

**Council****Thursday, 12 November 2015, County Hall, Worcester****Minutes****Present:**

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 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, Ms L R Duffy, Mrs E A Eyre, 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 M E Jenkins, Ms R E Jenkins, Mr R C Lunn, Mr L C R Mallett, Mr P M McDonald, Mr A P Miller, Mrs F M Oborski, Mr S R Peters, Dr K A Pollock, Mr D W Prodger, 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

**Available Papers**

The members had before them:

- A. The Agenda papers (previously circulated).
- B. 18 questions submitted to the Head of Legal and Democratic Services (previously circulated).
- C. The Minutes of the Council held on 17 September 2015 (previously circulated).

**1713 Apologies and Declaration of Interests (Agenda item 1)**

Apologies for absence were received from Mr P J Bridle, Mr C G Holt and Prof J W Raine.

There were no declarations of Interests.

**1714 Public Participation (Agenda item 2)**

Mr R C Lunn asked a question on behalf of Mr P Bladon, a public participant, who was unable to attend the meeting in person. The question related to the Household Interview Survey on the "Choose how you move" initiative in Redditch. Mr Bladon had highlighted possible irregularities.

The Chairman thanked Mr Lunn and said that Mr Bladon would receive a written response from the appropriate Cabinet Member in due course.

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| <p><b>1715 Minutes<br/>(Agenda item 3)</b></p>  | <p><b>RESOLVED</b> that the Minutes of the meeting held on 17 September 2015 be confirmed as a correct record and signed by the Chairman.</p>   |
| <p><b>1716 Chairman's Announcements<br/>(Agenda item 4)</b></p>   | <p>The Chairman thanked all members for their kind wishes during his recent illness and then referred to the printed Announcements which had been circulated. Council stood for a minute's silent reflection in memory of Mr Jim Parish, Mr Dan Wicksteed and Mr Ron Mason all of whom had died recently.</p> <p>The Chairman also wished Mr Peter Bridle a speedy recovery following his recent illness and said he would write conveying the Council's good wishes.</p>   |
| <p><b>1717 Fire and Rescue Authority<br/>(Agenda item 5)</b></p>  | <p>The Chairman welcomed Mr Mark Yates, the Chief Fire Officer, to the meeting. The Chairman of the Hereford and Worcester Fire and Rescue Authority, Mr D W Prodger, presented his report to the Council and he and Mr Yates answered questions asked by members of the Council.</p>   |
| <p><b>1718 Reports of Cabinet - Matters which require a decision by Council - Superfast Worcestershire - Programme Update and Reinvestment Opportunities<br/>(Agenda item 6a)</b></p> | <p>The Council had before it a report recommending that a £3.25m addition be made to the Capital Programme from capital released early by BT for further investment to extend superfast broadband across the county.</p> <p>Members spoke in favour of the proposal stating that:</p> <ul style="list-style-type: none"> <li>• it would increase the county's attractiveness to inward investment and those seeking to establish businesses in more rural locations</li> <li>• it would allow a greater geographical coverage of superfast broadband serving residents and local businesses</li> <li>• it would create a more equitable coverage for the county of what was now seen to be an essential service</li> <li>• it was worth making use of the available money at this stage rather than wait ten years.</li> </ul> <p>Members also spoke against the proposal suggesting:</p> <ul style="list-style-type: none"> <li>• that the Council should not be adding to the profits of a multinational company</li> <li>• the Council's priorities were being skewed by this</li> </ul> |

arrangement

- a disproportionate amount of money was being targeted at a small minority of the county's population.

**RESOLVED** that a £3.25m addition to the Capital Programme be approved, to be funded by capital released early by BT if the commercial negotiations are successful, for further capital re-investment to extend superfast broadband even further across the county.

**1719 Reports of Cabinet - Matters which require a decision by Council - Kidderminster Railway Station - Capital Programme Addition (Agenda item 6a)**

The Council had before it a report recommending a £4.3m addition to the Capital Programme for the Kidderminster Railway Station enhancement scheme. This supported the Council's 'Open for Business' agenda.

**RESOLVED** that a £4.3m addition to the Capital Programme for Kidderminster Railway Station be approved and the capital budget cash limits be updated accordingly.

**1720 Reports of Cabinet - matters which require a decision by Council - Bromsgrove Railway Station relocation - Capital Programme Update (Agenda item 6a)**

The Council had before it a report recommending an increase of £1.2m to the existing Bromsgrove Railway Station relocation project. The report set out that this would be on the basis that any additional costs that were to be agreed could be demonstrated to be those associated with the construction of the railway station and the car park and that these costs would be recovered by additional income to ensure the project remained cost neutral to the County Council over its project life.

**RESOLVED** that an increase of up to £1.2m to the existing Bromsgrove Railway Station Relocation project be approved and the Capital Programme cash limits be updated accordingly.

**1721 Reports of Cabinet -**

The Council had before it a report recommending a reduction to the Capital Programme Cash Limits and virement of a sum to the Commercial and Change

**matters which require a decision of Council - Revised Capital Programme (Agenda item 6a)**

revenue budget consequent upon the appointment of Liberata as the preferred bidder for Transactional HR and Finance Services.

