to reinvest some £3.25m into the scheme to spread its reach even further. Our focus has always been around increasing the coverage to businesses as well as residential properties. The Government has announced a new and more ambitious target which we look forward to working with them on to ensure that even more people in Worcestershire have access to Broadband and the benefits it brings, not only for commerce but also for leisure.

20. These four themes have worked well and my initial thoughts are that we should keep these four headline themes but refresh the content to reflect where we would like to get to in five years time within each theme. However, as always, we should reflect on what residents, business, our partners and importantly members say during the engagement planned for this summer before finalising the new plan in time for the November Council.

Focused on the views of our residents and businesses

21. Yet again last year we had a successful round of roadshows and I personally find these roadshows a good opportunity to chat with residents from across Worcestershire, and in some case visitors, and hear their experiences, views and concerns firsthand. During the course of last year's round of roadshows we talked to over 800 residents and obtained really interesting data as to what was important to them and what frankly wasn't! Added in to our surveys through Viewpoint, with our business survey of some 1200 businesses, we now have a range of opportunities to gain customer feedback. In terms of the indicators we track, it was good to see satisfaction with the County Council has nudged up another 2 points from 54% to 56%. More significant those feeling we provide value for money had risen by 6 points from 38% to 44%.

22. The key to our residents' wellbeing is not just what the County and Districts do but whether they are satisfied with Worcestershire being a great place to live and 82% of them believe this is the case. However, I can't deny that while satisfaction with our roads has increased it is still a major concern with most of our residents, as across the county traffic has increased as the economy picks up, Worcestershire grows and our Open for Business agenda opens up new development sites. Therefore, we continue to invest in our infrastructure to try to tackle key congestion hotspots and improve journey times by rail as well as road. It is also still slightly disappointing that only 33% of people feel that they can influence our decision-making because we are an organisation that is very focused on the views of residents and I know members from across the political spectrum are very active in their communities.

The Financial Challenge

23. It is clear following the Autumn Spending Review and subsequent Local Government Financial Settlement that the County Council will still be facing a considerable challenge over the next 4 years. So far we have been really successful in balancing the books whilst remaining ambitious. This is in no small part down to Adrian's excellent stewardship of the Council finances over a significant period working with a forward thinking team and his focus on keeping on top of the financial pressure. We continue to benefit from the financial discipline this has instilled in the organisation and our track record has put the Council in a good position to approach its most significant financial gap yet at £34m for 2017/18.

24. However, it is worth reminding ourselves that even at the end of the MTFP period the County Council will still be spending over £1 million per day on services for its residents and businesses. While we will see some down-sizing in the overall number of directly employed staff, we will also be recruiting roughly around 250 people during the next year and will still be one of the largest employers in the local economy. Many jobs that we don't directly employ people to do will still be done by organisations we commission on our behalf and many of those will still be locally based.

25. What will change is the make up of where we get our money from with Government Revenue Support Grant been phased out and our ability to become self sufficient from Council Tax and localised Business Rates being key to our future. We will need to be even more entrepreneurial in the use of our assets and other activities that we can generate an income from will be important. Government have also relaxed somewhat their approach to Council Tax setting in enabling upper tier authorities, such as ours, to levy up to a further 2% Adult Social Care precept to go some way towards paying for the demographic pressures from more people needing our care. Whilst this flexibility is welcome, instinctively I'm not in favour of adding to the Council Tax burden by the maximum permitted level each and every year. We will therefore carefully consider Council Tax levels each year based on the prevailing conditions at the time. This will be a tricky balance and we will all need to be mindful of the long term implications of Council Tax decisions on our income base given that Council Tax accounts for 70% of our income.

26. The challenge to become free of Revenue Support Grant by 2020 is one that we have been preparing for but it will still require considerable effort to deliver. In the long run a more self sufficient Council which can be more responsive to local people rather than reliant on Central Government subsidy and therefore its changes of direction and policy should be better. However, I don't underestimate the risks in the transition to this new funding model and as an overall net contributor of Business Rates to the centre currently we will need to watch carefully, and try to influence, how the policy around the localisation of Business Rates is delivered.

An Enabling Authority

27. As a Council we are constantly looking to reform and refine the way we secure the right outcomes for people and positively shape Worcestershire's future whilst achieving even better value for money. This means we need to try out new things and take some risks to be able to innovate. Not everything will work out; sometimes things will fail to deliver what we expect. I want to foster an atmosphere within the Council and in our relationships with partners where we can push the boundaries and trial new concepts,

ideas and ways of working. The alternative would be to accept that we will only do less following well tried and tested traditional methods of provision and I don't believe this would be in this council or Worcestershire's long term interest.

28. Likewise working with our communities we should encourage and support more self reliance and resilience. Helping people - who can - to do more for themselves and their communities will unlock a greater level of community capacity and sustain those things that we all wish to see continue but which the public sector alone can't afford to do. Co-creating services and facilities also means that what is provided should be better focused on what is actually needed and more likely to be well used and therefore sustainable in the long run. With a growing active older population and a willingness amongst many people of all ages to do something for their community then I believe Worcestershire could do even more to tap into this resource. I readily acknowledge there is much voluntary and community work that already takes place and this would aim to build on that success.

29. Local councillors clearly have a role to play in shaping this agenda and steps like the creation of the Councillors' Divisional Fund and our Localism focus have in my view been a positive step but I'm sure more could be done to support members in their community as well as their council roles. I'm hoping this will be something that the cross party Council working group might be able to advise on.

Our toolkit to deliver financial sustainability and better outcomes

30. Our commissioning programme continues to be a major strand of work for the Council. Commissioning is a key tool to ensure we can deliver the right outcomes and better value for money. It helps us to be clear about what we are seeking to achieve, then sourcing the most appropriate provider and importantly holding them to account for delivery to time, budget and performance. Our commissioning approach has resulted in a vast range of models from Trading Standards, who are moving from a shared service back into a County Council-run service, to the private sector embracing with Jacobs, our design unit, and our HR and Finance functions through Liberata.

31. These models are not new, as those who know the Worcestershire Hub will understand. I do think that we can continue to be more imaginative and braver in the solutions that we will find to implement, since when I look at our Outdoor Education Centres by not being dogmatic we came to 3 very different solutions, all of which have delivered great results in different ways for the young people of Worcestershire. What's important to me is ensuring we use this tool effectively to get the right outcomes at the right price not whether it's delivered by a private, public or VCS organisation.

32. However commissioning on its own will not address the financial gap and so we need to develop our use of other tools. Cost effective prevention and managing demand will also be key to ensuring we can reduce the demand for our higher cost interventions. Working with our partners we need to develop a better way of ensuring those partners that see savings in their budgets also contribute to the upfront cost of the prevention or early intervention service.

