

**Council****Thursday, 8 November 2018, County Hall, Worcester - 10.00 am****Present:****Minutes**

Mr B Clayton (Chairman), Mr A A J Adams, Mr R C Adams, Ms P Agar, Mr A T Amos, Mr T Baker-Price, Mr R W Banks, Mr R M Bennett, Mr C J Bloore, Mr G R Brookes, Mrs J A Brunner, Mr P Denham, Ms R L Dent, Mr N Desmond, Mr A Fry, Mr S E Geraghty, Mr P Grove, Mr I D Hardiman, Mr A I Hardman, Mr P B Harrison, Mr M J Hart, Ms P A Hill, Mrs A T Hingley, Mrs L C Hodgson, Dr A J Hopkins, Dr C Hotham, Mr M E Jenkins, Mr A D Kent, Mr R C Lunn, Mr P M McDonald, Mr S J Mackay, Ms K J May, Mr P Middlebrough, Mr A P Miller, Mr R J Morris, Mr J A D O'Donnell, Mrs F M Oborski, Ms T L Onslow, Dr K A Pollock, Mrs J A Potter, Mrs M A Rayner, Mr A C Roberts, Mr C Rogers, Mr J H Smith, Mr A Stafford, Ms C M Stalker, Mr C B Taylor, Mr R P Tomlinson, Mrs E B Tucker, Mr P A Tuthill, Mr R M Udall, Ms R Vale, Ms S A Webb and Mr T A L Wells

**Available papers**

The Members had before them:

- A. The Agenda papers (previously circulated);
- B. 10 questions submitted to the Head of Legal and Democratic Services (previously circulated); and
- C. The Minutes of the meeting held on 13 September 2018 (previously circulated).

**2034 Apologies and Declaration of Interests (Agenda item 1)**

Apologies for absence were received from Mrs E A Eyre, Mr L C R Mallett and Prof J W Raine.

Mrs T L Onslow declared an interest in Agenda item 5 as the Deputy Police and Crime Commissioner.

Mr A D Kent declared an interest in Agenda item 11 – Question 3 as an owner of an electric car.

Mr P Grove declared an interest in Agenda item 5 as a Police and Crime Commissioner Ambassador.

Mr S M Mackay declared an interest in Agenda item 5 as

		Chairman of the West Mercia Police and Crime Panel.
		Dr K A Pollock declared an interest in Agenda item 7 as a Director of West Midlands Rail Ltd.
<b>2035</b>	<b>Public Participation (Agenda item 2)</b>	None.
<b>2036</b>	<b>Minutes (Agenda item 3)</b>	<b>RESOLVED</b> that the Minutes of the meeting held on 13 September 2018 be confirmed as a correct record and signed by the Chairman.
<b>2037</b>	<b>Chairman's Announcements (Agenda item 4)</b>	Noted.
<b>2038</b>	<b>Visit of the West Mercia Police and Crime Commissioner (Agenda item 5)</b>	<p>The Chairman welcomed Mr John Campion, the West Mercia Police and Crime Commissioner, to the meeting. The Chairman also welcomed and introduced Mr Anthony Bangham, the Chief Constable of West Mercia Police.</p> <p>Both the Police and Crime Commissioner and the Chief Constable gave a brief presentation of their respective roles, their vision for the future and the current state of policing in Worcestershire. The Police and Crime Commissioner and the Chief Constable then answered a wide range of questions posed by members.</p> <p>The Chairman thanked Mr Campion and Mr Bangham for their attendance.</p>
<b>2039</b>	<b>Fire and Rescue Authority (Agenda item 6)</b>	The Chairman welcomed Mr John Hodges, the Deputy Chief Fire Officer, to the meeting. The Vice-Chairman of the Hereford and Worcester Fire and Rescue Authority, Mr P A Tuthill, presented his report to the Council and he and Mr Hodges answered questions asked by members of the Council.
<b>2040</b>	<b>Reports of Cabinet - Matters which require a decision by Council - A38 Bromsgrove Major Scheme -</b>	<p>The Council considered the addition of the A38 Bromsgrove Major Scheme to the Capital Programme.</p> <p>In the ensuing debate, the following principal points were raised:</p> <ul style="list-style-type: none"> <li>• The Leader of the Council introduced the report. He indicated that it was proposed to add £6.3m to the capital programme to enable package 1 of the A38 Bromsgrove Major Works Scheme to</li> </ul>

**Package 1  
(Agenda item 7  
(a))**

proceed which included work on 2 key motorway junctions. There were 5 packages overall totalling over £40m, of which the Worcestershire LEP had secured £7.5m funding (£1.5m for package 1)