**RESOLVED that:**

- (a) **subject to successful contract agreement with Liberata, Council reduces by £1m the Capital Programme Cash Limits and approves the virement of £0.1m from the Financing Transactions revenue budget to the Commercial and Change revenue budget to effect the cost neutral financial effect of funding the future system change as set out in the Appendix to the report; and**
- (b) **the Capital Programme as set out in the Appendix to the report be approved and the capital budget cash limits be updated accordingly.**

**1722 Reports of Cabinet - Decision taken by Cabinet (Agenda item 6b)**

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

- Positive Activities for Young People: Future Direction
- Future Governance of Worcestershire Youth Music
- Worcestershire Safeguarding Children Board Annual Report 2014/15
- Future Delivery Arrangements for West Mercia Youth Offending Service (WMYOS)
- Fair Funding Consultation Outcomes 2016-17 - National and Local Changes to the Funding Arrangements for Schools including the Local Funding Formula for Worcestershire Mainstream Schools
- Future of Bishops Wood Centre
- Designation of Worcestershire as a Pollinator-Friendly County
- Self Sufficient Council - Income from Sales, Fees and Charges
- Commissioning of Transactional HR and Finance Services
- Resources Report

**1723 Council's Operating Model**

The Council had before it a report on the future operating model. Reference was made in the report to the previous decision made on this subject and the recommendations now before the Council which were necessary as

**(Agenda item 7)**

structures and ways of working evolved. The report contained overarching sections on:

- key principles and drivers
- improving outcomes and managing demand
- delivering Worcestershire's economic prosperity and productivity ambitions
- improving outcomes for vulnerable children
- talent management, and
- and the proposed next steps and timeline.

Appendices to the report gave detailed diagrammatic representations of structures and operating models.

During the course of debate an amendment was moved by Mrs F M Oborski and seconded by Mrs E B Tucker that the name of the restructured Directorate should be the Children, Families and Communities Directorate. This was agreed.

**RESOLVED that:**

- (a) the progress that has been made in embedding the Council's Operating Model principles as a result of the last report to Council in May 2014 be noted and acknowledged;**
- (b) the proposed restructure of the existing Business, Environment and Community (BEC) Directorate to a new Economy and Infrastructure Directorate, as set out in paragraphs 19-28 and Appendix 1 to the report (including changes to the roles of affected Chief Officer-related posts) with effect from 1 January 2016, to better provide capacity and capability to deliver the economic prosperity ambitions described in the Strategic Economic Plan (SEP) be approved;**
- (c) the proposed restructure of the existing Children's Services (ChS) Directorate to a new Children, Families and Communities Directorate, as set out in paragraphs 29-32 of the report, with effect from 1 January 2016 reflecting the required change of emphasis to support children as part of their family and community and not in isolation be approved;**
- (d) the Chief Executive be authorised to finalise**

**1724 Worcestershire  
Regulatory  
Services  
(Agenda item 8)**

the detail of the management structure including amending the specifications for affected Chief Officer-related posts in accordance with the above decisions ; and

- (e) progress made in further evolving the Council's Operating Model to ensure a Council that is FutureFit, particularly in the areas of Demand Management and Talent Management be noted.

The Council had before it a report containing proposals for a withdrawal from the Worcestershire Shared Service Joint Committee and a recommendation that the county regulatory functions currently discharged through Worcestershire Regulatory Services including Trading Standards and Animal Health be brought back in house to the County Council.

The report contained governance options and an analysis of the legal, financial and human resources implications. Members expressed general support for the return of the service to the Council.

**RESOLVED that:**

- (a) the County Council withdraws from the Worcestershire Shared Services Joint Committee on 31 March 2016;
- (b) the County regulatory functions currently discharged through Worcestershire Regulatory Services (WRS) including Trading Standards and Animal Health be brought back in-house to the County Council from 1 April 2016 or as soon thereafter as may be determined in accordance with (d);
- (c) should those County regulatory functions not be brought back in-house on 1 April 2016 then they may be delivered through WRS via a short-term Services Contract until they are; and
- (d) authority be delegated to the Director of Business, Environment and Community, in consultation with the Cabinet Member with Responsibility for Localism and Communities, to negotiate with the Management Board of WRS and other member authorities of the Joint Committee and take all necessary steps

**to put recommendations (a), (b) and (c) into effect, including giving appropriate notice for withdrawal from the Joint Committee, determining the arrangements and timetable for termination of the current arrangements for delivery and the service being brought back in-house, and agreeing any interim arrangements under a short-term Services Contract and the use of Directorate reserves to support those interim arrangements.**

**1725 Devolution Issues (Agenda item 9)**

The Council had before it a report and summary document on potential devolution issues which might arise out of emerging legislation.

A debate ensued during which the following principal points were made;

- it was helpful and constructive to have the opportunity to discuss some of the developing ideas
- it was encouraging that most of the councils in the county wanted to work constructively
- there would be a range of potential difficulties to overcome but that process in itself might be useful
- members would like to be kept informed of developments
- a further report would be made to Council in 2016.