33. As well as looking at savings and efficiencies I also want to push harder to seek out new ways to grow our income to close our budget gap. One such example is a piece of work that I'm seeking to develop with our district council partners, who collect and process Council Tax on our behalf, to reduce even further the levels of fraud and error as well as a more consistent picture on the discounts which are available. If we can

achieve the levels of the best performing district across the county and share best practice this could help generate significantly more income.

34. Similarly we have led the way with the creation of Place Partnership and the concept of One Public Estate and there is much good work already. However, I would like to explore more opportunities to generate a return from our assets. We will also be exploring whether investing in the creation of our own capacity to meet the service needs of our customers – like people needing care placements – via building our own provision would be more cost effective than purchasing such places from other providers.

Reaching out across County Boundaries

35. The Government has launched the Midlands Engine to complement its Northern Powerhouse initiative. A really ambitious project to boost GVA by some £34bn over an area from Bredon to Immingham in Lincolnshire and abandoning the old regional structure, it is creating a mechanism and an ambition that is far wider reaching. I believe that we start with some considerable advantages over the Northern Powerhouse in that we have excellent manufacturing firms still in place, ranging from Rolls Royce to GKN to Mazak and Worcester Bosch in our county. Backing this up is the Midlands Connect project which is a sign of devolution from the DfT and they have already signalled their intention to use this as a sub national transport board.

36. With the support of other county leaders I'm now a shire leaders representative on both the main steering group for the Midland Engine, and the Midlands Connect Board. Whilst taking an increasing amount of time I believe this whole midlands concept is gaining traction in Government and will influence significant investment decisions and so ensuring Worcestershire is an active participant I believe will pay dividends in time.

37. The County Council Network continues to grow in strength and we back this up by a regular meeting of Shire Leaders. This was quite an effective mechanism for reflecting back to Government the concerns with the initial settlement and sharing concerns \ lobbying and had some effect in securing the total of £5m transitional support in the final settlement. Likewise, I think it was a good thing that the Council helped the Worcestershire LEP in its stand at MIPIM, and so the county and its County Council continue to be much more outward facing than before.

38. Similarly in our conversations with Government we have presented a coherent and united voice in our pitch for a single county devolution deal. Our plan has genuine buy-in from districts, LEP, Police and NHS. Our 6 priorities are clear; connecting families, health and social care reform, continuing to drive on with our public estates work while promoting a revolving infrastructure and investment fund and taking control of the skills and innovation agenda to ensure that Worcestershire residents have the right skills. Not forgetting a key piece of infrastructure that our county possesses, which is its environment, which is why it is so appealing for people to come and live and work here.

39. Lord Heseltine was genuinely impressed that Worcestershire is working so well and in a joined up way. No issues were raised about our economic performance or public sector reform. However, it is clear that Government are now working on larger geographic footprints than single counties without a mayoral model. Many of the things we want to do with partners we can achieve without Government but it will undoubtedly be somewhat slower and issues around data sharing and different inspection regimes

could hold us back. Therefore we will continue to work with our partners to see what can be done without a devolution deal and assess whether a different configuration or arrangement could achieve our desired outcomes whilst continuing to monitor the progress of those deals already agreed and the evolving position of the Government on deals outside of the City Mayor model. What is clear is that this will be a long drawn out process...

Pension Fund

40. The Pension Fund continues in good health, with the level of assets approaching £2 billion. During the course of the year we have seen some changes in investment into green infrastructure and property investments, we still have a deficit in the scheme but I remain positive about its future and its outlook.

Audit Committee

41. I would just like to thank the Audit Committee for all their work over the past year and in particular Philip Gretton for his contribution as its outgoing Chairman.

Conclusion

42. As a Council we will still spend £1m a day and despite the financial constraints we will make a significant contribution to this county. We will need to change and review the way that we operate to ensure that Worcestershire residents get the best value that they can for their money. I know the transition to becoming a self-sufficient council won't be without its challenges but in the long run I believe it is the right step. I sense the county and the County Council is growing in ambition, and really shaping Worcestershire's future. I remain ever optimistic that this county and its County Council have a great future. Finally, I would like to thank the Cabinet, SLT and the wider workforce and members for the huge contribution they make to improving the county and this council. I'm proud to have the opportunity to lead this Council and look forward to working together on the challenges ahead.

Simon Geraghty

Leader of the Council and Cabinet Member with Responsibility for Finance

COUNCIL
12 MAY 2016**REPORTS OF CABINET****(a) MATTERS WHICH REQUIRE A DECISION BY COUNCIL**

ICT Replacement Programme 2016/17 to 2018/19**Recommendation**

- 1. The Cabinet recommends 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 are updated accordingly.**
2. The Council has completed a review of its computer and software requirements after taking careful account of future service delivery and operating procedures. It is proposed to extend the existing ICT Replacement Programme which is funded until 31 March 2016 for a further three years.
3. The addition of £1.6 million to the Capital Programme is recommended, funded from the uncommitted headroom allocation for new starts. The programme will replace over 400 IT assets and software licencing arrangements and is integral to enabling the Council to operate and maintain its systems and processes.

Contact PointsCounty Council Contact Points

County Council: 01905 763763

Worcestershire Hub: 01905 765765

Email: worcestershirehub@worcestershire.gov.ukSpecific Contact Points for this report

Nichola Garner, Committee and Appellate Officer

Tel: 01905 846626

Email: ngarner2@worcestershire.gov.uk**Background Papers**

In the opinion of the proper officer (in this case the Head of Legal and Democratic Services) the following are the background papers relating to the subject matter of this report:

Agenda and background papers relating to the meeting of the Cabinet held on 3 March 2016.

This page is intentionally left blank

COUNCIL
12 MAY 2016**REPORTS OF CABINET****(b) SUMMARY OF DECISIONS TAKEN**

Property Asset Strategy - Enabling Economic Development and Service Delivery for the Council

1. The Council wished to enhance its Better Use of Property Programme by considering how cross-public sector land and property assets could support the local economy or generate income to help the Council and its partners to become more financially self-sufficient. The closer collaborative working with other organisations, brokered through Place Partnership, has given the Council significant opportunities to develop and exploit all the work delivered by the Council's Property Services Team to date, whilst supporting the broader focus on property as an enabler of economic development in the county. The potential benefits offered by Place Partnership included the strategic opportunity to drive issues such as the wider regeneration and growth across the region through to cashable savings from the removal of overlap and duplication in the current structures of the shareholder partners.

2. A new Property Asset Strategy for 2016-2020 has been developed and approved by Cabinet and represents an important step in the Council's aim to do things differently, utilising its assets more proactively for the benefit of the community. In developing the Strategy, the vision for the estate would be to support Council services well, help shape the local economy and generate income for the Council with a well-managed and dynamic corporate core. The strategic goals for the estate would be to:

- (a) Manage the property assets to ensure optimal efficiency of usage and effectiveness of support for the (front line) services being delivered from them;
- (b) Influence and enable cross-public sector service re-design and integration through effective challenge and innovative adaptation of the accommodation;
- (c) Achieve the maximisation of value from redundant assets and/or consider how they could support the local economy; and
- (d) Exploit opportunities for generating revenue income from the estate to support the Council's self-sufficiency agenda.