- It was recognised that there was much work to be done in particular to improve access to the A38 however this Scheme was the first stage towards the improvement of the road infrastructure in Bromsgrove
- Although these minor changes were welcomed, a member expressed concern that this proposal did not in any way meet the economic and housing growth needs of Bromsgrove which required a sustainable and fit for purpose road network. The creation of a western bypass and changes to the motorway network were the only way to meet these needs. In response the Leader responded that this was the first of five packages and the Council needed to be realistic and proportionate about its impact on the islands on the motorway junctions however it would improve traffic flow and make them as efficient as possible. The A38 had been named as a major route network road by the Government which could open up opportunities for bids for significant sums of money to support the other packages in the scheme
- Concern was expressed that this urgent scheme would be delayed due to a lack of certainty about funding. The Leader commented that to overcome this concern, the Council would be using cashflow to fund the initial payment of £1.3m until the planned funding sources became available, to enable the works to proceed in a timely fashion. There were risks associated with this approach but not to do so could put other sources of funding at risk
- The ability of traffic to access the A38 itself was the main highways issue affecting Bromsgrove and no suitable proposals had been put forward to address this issue. An assurance was required from the Cabinet Member for Economy and Infrastructure and the Leader that meetings, as and when necessary, would be arranged with officers at the highest level possible to discuss the highways issues for Bromsgrove
- This scheme was the first phase of the plans for the economic development of Bromsgrove
- The Leader recognised the concerns about tackling congestion in Bromsgrove but emphasised that a partnership approach was

necessary to weave together alternative means of funding to move this proposed package of changes forward to resolve this issue.

**RESOLVED** that the addition of £6.3m to the Capital Programme for the A38 Bromsgrove Major Scheme - Package 1 be approved on the understanding that this is fully funded by external funding sources, namely Greater Birmingham and Solihull Local Enterprise Partnership, Highways England's Growth and Housing Fund and developer contributions through Section 106 contributions, with the Worcestershire Local Enterprise Partnership contribution of £1.3m having already been included in the approved Capital Programme.

**2041 Reports of Cabinet - Matters which require a decision by Council - Capital Programme (Agenda item 7 (a))**

The Council considered the updated Capital Programme.

In the ensuing debate, the following principal points were raised:

- The Leader introduced the report. The proposals included the addition of £2.25m to the capital programme for a series of capitalisation measures as part of the proposals to ease pressure on the revenue budget. It also included monies for Kidderminster Town Centre, Kidderminster Railway Station, flood resilience and the pothole challenge. The Council had been able to move schemes forward as a result of a successful bid for ERDF funding. The report also set out how the Council would deploy its Highway Infrastructure Improvement Fund
- The capital programme for 2018/19 amounted to £153m. The Government's additional funding for potholes and flood mitigation measures was welcomed
- The additional funding in the capital programme demonstrated excellent partnership working between the County Council as a strategic highway authority and its partner district councils to secure funding from the GBSLEP for an overall public realm regeneration project in the heart of Kidderminster. The Leader acknowledged the importance of this partnership working which had enabled an extra £750k funding to be brought in
- In response to a concern about the impact on neighbouring roads of the lack of parking provision at Kidderminster Railway Station, the Cabinet Member for Economy and Infrastructure (as Director of West Midlands Rail Ltd) undertook to

press West Midlands Trains to fulfil their promise to increase the car parking capacity at Kidderminster Railway Station. The Leader added that it was also important to provide adequate public transport to the station

- It was queried whether the Council was on track to be able to fund the projected 10% of the capital programme through the use of capital receipts. The Leader of the Council was confident that the capital programme was affordable. The Council tended to fund capital schemes up front which meant that any slippage would be affordable
- The Leader undertook to provide a written response to a query as to how the Council expected to receive £129k back for the Parkside Redevelopment
- The Leader offered to attend divisional visits as and when requested by members.

**RESOLVED that the updated Capital Programme in the attached Appendix to the report be approved, including the capitalisation of items under the additional saving proposals totalling £2.250 million.**

**2042 Reports of Committee - Summary of decisions taken (Agenda item 7 (b))**

The Leader of the Council reported the following topics and questions were answered on them:

- Worcestershire Safeguarding Children Board Annual Report 2017/18
- Children at the Edge of Care and Children's Homes
- Libraries Re-modelling
- Future Use of The Grange, Kidderminster
- Meeting the requirements of the Code of Practice for Well-Managed Highway Infrastructure
- Balanced Scorecard Performance and Corporate Risk Update
- Resources Report.

**2043 Overview and Scrutiny Work Programme 2018/19 (Agenda item 8)**

Council considered the Overview and Scrutiny Work Programme 2018/19. The details were set out in the report.

In the ensuing debate, the following principal points were raised:

- The Chairman of the OSPB indicated that there was now a standing item for representatives of the LEP to attend. Performance budget monitoring had been included in the programme and he

emphasised the importance of scrutinising the budget throughout the year particularly given the importance of forthcoming budget decisions. Panel meetings needed to be less lengthy and more focused on the necessary follow-up work. He had been impressed with the work of the task groups, particularly on short-breaks and the ongoing bus scrutiny. The scrutiny structure needed reviewing so that it was able to respond a fast-moving Council. He hoped that the programme met members' needs but any proposed changes during the year could be facilitated wherever possible

- This work programme could only be delivered with the appropriate resources and structures in place
- The work of the small team of scrutiny officers was commended. The Chairman of the OSPB responded that it was important to find the necessary resource to fund staffing to allow the scrutiny process to work effectively
- Was there any merit in amending the Constitution to allow Panel Vice-Chairmen to attend OSPB and speak as substitute for the Panel Chairman?
- The OSPB Chairman was thanked for his work over the last year
- All members were encouraged to take part in the scrutiny function rather than relying on the regular attendees
- In response to a request, the Chairman of the OSPB undertook to add the continuing Bus Scrutiny to the work programme to enable further monitoring
- Consideration should be given to the provision of support to young people leaving care to help them to understand the universal credit system because the training from the DWP was insufficient and there was a danger that young people were being left destitute.
- It was important that the structure of the scrutiny function allowed the outcomes expected by the public to be achieved. There was a concern that the existing system was being used to satisfy members' curiosity
- Was there an example where scrutiny had had a profound effect on service delivery over the last 12 months? The Chairman of the OSPB argued that the focused work of task groups had had the most effective impact, in particular the work of short breaks task group.