**RESOLVED that:**

- (a) the report and attached summary document on Worcestershire's emerging case for devolution be noted;**
- (b) the direction of travel as set out in the summary document attached to the report be supported; and**
- (c) a further report be received in 2016 to determine the Council's approach to devolution.**

**1726 Notices of Motion - Notice of Motion 1 - Commissioning Services**

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

The Notice of Motion was moved by Mr P Denham and seconded by Ms P A Hill who both spoke in favour of it.

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

An amendment was then moved by Mr J P Campion and seconded by Mr M L Bayliss.

In response to a query from one of the signatories to the original motion the Head of Legal and Democratic Services gave advice on the validity of the amendment stating that it did not negate the multi-faceted original motion.

The Council then debated the amendment during which the following principal points were made;

- the Council's reputation had been damaged in what had become a lamentable series of claims and counter claims
- genuine concerns had been raised about the continued capacity to provide for children with SEN causing much apprehension to parents of such students
- that if the Council was going to continue with commissioning of services this was not the way to build confidence and trust either in the process or the outcomes it sought to achieve.

Other members suggested:

- that the commissioning process was part of a long-term approach to provide the best services for the people of Worcestershire
- contracts of this kind would become the norm to ensure the County Council could meet the Government's requirements for leaner operations in a challenging economic environment
- in this case there had been a delay in signing off the Transformation Plan. A mistake had been made but now corrected
- that the debate had gone beyond even the "cut and thrust" of a political chamber but must not detract from the determination to change the way the Council operated.

**On a named vote the Amendment:**



***"This Council awarded a contract to Babcock International to provide support services, including administration and some specialist staff for pupils with disabilities and early years schooling.***

***391 workers were transferred into Babcock's employment as part of the commissioning process.***

***Council recognises that Babcock should have agreed its transition plan with the Council and regrets the alarm and distress caused to parents of children who are worried about the level of support for their children at school that this miscommunication caused.***

***Council appreciates the valuable work all our former employees have done to help our children, the schools and this Council in improving outcomes for children in Worcestershire.***

***Council endorses the Chief Executive's message to all staff in October 2015 "You may have seen the media coverage this week on Babcock's first few weeks in delivering Learning and Achievement services. The press coverage was unfortunate and I want to apologise for any upset that it caused particularly for those involved. We've commissioned these services to make sure that we're best able to continue to deliver outstanding results for our children and young people and after much work Cabinet agreed these can be delivered most effectively by another provider. This also reflects the changing relationship between schools and the local authority and these reductions within the service would likely to have been higher if the service was to remain in house. This is a period of consultation within Babcock in which staff and the council's views will be considered as part of the process."***

***Council believes that transparency, value for money and improved outcomes for children should remain at the heart of commissioned services.***

***Therefore Council calls upon the Cabinet Member responsible to continue to work with Babcock International and our partners to achieve improved outcomes for young people in Worcestershire."***

***was carried.***

Those voting for the Amendment were:

**1727 Notices of Motion - Notice of Motion 2 - Number 45 Bus Service (Agenda item 10)**

Mr I Hopwood, Mr A A J Adams, Mr R C Adams, Mr A T Amos, Mr R W Banks, Mr M L Bayliss, Mr A N Blagg, Mrs S L Blagg, Mr M H Broomfield, Mr J P Campion, Mr S J M Clee, Mrs P E Davey, Mr N Desmond, Mrs E A Eyre, Ms L R Duffy, 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, Mrs A T Hingley, Mrs L C Hodgson, Mr A P Miller, Dr K A Pollock, Mr D W Prodger, Mr A C Roberts, Mr J H Smith, Mr C B Taylor, Mr P A Tuthill and Mr G C Yarranton (31)

Those voting against were:

Ms P Agar, Mrs S Askin, Mr J Baker, Mr C J Bloore, Mr S C Cross, Mr P Denham, Mr A Fry, Ms P A Hill, Mr M E Jenkins, Ms R E Jenkins, Mr R C Lunn, Mr L C R Mallett, Mr P M McDonald, Mrs F M Oborski, Mr S R Peters, Mrs M A Rayner, Mrs E B Tucker, Mr R M Udall, Mr G J Vickery and Mr T A L Wells (20)

**The substantive motion as amended was then carried.**

**(Mr A P Miller, Vice-Chairman in the Chair)**

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

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

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

A debate ensued during which members spoke for the Motion and suggesting the MP's intervention had been unhelpful and others spoke against, maintaining the MP's role to represent local people in the constituency and pass on their concerns. It was suggested that the decision ultimately was a commercial one for the bus company.