3. The goals would be building on the beacon role that the Council had locally and nationally achieved in terms of asset rationalisation and service transformation through a combination of:

- (a) Becoming more proactive in the redevelopment of redundant assets;
- (b) Developing the One Public Estate/One Public Service approach to locality

reviews at scale and pace; and

- (c) Developing new leadership and governance through the Council's Property Management Joint Venture Place Partnership.

4. The Director of Commercial and Change has been given authority to execute the Strategy and the Cabinet Member with Responsibility for Transformation and Commissioning has been given authority to approve individual business cases for specific development projects in accordance with the above three aims. It has been estimated that the Council would achieve a minimum of £10m from capital receipts over 2016-2020. This did not however estimate the opportunities for savings and/or economic development from the utilisation of those assets. The Council will now discuss the Strategy with partners and review its own property estate and that of partners to identify early opportunities for development or rationalisation of assets for which business case(s) would be developed.

Worcestershire County Council Local Flood Risk Management Strategy

5. The County Council is the lead Local Flood Authority for the county with responsibility for local flood risk. As such it is required to produce a Local Flood Risk Management Strategy (LFRMS) for the county. The Strategy forms part of the approach to flood risk in the county and sets out organisational responsibilities, takes an integrated approach to flood risk, and sets short, medium and long-term goals for the management of flood risk in the county. Worcestershire has been successful in securing funding for and implementing flood risk mitigation projects. The LFRMS will provide the framework for future decisions to be made on prioritisation of flood mitigation, funding bids and the evidence which would be required to support these including value for money, economic, social and environmental benefits, to enable continued success in an increasingly competitive funding environment. An Action Plan has been developed alongside the Strategy and sets out the detailed actions the Council and its partners would undertake to achieve the aims of the LFRMS.

6. The Worcestershire LFRMS has been subject to extensive consultation with formal flood risk management partners and feedback from this has been used to revise the document ahead of the 12-week formal public consultation. The Cabinet has now had the opportunity to consider the feedback from the public consultation exercise in the form of an addendum report and table which, in response, sets out proposed amendments to the Strategy. As a result it has agreed the Local Flood Risk Management Strategy 2015-21 subject to the amendments indicated in the 'Response' column of the addendum table. It has also delegated authority to the Director of Economy and Infrastructure, in consultation with the Cabinet Member with Responsibility for Environment, to incorporate those amendments and finalise the LFRMS 2015-21.

7. The LFRMS will provide a framework for a co-ordinated and prioritised approach to reducing both the likelihood of flooding and the impact of flooding when it does occur. The Council has invested £14m of capital in flooding and drainage projects in the county to support both small and large schemes. Capital funding for flood risk management was however limited both nationally and locally and it was unlikely that all potential mitigation schemes could be funded in the short or medium-term. The Council was therefore working with partners to try and secure other potential sources of capital funding.

Resources Report

Revenue Budget Monitoring 2015/16 - Outturn Forecast as at 31 December 2015

8. The Cabinet was informed at its March meeting that the overall financial pressure forecast at that point in the 2015/16 financial year was £0.5m or 0.2% of the authorised cash limited budget. It was expected that by the end of the financial year the budget would be kept within the overall £326m cash limit. The most significant area of financial pressure all year had been the Looked After Children's placement budget which was forecasting a pressure of £5.8m for 2015/16. Local authorities nationally were facing pressure in this area. Looking forward, it was likely the Council would need to take some external borrowing to protect its cash position and ensure prudent management in consideration of potential future increases in interest rates.

Capital Programme Budget Monitoring - 2015/16 Forecast

9. The Council's capital expenditure at 30 December 2015 totalled £96m compared with the revised expenditure profile of £180m. The remainder of the financial year would see continued planned investment in the Energy from Waste Scheme of around £33m and continued investment in highways schools projects.

FutureFit Programme Update

10. The FutureFit savings programme target for 2015/16 was £27.5m and at the end of December 2015, £21.7m had either been delivered or confirmed as on target. Around half of the remainder was at greater risk of not being delivered during the 2015/16 financial year. Work had been carried out to mitigate this risk.

Pearl Izumi Tour Series - Redditch 26 May 2016

11. The popular and televised professional road cycling event, Pearl Izumi Tour Series, was anticipated to be returning to Redditch this year. This would provide another opportunity to promote World Class Worcestershire and bring visitors to Redditch. The Council would provide funding of up to £80,000 with contributions also being sought from partners towards these costs. The funding could be made available from within the Council's existing financial transactions budget with no impact on cash limits.

Mr S E Geraghty
Chairman

Contact Points

County Council Contact Points

County Council: 01905 763763

Worcestershire Hub: 01905 765765

Email: worcestershirehub@worcestershire.gov.uk

Specific Contact Points for this report

Nichola Garner, Committee and Appellate Officer

Tel: 01905 846626

Email: ngarner2@worcestershire.gov.uk

Background Papers

In the opinion of the proper officer (in this case the Head of Legal and Democratic Services) the following are the background papers relating to the subject matter of this report:

Agenda and background papers for the meeting of the Cabinet held on 3 March 2016.

COUNCIL
12 MAY 2016

CONSTITUTIONAL, STRUCTURAL AND OTHER MATTERS

(a) Temporary amendment to the Council's Financial Regulations

Recommendation

1. The Head of Legal and Democratic Services and the Chief Financial Officer recommend 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.

2. Officers have worked hard in 2015/16 to balance the need to consistently improve on the outcomes that the Council deliver whilst managing within their cash limited budgets. Whilst financial performance for 2015/16 confirms that budgets will breakeven, this has been achieved through the use of existing flexibility to manage cost pressures arising. However looking forward there is 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 Central Government funding reductions is front loaded for 2017/18.

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

4. As members will be aware, Regulation 28 of the Financial Regulations sets out the 2% limit, and consequently there is a recommendation to amend the Constitution accordingly to facilitate this variation.

(b) Structure of the Council's Directorates

Recommendation

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

6. 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 now proposes that this separation of the statutory roles of Director of Adult Services and Director of Public Health is 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 will be at Head of Service level and the proposal will therefore not lead to an additional Chief Officer post.

7. 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. This builds on staff feedback which articulated a greater opportunity for this impact operating across the Council, outside a specific Directorate. Working closely with health organisations in Worcestershire will remain of vital importance to the Council and this joint working will continue to feature as a responsibility in all parts of the Council.

8. In addition to the Council's Public Health functions, 2 'additional' elements are currently also managed by the DPH – Emergency Planning and Community Safety. It is proposed that these services also transfer to the Directorate of Public Health for management and service continuity.

(c) Chairmen and Vice-Chairmen of member bodies

Recommendation

9. The Head of Legal and Democratic Services recommends that the constitutional appointments as set out in the Appendix to this report (to follow) be confirmed.