**2044 Notices of Motion - Notice of Motion 1 - Carbon Emissions (Agenda item 9)**

**RESOLVED that the 2018/19 Scrutiny Work Programme be endorsed.**

The Council had before it a Notice of Motion set out in the agenda papers standing in the names of Mrs E B Tucker, Prof J W Raine, Mrs F M Oborski and Mr M E Jenkins.

The motion was moved by Mr M E Jenkins and seconded by Mrs F M Oborski who both spoke in favour of it, and Council agreed to deal with it on the day.

Those in favour of the motion made the following comments:

- The IPCC had warned that the world was at a tipping point in terms of the impact of climate change and the WWF had reported its impact on the loss of biodiversity. If nothing were done now, there would be a devastating impact on eco-systems. Collective action was needed by communities and councils now. The Government response and targets had been inadequate. The proposals in this motion would keep the threat of climate change constantly in the Council's sight
- The form that the proposed carbon scrutiny committee would take was open for discussion but it must be a permanent committee
- Tackling climate change was an opportunity and a source of income generation, for example through renewable energy, although more work needed to be done in this area. The aim of the motion was raise the profile of climate change throughout the Council and provide a political focus for action
- Rejection of the motion implied that the Council did not require any more ideas or leadership on climate change and would represent a missed opportunity. This motion would allow members to take ownership of the issue and provoke ideas for change
- Even if doubts about the impact of climate change were accepted, it did not mean that it was not sensible to take precautions to prevent it
- To counter concerns about the impact of the additional carbon footprint created by the proposals in this motion, meetings could be held via a conference call
- The work already being undertaken by the Council was welcomed but it was not being effectively communicated to members

- It appeared that motions were being rejected by the administration on the basis that a small part of the motion was unacceptable. In these circumstances, the administration should propose an amendment to ensure that the aspects that were not contentious were adopted. This would encourage cross-party engagement and member involvement
- It was alarming that two Cabinet Members with key responsibilities that impacted on the environment had such differing views on climate change
- At the current rate the Council would not reach the carbon neutral target by 2040.

Those against the motion made the following comments:

- The Cabinet Member for Environment commented that the Council had led on numerous low carbon opportunity programmes to reduce the county's carbon emissions. A 24% reduction in carbon emissions had been achieved under the Council's Energy and Carbon Management Plan. The Council had reached its 2021 target to reduce emissions from Council owned estates by 20% within 2 years
- Energy efficiency measures installed by the Council since 2011 had reduced energy costs by £400k per annum. 200 small businesses had reduced carbon emissions saving 2,000 tonnes of CO2. 5,000 households had been helped by Warmer Worcestershire to install energy efficient boilers Officers had been employed to monitor energy efficiency and a relevant scrutiny panel had been established. On the basis of the actions already being taken and the environmental impact of the additional work involved, the motion could not be supported
- The alarm expressed about the implications of climate change had been over-stated and the motion was contrary to the policies that the Council should be promoting
- There was no standard accepted view on climate change and members from all parties had different views on the subject
- Consideration had been given by the administration to amending the motion but because parts of it were already being done and other aspects were not agreed with, any amendment would have neutralised it.

**2045 Notices of Motion - Notice of Motion 2 - Adult Social Care Services (Agenda item 9)**

**The motion was lost.**

The Council had before it a Notice of Motion set out in the agenda papers standing in the names of Mr R C Lunn, Mr P M McDonald, Mr P Denham, Ms C M Stalker, Mr C J Bloore, Mr L C R Mallett, Ms P A Hill, and Ms P Agar.

The motion was moved by Mr R C Lunn and seconded by Mr A Fry who both spoke in favour of it, and Council agreed to deal with it on the day.

Those in favour of the motion made the following comments:

- The funding issues related to Adult Social Care could not be solved from within the Council's funding streams without the help of the additional funding from the Government. Unless other forms of funding were sought, there was a danger that the Council would become a social care council. The Government had not produced a Green Paper or any proposals to fund Adult Social Care. It was also a failure of financial services companies to design products/solutions to enable long term planning
- The aim of this motion was to enable the Council to come up with a plan to fund Adult Social Care up to 2021 and to provide for a framework for the next budget. It was noted that a report was going to Cabinet on this matter but no reference had been made in that report to member involvement
- People were living longer and healthier lives but as a result needed more care as they became more fragile. It was clear that this Council and society in general was not addressing this issue. The money from this Government and preceding Governments had not been forthcoming and this Government should be lobbied accordingly
- There was no reason to refuse the motion given that everything in it would be approved by Cabinet next week
- An assurance would be welcomed that ideas on Adult Social Care would be sought from all councillors.