**On a named vote the Motion was lost.**

Those voting in favour were:

Ms P Agar, Mr J Baker, Mr C J Bloore, Mr P Denham, Mr A Fry, Ms P A Hill, Mr R C Lunn, Mr L C R Mallett, Mr P M McDonald, Mr R M Udall and Mr G J Vickery (11)

Those voting against were:

Mr A A J Adams, Mr A T Amos, Mr R W Banks, Mr M L Bayliss, Mr A N Blagg, Mrs S L Blagg, Mr M H Broomfield, Mr J P Campion, Mr S J M Clee, Mr S C Cross, Mrs P E Davey, Mr N Desmond, Ms L R Duffy, Mrs E A Eyre, 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, Mrs A T Hingley, Mrs L C Hodgson, Mr A P Miller, Dr K A Pollock, Mr D W Prodger, Mr A C Roberts, Mr J H Smith, Mr C B Taylor, Mr P A Tuthill and Mr G C Yarranton (30)

Abstentions: Mrs S Askin, Mr M E Jenkins, Mrs F M Oborski and Mrs M A Rayner (4)

**1728 Notices of Motion - Notice of Motion 3 - Trade Unions (Agenda item 10)**

The Council had before it a Notice of Motion standing in the names of Mr G J Vickery, Mr C J Bloore, Mr R M Udall, Mr P M McDonald, Mr J Baker, Mr A Fry, Ms P Agar, Mr P Denham and Mr R C Lunn.

The Notice of Motion was moved by Mr G J Vickery and seconded by Mr C J Bloore who spoke in favour of it.

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

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

- The Motion was a genuine attempt to maintain and protect the good working relationships locally between the council and the trade unions
- Retention of facility time was not a frivolous demand, it was increasingly important for good working relationships
- Direct deduction of union subscriptions was no different from other items deducted at source from employees' salaries and its potential removal seemed petty. It was pointed out however that a free system was in place run by the banks and employees could take advantage of paying for their union subscriptions by Direct Debit.

**On being put to the meeting the Motion was lost.**

**1729 Notices of Motion - Notice of Motion 4 - Staff Transfers**

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

The Notice of Motion was moved by Mrs F M Oborski

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and seconded by Mrs S Askin who both spoke in favour of it.

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

An amendment was moved by Mr M L Bayliss and seconded by Mr J P Campion. The mover and seconder of the original motion then suggested a variation to the final paragraph of the amendment.

The mover and seconder of the amendment agreed to this alteration.

**On being put to the meeting this amendment was carried and Council resolved:**

***"This Council values its employees and respects the commitment and flexibility they have contributed to the work of the Council over recent difficult years of change.***

***We recognise that constant change, modernising the way we serve residents, increased demand and squeezed budgets, changes in management structures and expectations, and the drive towards commissioning services from outside traditional council structures, have created a most challenging working environment. Our staff have coped with all this and continued their work to serve the best interests of Worcestershire residents. We are grateful.***

***Our employees are entitled to expect transparency from us about their future and its risks when the Council enters into contracts.***

***Council therefore urges that, in any further transfer of staff to commissioned service deliverers, draft Transition Plans will be agreed before, and signed off by both parties soon after, final contracts are signed".***

**1730 Reports of  
Cabinet  
Members with  
Responsibility -  
Report of the  
Cabinet Member**

The Cabinet Member with Responsibility for Highways presented his report which covered a number of overarching issues:

- Major Projects
  - Worcester Southern Link Road

**with  
Responsibility  
for Highways  
(Agenda item  
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- Hoobrook Link Road
- Worcester 6 Business Park
- Cathedral Square
- Cornmarket
- Middle Hollow Drive
- Tenbury public realm enhancement
- Kidderminster Town Centre improvement

- Smaller Schemes
- Highways Maintenance
- Management of utilities and events
- Street lighting
- Winter maintenance
- Rail
  - Leaders' Rail Group
  - Bromsgrove Station – relocation
  - Worcestershire Parkway
  - Kidderminster Railway Station
- Public Transport
- Road Safety Team

The Cabinet Member with Responsibility answered questions about the report which included:

- co-ordination of routine works with Utilities schemes and how the county Council responded to various emergency works by Utilities
- the phasing of the Cathedral Square improvements and the timing of various works. The Cabinet Member with Responsibility answered specific questions about the siting and orientation of the pedestrian crossing
- the Highways Inspection regime
- the division of road schemes between various contractors
- night time street lighting savings
- timing of the Worcestershire Parkway rail scheme
- short comings of various bus operators across the county and activity to improve these
- local members raised specific examples of exemplary work by individual Council Officers and

thanked the Cabinet Member with Responsibility.

The Cabinet Member with Responsibility promised:

- a written response on the use of particular "Choose How You Move" money in Redditch
- a written response on the range and scope of parking permit schemes
- written responses on various queries relating to line painting and other highways works
- a written response on the optimum speed for winter maintenance vehicles on gritting runs
- to look into the feasibility of making street lighting switch off more flexible, especially the balance between main roads and estate roads
- to look into what bus provision there would be at the new Bromsgrove railway interchange
- in relation to Minute 1727 above to look into some of the issues relating to bus routes and to respond to local members in due course.

The Chairman thanked the Cabinet Member with Responsibility for his report.

**1731 Annual report of the Chief Executive (Agenda item 12)**

The Chief Executive presented her report to Council which covered various topics including:

- listening to the Council's residents
- performance of the Council
- ways of working
- changing ways of working
- delivering the Corporate Plan
  - Open for Business
  - Health and well-being
  - Children and families
  - The Environment
- moving into 2016 and beyond.

The Chief Executive then answered a broad range of questions from members.