10. The Council receive regular reports on appointments which need to be made to various chairmanships and vice-chairmanships. The nominations for a number of appointments are set out in the Appendix to this report (to follow).

(d) Council Meeting Dates for 2017

Recommendation

11. The Head of Legal and Democratic Services recommends that the Council approves its programme of meetings for 2017 as follows:

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

12. County Council meeting dates are currently scheduled up to November 2016. To enable the 2017 meetings programme to be produced and help members plan their commitments, the Head of Legal and Democratic Services suggests that further meetings of the Council be now scheduled for 2017 as far as the Annual meeting in 2017 immediately following the County Council elections. In accordance with the usual

practice and pattern of meetings, further meetings (Cabinet, Committees and Panels) will be arranged and members notified in due course.

13. Members may wish to note that the remaining Council meetings for 2016 are scheduled for:

**14 July 2016
15 September 2016, and
10 November 2016.**

Contact Points

County Council Contact Points

Worcester (01905) 763763

Worcestershire Hub: 01905 765765

Email: worcestershirehub@worcestershire.gov.uk

Specific Contact Points for this report

Simon Mallinson, Head of Legal and Democratic Services

Tel: 01905 846652

Email: 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



**COUNCIL
12 MAY 2016**

OVERVIEW & SCRUTINY WORK PROGRAMME - 2016/2017

Recommendation

1. **The Overview and Scrutiny Performance Board recommends that**
 - (a) the 2016/17 Scrutiny Work Programme be endorsed, and**
 - (b) the Overview and Scrutiny work programme consultation exercise be noted.**

Summary

2. The Overview and Scrutiny Performance Board have agreed a suggested 2016/17 Work Programme to be considered by Full Council. The work programme was developed following a consultation exercise that is detailed within this report.

Background

3. Effective work programming is the bedrock of an effective scrutiny function. Done well, it can help to lay the foundations for targeted, incisive and timely work on issues of local importance, where scrutiny can add value. Done badly, scrutiny can end up wasting time and resources on issues where the impact of any work done is likely to be minimal.
4. Worcestershire County Council has a rolling annual Work Programme for its Overview and Scrutiny function, the Work Programme is 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 are selected objectively and that the 'added value' of a review is considered right from the very beginning.

Developing the 2016/2017 Work Programme

5. Overview and Scrutiny is a Member-led function and it is important that Members are involved in every stage of development of the Work Programme.

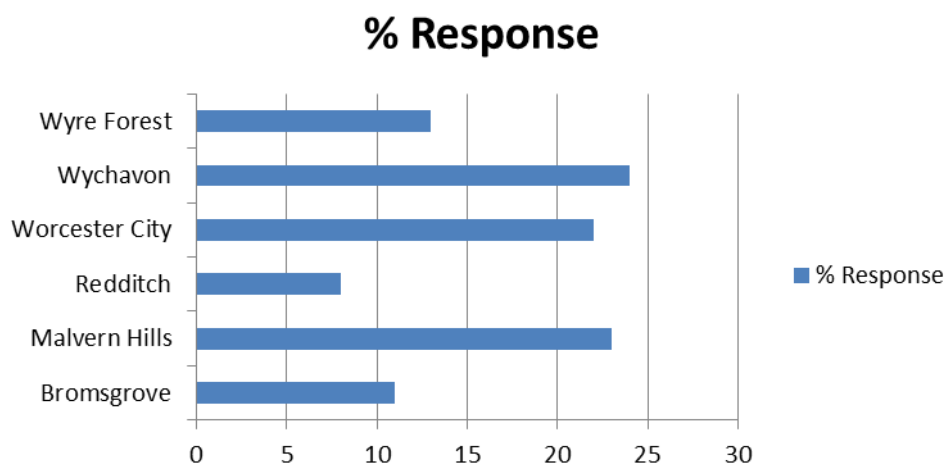
6. The Work Programme consultation exercise for 2016/17 involved consideration of the following:
 - a) Items from 2015/16 Work Programme that were not completed or require follow up
 - b) outcomes of the Budget Scrutiny 2015/16 process
 - c) views of Members as community champions
 - d) views of the Executive
 - e) views of officers
 - f) views of stakeholders and partners
 - g) views of the public.
7. Each Overview and Scrutiny Panel and Committee had an item at its previous meeting (with the exception of Environment and Economy who had their March meeting 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.
8. The Leader of Council 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.
9. County Councillors were 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.
10. The Chief Executive consulted the Strategic Leadership Team as part of the consultation process and provided a series of suggestions.
11. The 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
12. The online survey did allow other suggestions to be received outside of the Council priority areas.
13. The survey was promoted in a number of ways to try and draw attention to the consultation exercise and increase the number of surveys completed. The survey was promoted by:
 - Email out to all Parish Councils
 - Email out to all Partner agencies and groups, including health partners, Local Enterprise Partnership and other business groups, and the Voluntary and Community Sector
 - Email out to Viewpoint Public Panel
 - Item in Councillor Newsletter, 3 e-mails to all County Councillors and request to Group Leaders to encourage members to complete the survey
 - Advertised via Council Twitter feed
 - Advertised on Council Facebook page

- Radio interview with Chairman and Vice-Chairman of OSPB with Signal 107 Radio
- Media event with Chairman and Vice-Chairman of OSPB with the Worcester News
- SID news feature
- Directorate emails to Heads of Service (to encourage staff to complete the survey)

14. 65 suggestions were received directly by Democratic Services and 305 respondents completed the questionnaire, providing in excess of 3000 topic suggestions. Responses to the questionnaire came from:

General Public	83%
Business	2%
County Council Officer	9%
Partner Organisation	5%
County Councillor	1%

15. Responses to the questionnaire came from all across the County:



Chairman and Vice-Chairman Proposal

16. The Overview and Scrutiny Performance Board agreed that each suggestion that was received should be given a score, using the scrutiny topic criteria scoring system, and that this score should be given by the Chairman and Vice-Chairman of OSPB.

17. The Chairman and Vice-Chairman of OSPB scored all suggestions, details of this scoring was then circulated to all OSPB Members who were invited to comment. The Chairman and Vice-Chairman of OSPB met on the 26 April to consider feedback provided by OSPB members and agree upon a final set of topics/issues to be included in the work programme to be put to Council for approval.