Those against the motion made the following comments:

- The Cabinet Member for Adult Social Care commented that although it was recognised that a national framework set out in the Green Paper

**2046 Notices of Motion - Notice of Motion 3 - School Library Service (Agenda item 9)**

was necessary, on a local level, the Council was taking action and producing a business plan for the next 3 years. The problem was complex and multi-layered. The plan focused on the Council meeting eligible needs under the Care Act, preventing, reducing and delaying the need for care, engaging with the market to establish need and increasing the number of people who stayed in their homes. The Plan included a Market Position Statement, a demand and capacity plan and a review of all existing policies including transport and charging. The Plan would be considered by Council as part of the normal democratic process. He could not support the motion because the Council was already fulfilling the requirements of the motion with the exception of the request for a Council debate

- Members of the Council were already receiving information on Adult Social Care through the scrutiny process.

**The motion was lost.**

The Council had before it a Notice of Motion set out in the agenda papers standing in the names of Mr R C Lunn, Mr C J Bloore, Ms C M Stalker, Mr P Denham, Mr P M McDonald, Ms P A Hill, Mr R M Udall, and Ms P Agar.

The motion was moved by Mr C J Bloore and seconded by Mr P M McDonald who both spoke in favour of it, and Council agreed to deal with it on the day.

Those in favour of the motion made the following comments:

- Officers were thanked for stopping the decommissioning process on a temporary basis to allow this motion to proceed. The school library service was the only available access point to books for some children. The number of users might suggest a service in decline but the service provided did not meet the needs of the customer at an increased cost. The Council should have changed the service years ago to meet these needs
- The delegation to the Cabinet Member for Communities to make this decision was inappropriate and prevented adequate scrutiny. Other Councils in the country were able to provide the service and sell it to neighbouring councils and

there was no reason why this Council could not use its business acumen to build this service and make it profitable

- Libraries provided education and knowledge to all ages and were the cornerstone of the local community, reflecting its diversity, character, needs and expectations. The social benefits were clear including the prevention of loneliness. The administration were more interested in selling off assets than in educating children and the well-being of the local community
- It was queried why this service had not been included in the wider library consultation. If it had been, this motion would have been unnecessary
- The school library service was suffering a death by a thousand cuts
- Given the neglect of the service and its increased cost, it was no surprise that the take up rate was low. The Council had not asked the people if they valued the service but instead asked schools who were operating in a pressured financial environment whether they could afford to fund the service from their existing budgets.

Those against the motion made the following comments:

- The Cabinet Member for Communities commented that the decision to close the school library service had not been taken lightly but was based on the steady decline in its use which had resulted in it operating at a loss. The less the service was used by schools, the more the cost increased. Despite surveys of schools and promotion of the service, there remained insufficient demand for it and it was decided that the service was no longer financially viable and would have to close. Instead, schools had been encouraged to work with their local libraries. Stock would be offered for schools to purchase
- The Council had looked at the way other councils had provided the service eg Essex County Council but found that their model was not appropriate for this Council. Babcock Prime had not expressed an interest in providing the service. Offers of any sort to provide the service would be considered. However, schools were now looking to invest in books in a different way and this motion went against the wishes of the majority of schools
- Unfortunately it was now too late to save this service. The important thing was to ensure that children had access to books and this should be

- the focus of the Council's efforts in the future
- The Corporate and Communities Overview and Scrutiny Panel had considered this proposal and concluded that the service lacked a customer base and therefore did not support the continuation of the service in its present form
  - The service had been a very valuable service but had failed to adapt or respond to the needs of its customers
  - The Cabinet Member for Education and Skills commented that the issue of the school library service had not been raised as an issue with him on visits to schools. The service was no longer used or respected as it once was. Members had the ability to support the provision of books to schools through their divisional fund
  - To invest £90k and improve the marketing in the short term would not solve the issues facing the service and could increase cost pressures elsewhere.

**On a named vote, the motion was lost.**

Those voting in favour were:

Ms P Agar, Mr C J Bloore, Mr P Denham, Mr A Fry, Ms P A Hill, Mr M E Jenkins, Mr R C Lunn, Mr P M McDonald, Ms C M Stalker, Mr R M Udall (10)

Those voting against were:

Mr B Clayton, Mr A A J Adams, Mr R C Adams, Mr A T Amos, Mr T Baker-Price, Mr R W Banks, Mr R M Bennett, Mr G R Brookes, Ms R L Dent, Mr N Desmond, Mr S E Geraghty, Mr P Grove, Mr A I Hardman, Mr P B Harrison, Mr M J Hart, Mrs A T Hingley, Mrs L C Hodgson, Dr A J Hopkins, Mr A D Kent, Mr S M Mackay, Ms K J May, Mr P Middlebrough, Mr A P Miller, Mr R J Morris, Ms T L Onslow, Dr K A Pollock, Mrs J A Potter, Mr A C Roberts, Mr C Rogers, Mr A Stafford, Mr C B Taylor, Mr R P Tomlinson, Mrs E B Tucker, Mr P A Tuthill, Ms R Vale, Ms S A Webb. (36)

Those abstaining were:

Dr C Hotham, Mrs F M Oborski, Mrs M A Rayner. (3)

**2047 Notices of Motion - Notice of Motion 4 -**

The Council had before it a Notice of Motion set out in the agenda papers standing in the names of Mr P M McDonald, Mr R C Lunn, Ms P A Hill, Mr L C R Mallett, Mr C J Bloore, Ms C M Stalker, Mr P Denham, and Ms P

## Zero Hours Contracts (Agenda item 9)

Agar.