The Chairman thanked the Chief Executive for her report.

**1732 Question Time**

Eighteen questions had been received by the Head of

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| <b>(Agenda item 13)</b>   | Legal and Democratic Services and had been circulated before the meeting. Eleven were asked at the meeting and answered. Where questions could not be asked written answers would follow. (All answers are enclosed with these Minutes.) |
| <b>1733 Reports of Committees - Summary of decisions taken by the Audit and Governance Committee (Agenda item 14a)</b>    | The Council received the report of the Audit and Governance Committee containing a summary of decisions taken.   |
| <b>1734 Reports of Committees - Summary of decisions taken by the Pensions Committee (Agenda item 14b)</b>                | The Council received the report of the Pensions Committee containing a summary of decisions taken.   |
| <b>1735 Reports of Committees - Summary of decisions taken by the Planning and Regulatory Committee (Agenda item 14c)</b> | The Council received the report of the Planning and Regulatory Committee containing a summary of decisions taken.  |

An adjournment was taken between 12.20 p.m. and 12.35 p.m.

The Council adjourned for luncheon between 1.15 p.m. and 2.00 p.m.

The meeting ended at 5.08 p.m.

Chairman .....



## **COUNCIL 12 NOVEMBER 2015 - AGENDA ITEM 13 – QUESTION TIME**

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

**QUESTION 1** – Ms P Agar asked Mr A I Hardman:

*"Would the Leader of the Council please inform me of the action he has taken regarding the leaking to the press from this Council about the suspension of Highways officers in relation to the Ketch Island?"*

### **Answer given**

Thank you for your question. In relation to the Ketch, we concentrated on addressing the necessary highways matters, dealing with staff issues and also providing an appropriate level of information in response to press inquiries.

In my experience, it is generally not constructive to attempt a "witch hunt" in trying to determine who may have said what to the press, but to deal with the relevant issues instead.

**QUESTION 2** – Ms P Agar's question to Mr J H Smith:

*"Cornwall is to have powers for franchising and improving local bus services. Is Worcestershire likely to receive similar powers?"*

### **Written Answer**

Delivering better bus services for local people is one of the key aims of Government and local authorities when thinking about devolution. Many local areas have identified the importance of buses to local people, to the economic development of the area, and as an integral part of the local public transport system.

Following the devolution deals signed with Greater Manchester and Cornwall in which the DfT committed to providing the powers necessary to franchise their bus services, the DfT intend to introduce a 'Buses Bill' in the current parliamentary session.

The Bill is likely to be considered from December 2015 to February 2016, the aim being to enable local authorities in England, outside London, to franchise their bus networks where they have agreement from Government.

The franchise issue is complex and will have an impact on the delivery of bus services. Theoretically Worcestershire could apply to the DfT for franchise powers, however an options appraisal and business case would need to be developed in order to fully appreciate the implications.

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

*"Would the Cabinet Member with Responsibility for Transformation and Commissioning please inform me how many buildings owned and those run by the County Council have asbestos in them?"*

## **Answer given**

Asbestos was a common building material in use right up to the 1980's and was frequently used to insulate pipes and act as a fire barrier. Many private and public institutions carry a legacy of asbestos use which is subject to detailed legislative controls. To specifically answer the Councillor's question there are 699 buildings with known asbestos present on the County Council's Asbestos Register. This is out of approximately 1,500 buildings. This is the total number of buildings that have asbestos across the county and some schools and other council buildings may have more than one occurrence on their site e.g. a boiler house or shed etc. Of the 699 buildings:

- 160 are Academy Schools. In these cases the school is responsible for the management of asbestos but the County Council retains some responsibilities as landlord and will often assist with technical and/or safety advice
- 539 are either maintained schools, smallholdings or Council owned and run buildings. These latter items range from libraries, highway depots, caravan sites to administrative offices.

## **Supplementary Question**

In response to a supplementary question about the continuing health implications of the asbestos legacy Mr Bayliss reiterated the Council's commitment to following the correct protocols and procedures in relation to dealing with this substance.

## **QUESTION 4** – Mr P M McDonald's question to Mr M L Bayliss:

*"Would the Cabinet Member with Responsibility for Transformation and Commissioning please inform me how many redundancies have taken place over the last four years?"*

## **Written Answer**

The Council has reduced its full time equivalent posts by 142 in 2012/13, 137 in 2013/14, 132 in 2014/15 and 27 this year so far. Wherever possible the Council aims to reduce compulsory redundancies by offering staff the opportunity to take voluntary redundancy and through our extensive redeployment scheme.

## **QUESTION 5** – Ms M Rayner asked Mr M L Bayliss:

*"Would the Cabinet Member with Responsibility for Transformation and Commissioning please tell me how it is that staff who have been transferred to another organisation, and then according to the press discovered that they do not have employment, what exactly are the terms and conditions of these types of transfers, and why has this apparently occurred?"*

## **Answer given**

The Transfer of Undertakings (Protection of Employment) Regulations 2006 provide employment rights to employees in certain business situations involving a change of employer. Employees transfer to the new employer on their existing terms and conditions with their continuity of employment preserved. The TUPE regulations apply to what are known as 'relevant transfers' which can include when an employer outsources an activity.