18. The criteria and scoring that was used and applied by the Chairman and Vice Chairman to work programme suggestions was as follows:
- Is the issue a priority area for the Council? (2 points)
 - Is it a key issue for local people? (4 points)
 - Will the scrutiny have a clear impact on services? (3 points)
 - Are improvements for local people likely as a result?(3 points)
 - Does it examine a poorly performing service? (2 points)
 - Has it been prompted by new Government guidance or legislation? (2 points)
 - Will it result in improvements to the way the Council operates? (4 points)
19. The scoring system applied to the criteria has been set to encourage higher scores to suggestions that reflect the concerns of the public and service users and to promote suggestions that could genuinely lead to service improvements and outcomes.
20. The work programme suggestion from the Overview and Scrutiny Performance Board for approval by Council contains a wide range of topics all of which have been suggested through the consultation exercise. The suggestions have been predominately made by members of the Public but have also been supported by Partner Agencies, Council Officers and Elected Members. The suggested list is as follows:

Overview and Scrutiny Performance Board	
Task Group Reviews	<p>Sexual Violence and Rape</p> <ul style="list-style-type: none"> • What are the responsibilities of the County Council and Partners? • Who provides support services and funding? • Could we provide a better service in Worcestershire? <p>Can Worcestershire County Council do more around environmental mitigation?</p> <ul style="list-style-type: none"> • Buying future energy supply • Could we look to provide energy supply? • What is the culture of the organisation and how does WCC strategically mitigate environmental issues?
Priority Areas/Themes for the Work Programme:	
1.	<p>How effective are Worcestershire County Council communication mechanisms?</p> <ul style="list-style-type: none"> • Councils use of social media • Highways • Communicating to Public, Officers and Councillors
2.	Equalities & Disability: How well do we meet our statutory duties?
3.	Complaints Reporting – is it fit for purpose?
4.	<p>Commissioning</p> <ul style="list-style-type: none"> • Accountability of commissioned services to the Council, Elected Members, service users and the Public • How is accountability address in the commissioning process? How is it covered in contracts and tendering? • Quality Assurance

Health Overview and Scrutiny Committee:	
1.	Is Mental Health provision in Worcestershire fit for purpose? <ul style="list-style-type: none"> • What treatments are provided? • Is local need identified and addressed? • What alternatives to medication are provided?
2.	Health Accountability: CCGs, GPs and Health & Wellbeing Board <ul style="list-style-type: none"> • How is the CCGs held to account? • How are GPs in the County held to account? • How is the Health & Wellbeing Board held to account? • What is the role HOSC in holding these bodies to account?
3.	Maternity, Neonatal and Gynaecology Services <ul style="list-style-type: none"> • Review of 'temporary' change in service provision • Direction of travel • Is proposed service fit for purpose?
4.	Public Health <ul style="list-style-type: none"> • What role can Public Health play in preventing and managing demand for social care and health services?

Adult Care and Wellbeing Overview and Scrutiny Panel:	
1.	Care Provider Market – vital review continues
2.	Care Act Obligations <ul style="list-style-type: none"> • Is the Council meeting its obligations
3.	Technology in Care <ul style="list-style-type: none"> • Analysis of successful IT across the health and care sector with a view to showing success against:- supporting people to stay at home, promoting independence, increasing quality of life, reducing the cost of care and protecting personal dignity. • The claim is always that IT increases the potential for loneliness, is this correct?
4.	Homecare <ul style="list-style-type: none"> • Is the current service provided by WCC and commissioned out services fit for purpose?
5.	Transition <ul style="list-style-type: none"> • Review of transition from Children Services to Adult Services

Children & Families Overview and Scrutiny Panel:	
1.	Vulnerable Children <ul style="list-style-type: none"> • Child employment and labour • Education at home • CSE
2.	0-19 Agenda

	<ul style="list-style-type: none"> Starting well service Children's centres What will be future service provision?
3.	Pupil Referral Units <ul style="list-style-type: none"> Review of current provision of service and how it is delivered Emotional and Behavioural Difficulties Alternative provision
4.	Social Work <ul style="list-style-type: none"> Issues within current service provision Performance of agency staff Social Workers moral and support Recruitment and retention Caseloads
5.	How can Worcestershire County Council help improve the Educational Attainment of Children in Disadvantaged Areas
To note:	Home to school transport issue referred to the existing Bus Services Task Group Review

Corporate & Communities Overview and Scrutiny Panel:

1.	Worcestershire County Council Workforce <ul style="list-style-type: none"> What future skills/roles does the Council need? What skills gap exists? Does WCC pay and reward effectively? Does WCC have a strong succession management system? Does WCC recruit the required talent and behaviour? Do WCC Managers support a performance driven culture based on achieving the best outcomes for the people of Worcestershire? Are the corporate values embedded across the organisation?
2.	What can Worcestershire County Council do to maximise income generation?
3.	How can Worcestershire County Council support Local Business? <ul style="list-style-type: none"> Can Worcestershire County Council use Social Value Act to procure services locally?
4.	Worcestershire County Council use of Property <ul style="list-style-type: none"> Accountability of the Place Partnership How do we use our property? Review of capital monies and property
5.	Culture: How can we utilise the Culture of Worcestershire to maximise the benefit to the County? <ul style="list-style-type: none"> Analysis of cultural offering and how it can be improved Role of Council and partners Funding opportunities – are they being utilised?

Economy & Environment Overview and Scrutiny Panel:

1.	Annual review of the Worcestershire LEP's contribution to all sectors of Worcestershire's economy <ul style="list-style-type: none"> Accountability, remit, resources and performance
----	---

	<ul style="list-style-type: none"> • Relationship with partners • Agriculture and Tourism economies
2.	How can WCC support Retail whilst it is in transition and help support and retrain retail employees?
3.	What are the benefits to Worcestershire of 20 MPH speed limits and how does this link to Residents Parking Policy? <ul style="list-style-type: none"> • Criteria for selection • Evidence of benefits • Analysis of current Residents Parking Policy
4.	How to improve getting around the County <ul style="list-style-type: none"> • Congestion • Roadworks • Cycling, footways, footpaths and bridle paths • Public transport
5.	Flooding and External Partners <ul style="list-style-type: none"> • Role of Severn Trent & Environment Agency

21. In addition each Overview and Scrutiny Committee/Panel will have items that were part of the 2015/16 work programme that require completion.

22. As well as the items suggested above each Overview and Scrutiny Committee/Panel has standard agenda items that it will include in its activities, these are:

- 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)

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

Lessons Learnt from Consultation Exercise

24. Given the short period of time and low cost of the consultation that has been undertaken the response rate has been encouraging, over 3000 topic suggestions were received.

25. The response level from individual County Councillors has been less encouraging, perhaps a reason for this is confusion over the forum in which they

have been asked for suggestions. Members may have contributed by providing suggestions under the individual Panel discussions or through the Cabinet discussion. They may then have felt that they had contributed and as a result did not complete the request made to Councillors as individual Divisional Councillors.