The motion was moved by Mr P M McDonald and seconded by Ms C M Stalker who both spoke in favour of it, and Council agreed to deal with it on the day.

Those in favour of the motion made the following comments:

- This Council had moved from being a model employer to one practising some of the worst terms and conditions in the country. Zero hour contracts were an unreliable form of employment at best and exploiting the workforce at worst. They left employees with little stability or security and open to exploitation. There was no clear guarantee of a working pattern or future income for staff on these contracts which lead to increased stress and anxiety. Employers bore no risk without the need to provide sickness or holiday pay. The Council argued it provided flexibility to the worker but in reality it had a negative financial and emotional impact
- For the Council to claim to be world-class, it needed to be beyond reproach in its employee relations and not use zero hours contracts
- Some staff, particularly the most vulnerable, had very little option in the current market place but to accept zero hours contracts which left them open to exploitation. It was notable that unionised workforces tended to have the best terms and conditions.

Those against the motion made the following comments:

- The Cabinet Member for Transformation and Change commented that the Council used a variation of contract types including casual contacts. Casual workers undertook an essential role in terms of emergency cover and to provide service continuity, particularly for short term sick leave in residential and social care frontline services. The Council was not obliged to provide casual workers with minimum hours and the worker had a choice to take the work or not or take work elsewhere. Many employees preferred these contracts because of the higher rates available to cover the non-payment of sick and holiday leave
- The Council was a model employer and staff had some of the best terms and conditions in

Worcestershire. It was right to offer staff a range of different job options to reflect the modern job market

- People used zero hours contracts to boost their income in addition to their existing commitments and contracts.

**On a named vote, the motion was lost.**

Those voting in favour were:

Ms P Agar, Mr C J Bloore, Mr P Denham, Ms P A Hill. Dr C Hotham, Mr R C Lunn, Mr P M McDonald, Mrs M A Rayner, Ms C M Stalker, Mr R M Udall (10)

Those voting against were:

Mr B Clayton, Mr A A J Adams, Mr R C Adams, Mr A T Amos, Mr T Baker-Price, Mr R W Banks, Mr R M Bennett, Mr G R Brookes, Mrs J A Brunner, Ms R L Dent, Mr N Desmond, Mr S E Geraghty, Mr A I Hardman, Mr P B Harrison, Mr M J Hart, Mrs A T Hingley, Mrs L C Hodgson, Dr A J Hopkins, Mr A D Kent, Mr S M Mackay, Ms K J May, Mr P Middlebrough, Mr A P Miller, Mr R J Morris, Ms T L Onslow, Dr K A Pollock, Mrs J A Potter, Mr A C Roberts, Mr C Rogers, Mr A Stafford, Mr C B Taylor, Mr R P Tomlinson, Ms R Vale, Ms S A Webb. (34)

Those abstaining were:

Mr M E Jenkins, Mrs F M Oborski, Mrs E B Tucker. (3)

**2048 Notices of Motion - Notice of Motion 5 - Worcestershire Children First (Agenda item 9)**

There was insufficient time to consider this motion within the allotted 90 minute time limit for the consideration of Notices of Motion.

**2049 Annual State of the County report of the Leader of the Council (Agenda item 10)**

The Leader of the Council presented his report which concerned a number of overarching issues:

- Open for Business
- Environment
- Children and Families
- Health and Wellbeing
- Our Financial Challenge
- Council of the Future

- Our Communities.

The Leader answered questions about his report which included the following topics:

- Adult Social Care funding
- The earnings gap with Warwickshire County Council
- The setting of the tipping charge per tonne of trade waste
- Waste recycling rates
- Burning of plastics
- Review of the bus network
- Recruitment of social workers
- Monitoring of independent living
- Financial pressures and the possibility of introducing unitary status for Worcestershire
- The Adult Social Care Precept
- The percentage of the budget spent on Children and Adult Social Care
- Investment in Assistive Technology
- One Worcestershire
- Alternative ways of raising revenue
- Discussion of the reimagining of the Council at full Council
- The commissioning Model.

**2050 Question Time  
(Agenda item  
11)**

Ten questions had been received by the Head of Legal and Democratic Services and had been circulated in advance of the meeting. Question 5 was withdrawn at the meeting. A written answer was promised for Question 8. The answers to all the questions asked are attached in the Appendix.

**2051 Reports of  
Committees -  
Audit and  
Governance  
Committee  
(Agenda item 12  
(a))**

The Council received the report of the Audit and Governance Committee containing a summary of the decisions taken.