When employees transfer under TUPE, their contracts of employment automatically pass to the new employer (the transferee). The situations where the new employer can change the terms and conditions of employees who transferred are limited. However, if an employer

can establish what is known as economic, technical or organisational (ETO) reason entailing changes in the workforce, they may be able to lawfully change conditions or dismiss employees.

If an employer can establish an ETO reason, the dismissal will not be automatically unfair. Examples of an ETO reason include a reorganisation for a genuine business reason. Many of the examples of ETO reasons are redundancy situations. The ETO reason must also "entail changes in the workforce" which means changes in the overall numbers or functions of the workforce or the location of the workplace.

**QUESTION 6** – Dr K A Pollock asked Mr J H Smith:

*"In view of the recent decision of Harlow Council, with the agreement of Essex County Council, to levy money from all its Council Tax payers to pay for the re-establishment of all night illumination of their streets, would the Cabinet Member with Responsibility for Highways like to comment on the reality of the situation about safety, both for pedestrians and drivers, compared with the perception of safety, as expressed by the some residents, and further would he like to reassert that we would do better to seek to align perceptions with reality, rather than feed the unwarranted fears of some residents, by giving in to those who want all street lighting to be maintained throughout the night?"*

**Answer given**

Thank you for your question. There is the perception from some residents that switching off lighting points could lead to more crime and make driving more hazardous.

Addressing the driver safety issue first, lighting points at key junctions and other higher risk sites are not included in the programme.

During the 20 months in which the current project to reduce the hours of illumination in some areas has been underway, there have been discussions with the police at various levels. None of these have identified a direct link between reduced hours of lighting and increases in crime rates or night time accidents. I firmly believe that we should endeavour to align the public's perceptions with reality rather than reverse the decision previously made and that the current project should continue contributing to the savings the County Council are required to achieve.

**Supplementary Question**

In response to a specific supplementary question Mr Smith reiterated the County Council's position on night illumination of streets and the need to relay this message more effectively.

**QUESTION 7** – Mr P A Tuthill asked Mr J H Smith:

*"The Chief Officer of Hereford and Worcester Fire and Rescue Service has consistently promoted the successful Dying 2 Drive Programme (<https://www.hwfire.org.uk/safety-and-advice/road-safety/dying-2-drive/>). Dying 2 Drive is a free multi-agency road safety scheme aimed at reducing death and serious injury amongst young road users in Herefordshire. The events involve a realistic reconstruction of a road traffic collision followed by powerful interactive workshops. The scheme is aimed at Year 11 students who will currently be car passengers and soon become young drivers.*

*Would the Cabinet Member with Responsibility for Highways agree that the same format and dramatic Programme title should be launched here in Worcestershire? I am sure all members will agree – particularly those who have young drivers in their families and Divisions.*

*Having had notice of this question has the Cabinet Member with Responsibility for Highways been able consider how this might be replicated in Worcestershire and are there any funding issues associated with it?"*

### **Answer given**

Worcestershire County Council (WCC) did run a "Dying 2 Drive" programme as a partnership project with Hereford & Worcester Fire and Rescue Service as the lead. From memory this was delivered in 2007 to several schools.

The way the programme works is as follows - there is a dramatic crash scene and the emergency services arrive to treat the casualties who are actors, the make-up is very realistic. The pupils then go back into school to attend several workshops that are delivered by the agencies involved. The WCC Road Safety Team was one of the agencies together with the ambulance service, police and obviously the fire service who lead the programme.

The programme is aimed at the Year 10/11 age group, part of our feedback at the time felt it was hard to engage with pupils in the workshop element after they have experienced such a traumatic Road Traffic Accident (RTA) scene. Obviously there are several differing views on this to be considered.

The evaluation that followed also highlighted the expense of putting on this programme, in terms of officer time for all agencies involved.

Currently in order to address the issues of young drivers WCC invest in the Green Light Project which is delivered by the Safer Roads partnership and is aimed at the same age group (Year 10/11) as a pre-driver training course which involves workshops. This is very cost effective and we believe it reaches more pupils annually than dying 2 drive.

Given the finance and staff implications and the graphic nature of the simulated RTA scene, it is considered that the best way forward is to continue with the Green Light Project. I will include a link in the printed answer attached to the minutes so that members may see some of the details for themselves.