26. It is therefore noted that more needs to be done in future to increase County Councillor responses to the consultation from a Divisional perspective.
27. The response rate from County Council Officers was also low; this could be down to them not being aware of the online survey and of what Overview and Scrutiny is. It is suggested that OSPB in consultation with the Scrutiny Unit and Communications examines how Council Officers can better be consulted in future.
28. A large number of suggestions were received for functions that fall within the remit of District Councils in Worcestershire; these suggestions will be forwarded to the relevant District Council along with a summary of the exercise that was undertaken by the Overview and Scrutiny Performance Board.
29. It is suggested that the Overview and Scrutiny Performance Board issues a press release that details the following:
 - Summary of the work programme process and results
 - The process that has taken place (scoring etc.)
 - What has happened as a result of the consultation
 - Details on how to get involved in future
 - A thank you.

Deciding upon a Work Programme - Guidance

30. When deciding upon what to include in the various Overview and Scrutiny work programmes Members of OSPB were advised to take into account the criteria scoring that had been assigned to suggestions by the Chairman and Vice-Chairman of OSPB.
31. Similarly OSPB were informed that they may wish to consider the following criteria in identifying issues and topics that are **not** suitable for inclusion in the Work Programme:
 - The issue is already being examined by another body.
 - The matter relates to a specific case falling within the complaints procedure.
 - The issue relates to an individual disciplinary matter or grievance

Contact Points

County Council Contact Points

County Council: 01905 763763

Worcestershire Hub: 01905 765765

Email: worcestershirehub@worcestershire.gov.uk

Specific Contact Points for this report

Richard Udall and Liz Eyre, Chairman and Vice Chairman of Overview and Scrutiny Performance Board

Jodie Townsend, Democratic Governance and Scrutiny Manager, 01905 844871
JTownsend1@worcestershire.gov.uk

Background Papers

In the opinion of the proper officer (in this case the Head of Legal and Democratic Services) the following are the background papers relating to the subject matter of this report:

- OSPB Work Programme Consultation Scoring by Chairman and Vice-Chairman **(Copy available from Scrutiny Unit, copy will be made available on the Council Scrutiny webpages)**
- List of all work programme suggestions received as part of OSPB consultation exercise **(Copy available from Scrutiny Unit, copy will be made available on the Council Scrutiny webpages)**

[All agendas and minutes are available on the Council's website here.](#)

This page is intentionally left blank

COUNCIL
12 MAY 2016**NOTICES OF MOTION**

Notices of Motion Received

1. The Head of Legal and Democratic Services reports that he had received the following three Notices of Motion at the date the agenda papers were published. 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 – Planning Applications relating to fracking

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 Mr P Denham, Mr P M McDonald, Mr C J Bloore and Mr R M Udall:

"This Council believes that local councillors, who are democratically accountable, are the best people to make decisions on contentious planning issues. We welcome the Government's commitment to Localism and note that there is a commitment to allowing local planning authorities to determine wind farm applications.

It therefore appears inconsistent that the Government plans to designate fracking wells as "nationally significant infrastructure projects" which would remove planning decisions on fracking from local authority control, thus denying local residents the ability to express their views on such applications.

We therefore mandate the Chief Executive to write on behalf of this Council to:

Liz Truss, the Environment Secretary;
Amber Rudd, the Energy Secretary; and
Greg Clark, the Communities Secretary

to urge them to reconsider their proposals and to allow planning decisions on fracking to be made by local planning authorities".

Notice of Motion 2 – Government White Paper – Educational Excellence Everywhere

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 Denham, Mr P M McDonald, Mr C J Bloore and Mr R M Udall:

"This Council notes:

The publication of the Government's White Paper, Educational Excellence Everywhere, which:

- dictates that all schools in Worcestershire must adopt the academy model and must do so by 2022
- is projected to cost the people of Worcestershire £5,000 – £15,000 per school transferred
- will remove from parents the right to be represented on the governing body of their child's school
- proposes to leave the Council with duties to schools, parents and children which it will no longer have the power or the money to enact
- Head teachers at all levels have expressed concerns regarding the contents of the White Paper.

Therefore, we ask the Cabinet Member with Responsibility to consider carrying out a consultation exercise with all heads and governors of maintained schools for their views on the current proposals within the White Paper".

Notice of Motion 3 – Asbestos in Council buildings

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, Mr C J Bloore, Mr P Denham and Mr R M Udall:

"This Council have been made aware since November 2015 when the question was asked by Councillor Peter McDonald, Labour Group Leader *"How many buildings owned and those run by the County Council have asbestos in them?"* that there were 160 Academy Schools and an additional 539 buildings.

Since then it has come to light that there are 177 maintained schools in addition to the 160 academies that have asbestos within them putting teachers and students at risk from asbestosis. The Council has done nothing to rid these buildings of what can only be described as a very dangerous substance.

Therefore, we request the Cabinet Member with Responsibility to consider developing and implementing a plan for the removal of all asbestos which ensures that removal is completed as soon as is reasonably practical but certainly no later than 2017".

Contact Points

County Council Contact Points

County Council: 01905 763763

Worcestershire Hub: 01905 765765

Email: worcestershirehub@worcestershire.gov.uk

Specific Contact Points for this report

John Higginbotham, Committee and Appellate Officer

Tel: 01905 846607

Email: 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

COUNCIL
12 MAY 2016**QUESTION TIME**

Question 1 – Hospital bus services

1. Mr G J Vickery will ask the Cabinet Member with Responsibility for Highways and the Cabinet Member with Responsibility for Health and Wellbeing:

“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?”

Question 2 – NHS 5 year Sustainability and Transformation Plan

2. Mr G J Vickery will ask the Cabinet Member with Responsibility for Health and Wellbeing:

"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?"

Question 3 – Council Staff

3. Mr P M McDonald will ask the Cabinet Member with Responsibility for Transformation and Change:

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

Question 4 – Pot holes in roads

4. Mr P M McDonald will ask the Cabinet Member with Responsibility for Highways:

"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?"

Question 5 – Worcestershire Youth Music

5. Mr R C Lunn will ask the Leader of the Council:

"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?"

Question 6 – Redditch Library - opening hours

6. Mr R C Lunn will ask the Cabinet Member with Responsibility for Localism and Communities:

"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?"

Question 7 – Primary School Places

7. Mr P Denham will ask the Cabinet Member with Responsibility for Children and Families:

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

Question 8 – Travel Policy for 16 – 18 year olds

8. Mr P Denham will ask the Cabinet Member with Responsibility for Children and Families:

"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?"

Contact Points

County Council Contact Points

County Council: 01905 763763

Worcestershire Hub: 01905 765765

Email: worcestershirehub@worcestershire.gov.uk

Specific Contact Points for this report

John Higginbotham, Committee and Appellate Officer

Tel: 01905 846607

Email: 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

COUNCIL
12 MAY 2016**REPORTS OF COMMITTEES****(a) SUMMARY OF DECISIONS TAKEN BY THE AUDIT AND GOVERNANCE COMMITTEE**

Retention and Disposal of Records

1. As part of the implementation work for the Information and Records Management Policy, an eLearning module promoting good records management practices was launched in week commencing 29 February 2016. Topics covered in the training included:

- a) the purpose of records management
- b) how to use the Disposal Schedule
- c) how to use the Corporate Fileplan to manage electronic records stored in the network drives
- d) how to use CIMU's physical records service to securely store paper records
- e) hints and tips on how to practically managing records and information, and
- f) where to obtain further advice.