**2052 Reports of  
Committees -  
Pensions  
Committee  
(Agenda item 12**

The Council received the report of the Pensions Committee containing a summary of the decisions taken.

	(b))	
2053	<b>Reports of Committees - Planning and Regulatory Committee (Agenda item 12 (c))</b>	The Council received the report of the Planning and Regulatory Committee containing a summary of the decisions taken.
2054	<b>Reports of Committees - Standards and Ethics Committee (Agenda item 12 (d))</b>	The Council received the report of the Standards and Ethics Committee containing a summary of the decisions taken.
2055	<b>Reports of Committees - Waste Credit Governance Committee (Agenda item 12 (e))</b>	The Council received the report of the Waste Credit Governance Committee containing a summary of the decisions taken.

The meeting was adjourned from 1.00pm to 1.45pm and ended at 4.25pm.

Chairman .....

### **COUNCIL 8 NOVEMBER 2018 - AGENDA ITEM 11 – QUESTION TIME**

**Questions and written responses provided below apart from Question 5 which was withdrawn and Question 8 which was not answered on the day.**

**QUESTION 1** – Mr P Middlebrough will ask Alan Amos:

*"During the last two years could the Cabinet Member inform the Council what is the cost of repairing damage to County Council signs caused by rotary flail hedge cutters? Would the Council consider working with contractors on a code of practice? In the event that damage continues, will the Council seek recompense from contractors who are responsible?"*

**Answer**

I thank Cllr Middlebrough for his question and commend him for his hard work in pursuing his constituents' interests.

Unfortunately, we do not separate out the costs of different types of damage that occur to County Council signs, so we cannot provide detail on damage by flail hedge cutting. However, we will in future look to identify specific costs for this and other key types of damage separately. I would add that most hedge cutting that takes place adjacent to the highway is completed by landowners who have a responsibility to ensure their hedges do not cause any issues on the highway. The County Council does do some hedge cutting where, for example it is necessary to clear highways safety signing.

I like Cllr Middlebrough's suggestion of a Code of Practice and I do believe that developing a Code of Practice jointly with landowners, other parties and the County Council in relation to this issue would be a positive step forward so I will take this up with our Highways Officers. Certainly, we will seek to secure recompense from all offenders who damage our highways signage where we are able to secure adequate evidence to effect this.

**Supplementary question**

The Cabinet Member for Highways agreed with the assertion that the Parish Lengthman Scheme was a good example of partnership working and he would encourage its expansion whenever and wherever possible.

**QUESTION 2** – Mr R J Morris will ask Alan Amos:

*"I thank the Cabinet Member for Highways taking time to visit me in Droitwich West to see some of my concerns regarding highways issues and for taking these on board and working with his team. Could the member please update us with regards to work on Westlands Roundabout which he knows is an area where pedestrians often take dangerous risks crossing?"*

**Answer**

I thank Cllr Morris for his question and commend him for his work looking after the safety of his constituents and raising their concerns direct with me.

From my recent site visit, I am aware of the two primary crossings along this section of the A38. I am delighted to confirm that plans for the 'northern' crossing are well advanced, and that this crossing will be receiving the following improvements:

- Installation of tactile paving to assist crossing this location alongside 'look left', and 'look right' markings
- Existing signs are to be changed to an 'exclamation' warning sign with a 'Pedestrians crossing' sub-plate on yellow backing and
- Relocation of the lit 'no entry sign' to provide better visibility to and of waiting pedestrians

These works will be completed by the end of this financial year. In addition, vegetation will be cut back on the approach to this crossing; and we will also be doing the retracing of the 'SLOW' markings approaching the roundabout (northbound) and the lane/destination markings on the roundabout near to the southbound exit.

We are continuing to investigate other improvements to the 'southern' crossing point. It is hoped that proposals for minor but worthwhile interventions can be presented to relevant Cllrs by the end of this calendar year.

I would add that the A38 is included as part of the Department for Transport's new Major Road Network (MRN) from 2020 and, therefore, any funding for larger-scale improvement schemes could be developed and funded via this route, subject to the relevant business case. I expect more detail of the MRN to emerge in the coming months.

#### Supplementary question

In response to a request, the Cabinet Member for Highways agreed to look into the possibility of providing lighting on the Westlands Roundabout and continue to seek to find a long term solution to the issues experienced at the Roundabout

#### **QUESTION 3** – Mr A D Kent will ask Alan Amos:

*"Could I ask the Cabinet Member with Responsibility for Highways, in light of the clear push by car manufacturers to move to electric vehicle production imminently, what steps are being taken to look at providing for on street electric charging points attached to our network of lamp posts to assist both residents and commercial users?"*

#### **Answer**

I thank Cllr Kent for his question and the strong interest he shows in highways matters.

While Worcestershire currently doesn't have on-street EV charging facilities, the County is relatively well provided with a growing number of public off-street charging facilities at locations across the county where users of electric vehicles can charge. This includes a number of rapid charge points where it is possible to charge in about 1/2hour. An interactive map is available online, which provides details of this growing network of facilities. Worcestershire County Council also promotes the provision of charging points within all new developments in its Streetscape Design Guide.