<http://www.greenlightsafety.org.uk/>,

### **QUESTION 8** – Mr R C Lunn asked Mr A N Blagg:

*"Does the Cabinet Member with Responsibility for Environment support the aim of the forthcoming Paris Conference on reducing climate change and global warming, due to the major risks both pose to the forthcoming natural and economic well-being of Worcestershire? How does he think that the County Council can continue to take a lead by further reducing our own carbon footprint?"*

### **Answer given**

- Absolutely we support the aim of the forthcoming Paris conference, and the Council has a key role to play in continuing to reduce its own emissions and leading from the front
- We have had a Carbon Management Plan in place since 2011 (which we worked with the Carbon Trust on during 2010). This is our second plan (2011-16), the first one was implemented during 2004-2009.
- The current carbon reduction initiatives in the projects register are being implemented to support us to achieve our carbon reduction target of 30% by the end of March 2016 – this is a very stretching target. We have so far reduced emissions by 14% from 2009/10 baseline

- Projects include the implementation of the £2.3 million energy efficiency spend to save fund, which supports installation of renewables on WCC property and energy efficiency measures such as LED lighting, cavity wall/loft/valve insulation, amongst others.
- We have a new carbon and energy dashboard function linked into our energy management software which will be launched to all sites (inc. Schools that are signed up to the SLA with Place Partnership) – this software helps to communicate to building occupiers exactly how much energy they are using, and provides alarms when normal consumption levels are breached.
- The Council is fully supportive of a move to low carbon vehicles and recently received Government funding to install 12 rapid charge electric vehicle charge points around the County. The Council will be funding 2 new electric pool cars and an electric courier van using Spend to Save funding, which will reduce emissions from vehicle usage
- The current street lighting initiatives (part-night switch off, dimming and replacement of old energy inefficient lighting) will significantly help the Council to reduce its emissions from electricity consumption
- Now developing a new Carbon Management plan, for implementation from April 2016 for another 5 years to ensure we continue to reduce the Council's carbon footprint.

### Supplementary Question

In response to a specific supplementary question about the cost for using charging points Mr Blagg outlined the Council's approach to this and why different charging points cost different amounts to use.

**QUESTION 9** – Mrs F M Oborski asked Mr J P Campion:

*"Would the Cabinet Member with Responsibility for Children and Families tell me when another local authority places a Looked After Child with foster parents in Worcestershire and passes the Pupil Premium payment for the child to this council what is the procedure for passing that payment on to the school attended by the child and how soon after Worcestershire County Council receives the payment can the school expect to receive it?"*

### **Answer given**

All looked after children are entitled to an enhanced pupil premium. The money is routed through the Council that has taken the child into care. So when a child looked after by another Council attends a Worcestershire school it is that Council, not us, that has the responsibility. That Council will decide whether to passport the money to the school in whole or in part. Not all do, although we in Worcestershire passport nearly all of it, if a child is in mainstream education. If the responsible Council does passport the premium, they will either pay the money directly to the school when it is an Academy, or via us in the case of a maintained school. Reconciliation is carried out on a twice termly basis, so there may be a short delay before a school receives the money.

### Supplementary Question

In response to a supplementary question Mr Campion suggested that if the questioner was referring to a particular case she might approach the Strategic Commissioner – Education and Skills and receive a bespoke response.

**QUESTION 10** – Mrs F M Oborski's question to Mrs S L Blagg:

*"Would the Cabinet Member with Responsibility for Adult Social Care tell me what services does the Council provide for the rehabilitation and support of blind and partially sighted people? Has there been any change in the level of service over the last five years?"*

**Written Answer**

We commission prevention services from Deaf Direct and Sight Concern for all people with Sensory Impairment to help them with information, advice and support. We will be re-commissioning these services in 2016/17.

We have a Sensory Impairment Team that provides rehabilitation and social work for people with a hearing impairment, visual impairment or dual sensory loss – including:

- teaching skills to help people perform tasks independently – e.g. meal preparation.
- orientation and mobility training – e.g. long cane skills and route training.
- communication skills such as Braille and Moon.
- assessment of eligibility for long-term care.

In 2014/15 there were 57 people receiving community based services and 8 people receiving residential or nursing care whose primary support need was a sensory impairment.

There has been no change in the level of service over the last 5 years.

**QUESTION 11** – Mr G J Vickery's question to Mr A I Hardman:

*"Would the Leader of the Council say how the impending transfer of responsibility for people with learning difficulties above the age of 18 from the NHS to local authorities is to be funded?"*

**Written Answer**

The NHS, Local Government Association and Association of Directors of Adult Social Services have agreed a national plan to further develop community services for people with a learning disability and close hospital facilities. Six areas have been identified as 'Fast Tracks' including Arden, Herefordshire and Worcestershire. The intention is to reduce the number of people in inpatient care in this area by 50%. However most of these are in Coventry and Warwickshire. Worcestershire has only 5 people in hospital, with 4 due for discharge before the end of January 2016, among the lowest numbers anywhere in the country. This is as a result of an active programme of moving people into the community over the last 3 years. This has led to additional costs for the County Council and we are continuing to talk to our CCGs about funding arrangements.

**QUESTION 12** – Mr G J Vickery asked Mr A I Hardman:

*"Does the Leader of the Council share the concerns of many about the latest decisions of the Worcestershire Acute Hospitals Trust to close maternity services at the Redditch Alexandra Hospital?"*

**Answer given**

As I understand it the decision to close maternity services has been taken on safety grounds: i.e. the clinicians did not believe that they could safely manage deliveries at the Alexandra Hospital. What is unfortunate is that the Future of Acute Hospital Services in Worcestershire Programme has been so delayed that service changes are now having to take place as emergency reconfigurations rather than after public consultation.