2. The Committee has noted the training now available to all staff on good records management practices.

3. The physical destruction of paper records that are no longer required by the Council continues - the equivalent of 510 boxes have been reviewed and destroyed between September 2015 and January 2016. This work is allowing space to be more effectively managed in order to retain the records that are required to be kept. The Committee has noted the continuing work to ensure the Council is not retaining records it no longer needs to retain whilst keeping the Corporate Memory

4. Work to review the Disposal Schedule has commenced and is being worked through service by service. It is envisaged that the review will be fully complete by the end of the 2016-17 financial year. The Committee has noted the progress made with the review of the Disposal Schedule.

Counter Fraud Report 2015/16

5. The Committee has noted the Counter Fraud Report 2015/16. In administering its responsibilities, Worcestershire County Council takes a zero tolerance stance against fraud, corruption and theft, both from within the Council and from external sources. The Council is committed to an effective anti-fraud and corruption culture, by promoting high ethical standards and encouraging the prevention and detection of fraudulent activities. The Council has a low level of detected fraud when compared

with levels reported nationally. This is due to the focus on having robust controls in place to deter fraud.

6. The report summarises the Council's compliance with best practice and demonstrates its continued commitment to strong counter fraud measures. It is important that the Council maintains its counter fraud response as changes to service delivery continue to evolve. The Committee were informed that in general, the police welcomed the counter fraud work undertaken by the Council because it speeded up the prosecution process.

Internal Audit Progress Report – 1 November to 31 January 2016

7. The Committee has noted the Internal Audit Progress Report for the period 1 November 2015 to 31 January 2016.

External Audit Plan – Worcestershire County Council

8. John Gregory, Director, and Helen Lillington, Audit Manager presented the external audit plan for Worcestershire County Council to the Committee on behalf of Grant Thornton, the Council's external auditor. The Committee has noted the external audit plan for Worcestershire County Council.

External Audit Plan – Pension Fund

9. John Gregory, Director, and Helen Lillington, Audit Manager presented the external audit plan for Worcestershire County Pension Fund to the Committee on behalf of Grant Thornton, the Council's external auditor. The Committee has noted the external audit plan for Worcestershire County Pension Fund.

External Audit Plan – Informing the audit risk assessment for Worcestershire County Council and Pension Fund

10. John Gregory, Director, and Helen Lillington, Audit Manager presented an external audit report - Informing the audit risk assessment for Worcestershire County Council and Pension Fund to the Committee on behalf of Grant Thornton, the Council's external auditor. The Committee has noted the external audit report.

Work Programme

11. The Committee noted its future work programme.

Mr P A Tuthill
Chairman for the meeting

Contact Points

County Council Contact Points

County Council: 01905 763763

Worcestershire Hub: 01905 765765

Email: worcestershirehub@worcestershire.gov.uk

Specific Contact Points for this report

Simon Lewis, Committee Officer

Tel: 01905 846621

Email: slewis@worcestershire.gov.uk

Background Papers

In the opinion of the proper officer (in this case the Head of Legal and Democratic Services) the following are the background papers relating to the subject matter of this report:

Agenda papers for the meeting of the Audit and Governance Committee held on 18 March 2016.

This page is intentionally left blank

COUNCIL
12 MAY 2016**REPORTS OF COMMITTEES****(b) SUMMARY OF DECISIONS TAKEN BY THE PENSIONS COMMITTEE**

LGPS Asset Pooling

1. In the July 2015 Budget, the Chancellor of the Exchequer announced the Government's intention to work with Local Government Pension Scheme administering authorities to ensure that they pool investments to significantly reduce costs while maintaining overall investment performance.
2. Following discussions with local government and the fund management industry over the summer, the Government prepared criteria against which the authorities' proposals for pooling would be assessed. Authorities were asked to develop proposals for pooling assets in line with the timeline detailed below.

The 4 main criteria are:

- Criteria 1: Asset pool(s) that achieve the benefits of scale c. £25bn
 - Criteria 2: Strong governance and decision-making
 - Criteria 3: Reduced costs and excellent value for money
 - Criteria 4: An improved capacity and capability to invest in infrastructure.
3. Strategic asset allocation will remain a local decision for the administering authority and local pension committee. The pool, through the appropriate Governance process that will be defined by the July submission will decide on investment manager appointments and the type and number of sub-funds. Elected members of each Fund will influence how each pool operates.
 4. Worcestershire County Council Pension Fund in collaboration with eight other local authorities under the brand 'LGPS Central' submitted their initial proposals to the Government by 19 February 2016.
 5. By 15 July 2016 Funds must make a final submission which fully addresses the criteria set out above, with enough information for the proposal to be evaluated by Government. Each pool must make a submission which covers the joint proposals and describes the proposed governance, structure and implementation plan. Each authority must submit an individual return which sets out the profile of costs and savings, the transition profile for the assets and the rationale for any assets which it proposes to hold outside the pool.

6. In developing a pooled solution, having a clear view on the legal/governance structure of the pool is critical, as it impacts on how the pool will operate in practice and how each Fund has oversight of the management and governance of the pool. In recognition of the importance of this decision LGPS Central jointly procured legal advice from Eversheds, along with the Borders to Coast pool, to consider the benefits and risks of different governance and operating structures for pooling.

7. Eversheds have advised that there are two main options for pools to consider:

Option 1 - A structure incorporating an FSMA (Financial Services & Markets Act) registered Collective Investment Vehicle (CIV)

Option 2 - A Joint Committee structure - Collective Asset Pool (CAP)

8. Having considered Eversheds' legal opinion with regards to CIV and CAP options, the unanimous view of all participating Funds in LGPS Central is to recommend that the LGPS Central Pool be structured under a regulated CIV structure (Option 1).

9. The Committee has approved the CIV structure (Option 1) as the preferred pool structure and the Chief Financial Officer has been authorised to support the development of the submission of the Pool to Government on that basis.

Pension Investment update

10. The Committee has noted the Independent Financial Adviser's fund performance summary and market background.

11. The Committee has noted the update on the Investment Managers placed 'on watch' by the Pension Investment Advisory Panel, namely JP Morgan – Emerging Markets and JP Morgan - Bonds. Whilst it is recognised that portfolio performance has substantially improved over recent quarters, Nomura will remain to be monitored until a further period of sustained outperformance from both the Japan section of the portfolio as well as the developed Asia ex-Japan section is achieved.

12. Taking into account Capital International's underperformance against the required target over the medium to long-term and the loss of confidence in Capital's investment process, the Pension Investment Advisory Panel made a recommendation to terminate the Capital International mandate. The portfolio assets will be transitioned to the North America section of the LGIM passive equity portfolio pending the forthcoming Strategic Asset Allocation review.