At present, the UK Government is offering a limited amount of capital funding to local authorities on a first come first served basis. This provides up to 75% to fund the costs of installation of on-street charging infrastructure in residential areas where there is no off-street parking. The scheme is intended for the County to facilitate charging provision for individuals or groups of residents who apply for funding. However there are obvious limitations to this scheme, namely there is no revenue funding available from Government to cover the maintenance and insurance costs that the provision of these additional infrastructure assets will incur.

The County Council does not have a statutory duty to provide such infrastructure, nor the available funding for a significant roll-out programme and so we are not in a position to provide on-street electric charging points for vehicles at the present time. The technology is developing quickly, but there are significant challenges to the industry about the utility

network ability to support rapid charging, and the impact of new infrastructure on the footway.

So, the central issues include:

1) the ability of the utility companies and the power network grid to supply the charging points countywide;

2) the considerable problem of congestion. I understand that it is not so much of a problem with the 16 amp charging points but the fact that the vehicles would need to be there for around 4 hours. Just as we're working hard to reduce and remove congestion on our roads and streets, we cannot at the same time countenance introducing any measures which will create new or add to existing congestion on roads which are built for moving vehicles, not for car parks. So the future will be for off-street re-charging provision for EVs just as we have off-street re-fuelling provision for fuelled vehicles, and that applies to whether we have fixed or flexible charging posts. The larger cabinets for the fast chargers would be an unacceptable intrusion onto most if not all footways.

3) And this relates to the growth in demand for EVs. From 9th November 2018, plug-in hybrid grants will be scrapped, and grants towards all-electric cars will be significantly reduced. So we need to have a realistic assumption and calculation about the increase in demand for electric vehicles if they are to be sold at nearer to their actual economic cost, not to mention the still limited range for most batteries. Those 2 factors may both improve over time but they will ultimately determine the number of these vehicles around.

However, I do recognise that provision of on-street charging facilities will be an issue for residents where off-street parking is not available.

Officers will continue to monitor this emerging and dynamic market, particularly the role market investors may play as take-up of electric vehicles becomes clearer.

#### Supplementary question

In response to a request, the Cabinet Member for Highways agreed to arrange a meeting with Adam Kent and the Cabinet Member for Environment to look at the potential commercial benefits and needs of electric vehicles. He would also continue to monitor the emerging and dynamic market for electric vehicles.

#### **QUESTION 4** – Mr P M McDonald will ask Karen May:

*"Would the Cabinet Member for Transformation and Commissioning please inform me how many non-disclosure agreements have been entered into over the last two years?"*

#### **Answer**

I would like to thank Cllr McDonald for his question. With reference to 'Non-Disclosure Agreements' (NDA) it is important to highlight that this can have different meanings. An NDA sets out terms by which one or more parties agree not to disclose confidential information that they have shared with each other as a necessary part of doing business together and can cover commercial or staffing matters.

The Council does not routinely use NDAs for employees in relation to commercial matters and there are none on record for the last two years. In the context of staffing matters we do from time to time use Settlement Agreements (a type of NDA) which relate to where the employer and employee seek to reach a mutual agreement on the terms of an exit from the business. In the last two years, we have agreed 5 settlement agreements.

#### Supplementary question

The Cabinet Member for Transformation and Commissioning did not agree with the assertion that NDAs were not open and transparent arrangements. She added that they represented a mutually agreed settlement arrangement which included a non-derogatory statement clause to allow a clean break for both sides.

#### **QUESTION 5** – Question withdrawn

#### **QUESTION 6** – Mrs F M Oborski will ask Tony Miller:

*"With an increasing number of countries refusing to accept plastic recyclables can the Cabinet Member tell me what implications this may have for disposal of plastic recycled across the county?"*

#### **Answer**

I thank Mrs Oborski for her question

Over the last twelve months, there has been a significant 'shake up' in the market place for recycled plastics. China, one of the main importers of plastics for recycling, tightened up their specifications for acceptable material. This has meant that alternative markets for the recycling of plastics have opened up in countries such as Poland, Turkey and Malaysia. At the same time there have been a number of reported incidents of waste being exported as plastic for recycling, particularly in relation to waste exported to Poland. All of this has put pressure on the lower grade recyclable plastics market for 'pots, tubs and trays'.

Our Waste Management Service Contract, places the price and disposal risk with our contractor and they are currently advising us that all the plastic waste placed in the green recycling bins by our residents is being sorted and sent for recycling. They also confirm that based on their recent experience the market for the lower grade mixed recyclable plastics is under pressure and they are currently paying for this material to be sent for recycling. However, the market for plastic bottles still remains relatively strong. I can also confirm that in 2017, more than 5,000 tonnes of plastic from our residents was sent for recycling and I expect the figure for 2018 to very similar.

#### Supplementary question

Could district councils be encouraged to make residents more aware of those plastics that could or could not be recycled? The Cabinet Member for Environment responded that a generic approach to recycling had been adopted by all district councils. The 'Let's Waste Less' website contained all the necessary information for residents and a leaflet would be sent out shortly.