13. The Committee has approved the recommendation from the Pension Investment Advisory Panel to terminate the Capital International mandate with assets transitioned to the North America section of the LGIM passive equity portfolio.

14. In March 2016 contracts were signed with Walton Street (US Property Debt) committing the remaining £27.5m out of the original £200m allocation to Property and Infrastructure. The Committee has noted the update on the appointment of the Walton Street.

Administering Authority – Administration update

15. The Committee has noted the general update from the Administering Authority in relation to Membership, End of Contracting Out/Change to National Insurance Contributions from 6 April 2016, End of Year Requirements, Pension Fund Valuation 2016, the 'Tell Us Once' project, Newsletters, Member Self-Service, and New Employers' Workshop.

Mr R W Banks
Chairman

Contact Points

County Council Contact Points

County Council: 01905 763763

Worcestershire Hub: 01905 765765

Email: worcestershirehub@worcestershire.gov.uk

Specific Contact Points for this report

Simon Lewis, Committee Officer

Tel: 01905 846621

Email: slewis@worcestershire.gov.uk

Background Papers

In the opinion of the proper officer (in this case the Head of Legal and Democratic Services) the following are the background papers relating to the subject matter of this report:

Agenda papers for the meeting of the Pensions Committee held on 27 April 2016.

This page is intentionally left blank

COUNCIL
12 MAY 2016**REPORTS OF COMMITTEES****(c) SUMMARY OF DECISIONS TAKEN BY THE PLANNING
AND REGULATORY COMMITTEE**

Applications

1. The Committee approved the following planning applications subject to detailed conditions:
 - Change of use is required from light industrial to Sui Generis to enable receipt, transfer and temporary storage of asbestos in two sealed, free-standing metal containers pending removal to a licensed waste facility as landfill waste. No treatment of asbestos waste will take place at Ikon Estate, Droitwich Road, Hartlebury
 - Retrospective application for the use of land for external storage purposes ancillary to the existing waste transfer station at Lydstep, Cleeve Road, Middle Littleton, Evesham, Worcestershire
 - Proposed construction of a two-storey science park building together with associated car parking and landscaping to replace the existing Dytechna buildings to form phase five of Malvern Hills Science Park, Geraldine Road, Malvern, Worcestershire.
2. The Committee has refused planning permission for the part-retrospective application for proposed materials recovery plant to process road sweepings and highway drainage clearance material on land at Station House, Saltway, Hanbury, Worcestershire.
3. Following a request from the applicant, the Committee has deferred consideration of the proposed formation of an earth bund on land to the south of B4636 and east of M5 motorway, Spetchley, Worcestershire.
4. Details of the above application can be found in the agenda papers for the Committee meetings held on 9 February and 22 March 2016.

Mr R C Adams
Chairman

Contact Points

County Council Contact Points

County Council: 01905 763763

Worcestershire Hub: 01905 765765

Email: worcestershirehub@worcestershire.gov.uk

Specific Contact Points for this report

Simon Lewis, Committee Officer

Tel: 01905 846621

Email: slewis@worcestershire.gov.uk

Background Papers

In the opinion of the proper officer (in this case the Head of Legal and Democratic Services) the following are the background papers relating to the subject matter of this report:

Agenda papers for the meeting of the Planning and Regulatory Committee held on 9 February and 22 March 2016.

COUNCIL
12 MAY 2016**REPORTS OF COMMITTEES****(d) SUMMARY OF DECISIONS TAKEN BY THE STANDARDS
AND ETHICS COMMITTEE**

Co-option of Independent Member of the Standards and Ethics Committee

1. There were a number of applications received from members of the public interested in the role of Independent Member on the Standards and Ethics Committee. The applications were carefully assessed by the Chairman and Vice-Chairman of the Committee in conjunction with the Head of Legal and Democratic Services and the Committee has confirmed the co-option of Mr Cliff Slade as an Independent Member of the Standards and Ethics Committee.

Guidance for complaints against members – assessment criteria

2. The Council does not receive large numbers of complaints about the conduct of its members. On average the Council receives 1-2 formal member conduct complaints per year. The outcome of those complaints are reported to the Committee. There have been no formal complaints since the last report to Council in July 2015.

3. The previous criteria for assessment of formal complaints were updated and endorsed by the Standards and Ethics Committee on 28 March 2013. They have continued to be used in relation to all formal complaints and appear to the Monitoring Officer to remain valid and balanced.

4. The Committee has considered the need for continued guidance and filtering of complaints that members have breached their Code of Conduct, and authorised the Head of Legal and Democratic Services to continue using the previously adopted assessment criteria.

Conduct of members – Defamation issues

5. The Committee has the role of promoting and maintaining high standards of conduct by County Councillors and assisting them to observe their Code of Conduct through advice or training as needed.

6. The Members' Code of Conduct applies when acting as a member or representative of the Council. This requires members to treat others with respect and also avoid any conduct which brings the office or councillor or the Council into disrepute.

7. A recent national case has underlined the need for members to ensure that comments they make do not breach the Code and are not defamatory.
8. The law has been codified and updated in the Defamation Act 2013. A statement - which has a wide definition and can be either verbal or in writing, and would cover texts and other social media comments - can be considered defamatory if its publication has caused or is likely to cause serious harm to a reputation (serious financial loss if relating to a trading body). There are statutory defences available.
9. A number of councillors across the nation have been found liable to pay damages for making defamatory statements including by using social media.
10. The Committee has agreed that all members of the Council be reminded through this report of the Protocol for the use of Social Media in Formal meetings which is available on the Member Handbook page on the Council's web site.

Standards case law update

11. A recent case relating to Wiltshire Council led to a Planning Committee decision being quashed. The grant of Planning Permission for a Residential Development including affordable housing had to be quashed as it was tainted by 'apparent bias'. One of the Councillors who had voted in favour of the development was a Director of the Housing Association likely to be awarded the contract to provide the affordable housing by the applicant developer.
12. The case is a useful reminder of how participation by Councillors in matters they should steer clear of can invalidate the decision. The case was not about the local Code of Conduct but the administrative law principles of bias, but there is a clear cross-over with Code issues. Although it was not a Disclosable Pecuniary Interest, under the Worcestershire Code, the member would have been required to withdraw. The Committee has noted the recent case law.

Mr S R Peters
Vice-Chairman

Contact Points

County Council Contact Points

County Council: 01905 763763

Worcestershire Hub: 01905 765765

Email: worcestershirehub@worcestershire.gov.uk

Specific Contact Points for this report

Simon Lewis, Committee Officer

Tel: 01905 846621

Email: slewis@worcestershire.gov.uk

Background Papers

In the opinion of the proper officer (in this case the Head of Legal and Democratic Services) the following are the background papers relating to the subject matter of this report:

Agenda papers for the meeting of the Standards and Ethics Committee held on 27 April 2016.

This page is intentionally left blank