#### **QUESTION 7** – Mr R M Udall will ask Lucy Hodgson:

*"Can the Cabinet Member confirm what enforcement action Trading Standards have taken this year to control the illegal sale and storage of fireworks?"*

#### **Answer**

I thank Mr Udall for his question

The County Council is the Licensing authority for the storage of explosives and each year around 120 premises are licensed to sell fireworks for the limited periods around Bonfire Night and the New Year. A handful of premises have licenses to sell fireworks all year round. These are generally owned by qualified pyro-technicians who have a greater understanding of the risks.

The Trading Standards service does not visit licensed premises without a reason. This is in line with government policy on de-regulation and limiting the burdens of business.

The Trading Standards Service has strong intelligence links with both West Mercia Police and Hereford and Worcester Fire and Rescue and the organisations share intelligence from members of the public on issues such as:

- Perceived risk in storage methods
- Underage sales, and
- Firework misuse.

Where the intelligence picture suggests an issue either in a particular area or with a particular outlet, multi-agency joint visits can be organised quickly to tackle any issues around storage and warnings are given regarding sales to minors. Individual complaints about poor storage practices will be responded to directly due to the potential risks to the public and neighbouring properties. Most of these are dealt with through advice and warnings.

This will be the first year where fireworks manufactured to the old British Standard (BS7114), can no longer be sold. A period of grace of seven years has been allowed to ensure these were sold out through the supply chain, although a few weeks ago one shop owner was asked to remove some from sale (and did so immediately). These fireworks are safe to use but they can no longer be retailed legitimately.

So far there have been no reports of larger, display type fireworks ending up in the wrong hands and no complaints of sales to minors. Trading Standards will continue to monitor the intelligence picture and respond where necessary.

#### Supplementary question

In response to a request to back a campaign to restrict the licensing of fireworks to professional and organised displays, the Cabinet Member for Communities explained that the Council's statutory duties were restricted to ensuring the safety of the product, its safe storage and the prevention of sale to minors.

#### **QUESTION 8** – Mr R J Morris will ask Ken Pollock:

*"I thank the Cabinet Member for the Economy and Infrastructure for taking time to visit Droitwich West ward with me and look at some of the issues which exist. One of these was with the commuter parking around the residential areas by Droitwich Railway station. Could the member please update us on when Droitwich Railway station will be reviewed and if parking matters will be included in this?"*

#### **Answer**

I can confirm that Droitwich railway station, as the 6th busiest station in the county with over 560,000 annual passengers using the station, is one of the stations we have ambitions for, especially in terms of parking and accessibility. As you are aware, increasing car park capacity is a key component of the Worcestershire Rail Investment Strategy and additionally Droitwich Station is specifically mentioned in the LTP4 (Scheme ID D7 on page 45). We will continue to monitor opportunities as they come forward.

In addition, the Department for Transport launched its Inclusive Transport Strategy which will improve accessibility across all types of travel for those with both visible and less visible disabilities. As part of this, the government will put up to £300 million of funding into extending the Access for All programme, making railway stations more accessible, including through step-free access. Droitwich is one of the stations that we will put forward for funding.

**QUESTION 9** – Mr P M McDonald will ask Marcus Hart:

*"Would the Cabinet Member for Education and Skills agree with me that the time limit agreed by Cabinet, that councillors have to put forward a nomination for a governor of a school, means that governors can keep refusing nominations until the time limit has expired and then put forward who they wish. Therefore, ensuring the local authority does not have an input on governing bodies?"*

**Answer**

No, I don't agree with the assertion made in your question.

It is of course however critical that the process of identifying suitable candidates for and filling all governor positions for Worcestershire maintained schools is robust and timely. Local authority governors are nominated by the Local Authority and appointed by the governing body under Regulation 8 of The School Governance (Constitution) (England) Regulations 2012. To ensure this responsibility is carried out effectively it is incumbent on the council to liaise closely with the governing body in order to identify a suitable candidate.

The agreed process for the appointment of LA Governors expects that a suitable nomination is made by the local member within a *two month period* from notification. Should a suitable nomination not be received within that timescale, the process is clear that the officer with responsibility for Governor Services will make the nomination instead of the local member. The Notes of Guidance clarifies this as part of the process, a decision taken to ensure that vacancies do not go unfilled.

The practicality is that the local member and school need to work together to identify a mutually agreeable candidate.

**QUESTION 10** – Mr R C Lunn will ask Alan Amos:

*"In view of the time taken to replace the linings at the junction of Salop Road and Mount Pleasant in Redditch, can the Cabinet Member inform Council of the agreed timescale to replace such lines after a road resurfacing? Does he know how often this timescale is met?"*

**Answer**

I thank Cllr Lunn for raising this matter with me.

Where surfacing works have been completed, road marking and studs should be renewed within 7 days where they are safety-related markings, such as give way lines; and other general lining should be renewed within 14 days. In the large majority of circumstances these timescales are met. However, I understand that there were issues with parked cars which prevented the lining from taking place for some time at this location. I have asked my Highways officers to monitor progress on such lines being completed in a timely fashion in the future.

**Supplementary question**

The Cabinet Member for Highways undertook to provide a written answer to Robin Lunn on the percentage of timescales met for replacing the linings after road surfacing.