### Supplementary Question

In response to a supplementary question about longer term solutions Mr Hardman stated that the Deputy Leader would be addressing some of these with district council colleagues, and other partners.

**QUESTION 13** – Mr R C Adams asked Mr A I Hardman:

*"Members of the Worcestershire Armed Forces Community Covenant Working Group are extremely grateful for the support of the Worcestershire Partnership Relationship Manager in the production of the booklet "Service to Civvy Street". Would the Leader of the Council accept our thanks and endorse the contents which will inform ex-service personnel and their families of the support available in Worcestershire?"*

#### **Answer given**

I am extremely grateful to the work that the Worcestershire Armed Forces Community Covenant Working Group, with the help of the Worcestershire Partnership Relationship Manager, has put into the production of the booklet "Service to Civvy Street". This is an excellent publication which deals with a full range of problems which ex-servicemen face and I would thank him for drawing it to the Council's attention and would also recommend all Members who have service personnel in their divisions to consider using it.

**QUESTION 14** – Mr P Denham asked Mr J H Smith:

*"At our Council meeting on 9 July 2015 the Cabinet Member with Responsibility for Highways agreed to investigate the possibility of permitting taxis to use bus lanes, in response to a motion tabled by me which was widely supported by members.*

*I recognise that proper investigation is not simple or easy but can Council be advised whether we employ sufficient suitably qualified staff to undertake this work within a reasonable timescale and when we can expect to see a report on this important matter?"*

#### **Answer given**

I can confirm that a comprehensive review of the business case for permitting taxis to use bus lanes in the city of Worcester is currently underway, and will include detailed assessment of the various options. This work is expected to be published for consideration early next year.

With regard to the availability of suitably qualified staff, we are currently recruiting to fill a vacant post within transport planning. In addition, as a commissioning authority, we are also able to draw on appropriate resources from our term engineering consultants on specific project activity subject to this representing good value for money.

### Supplementary Question

In response to a supplementary question Mr Smith confirmed this was a complex issue and he would await the outcome of the current investigations before making a final evaluation.

**QUESTION 15** – Mr P Denham's question to Mr A N Blagg:

*"It seems likely that the UK will be fined by the European Union for failing to meet targets designed to reduce air pollution. It is also likely that these fines will be passed on by national government to local councils which continue to have air quality action zones.*

*Has there been any estimate of this county's potential financial risk in these circumstances and what has Worcestershire done to mitigate this risk?"*

## **Written Answer**

Included in this answer are a number of links so that members may see some of the details for themselves. The UK Government has published a briefing note:

[www.parliament.uk/business/publications/research/key-issues-parliament-2015/health/air-quality-in-urban-areas/](http://www.parliament.uk/business/publications/research/key-issues-parliament-2015/health/air-quality-in-urban-areas/) which sets out the current state of affairs in relation to the UK's poor performance in relation to tackling nitrogen dioxide emissions in the UK.

The threat of fines from the European Commission for this is currently very real, and the UK Government (via Defra) is doing all it can to prevent European Commission from progressing towards full infraction proceedings. Defra have recently published revised plans to tackle this issue, for which the consultation concluded last week. The draft documents can be viewed here: <https://consult.defra.gov.uk/airquality/draft-aq-plans>

If Defra is unsuccessful in its approach then under the Localism Act the six Worcestershire Districts and Worcestershire County Council could be liable to pay a share of national fines.

By the time any potential fine was levied in the UK, it is anticipated that there could be 12 designated Air Quality Management Areas (AQMA) in the county. There are 10 currently, but air quality in Worcester City Centre is known to be deteriorating markedly, which is expected to result in additional declarations. Analysis of current guidance suggest that a maximum fine of £300 million nationally, if this were to be apportioned by the number of AQMAs in each local area, then the Worcestershire local authorities could potentially be liable to pay a fine in the region of £7.8 million between them.

Worcestershire County Council continues to work closely with Worcestershire Regulatory Services to explore and invest in schemes and measures to mitigate designated and pending AQMA across the county. Recent actions include:

- The Lowesmoor Traffic Restraint Scheme;
- A range of traffic management and regeneration schemes (often in partnership with Local Planning Authorities) to mitigate areas of known poor air quality;
- Worcestershire Electric Vehicle Charging Points Network (including rapid charge points);
- Promotion of Walking, Cycling and Passenger Transport travel choice options;
- Provision of infrastructure to support walking, cycling and passenger transport;
- Relaunch and promotion of Worcestershire's car share database ([www.worcestershire.liftshare.com](http://www.worcestershire.liftshare.com)).

In addition we are working with local authorities on infrastructure projects that will in part tackle specific AQMA designations, for example the emerging proposals for improving the A38 corridor in Bromsgrove linked to work with Highways England on the M42 corridor. The development of LTP 4 next year will also an opportunity to promote specific schemes.

However, it is recognised that Government intervention will be required to bring about the dramatic reductions in nitrogen dioxide needed to tackle poor air quality; particularly in urban areas and to fully revoke Worcestershire's AQMAs.



**QUESTION 16** – Mr C J Bloore's question to Mr J H Smith:

*"Does the Cabinet Member with Responsibility for Highways agree with me that six months is far too long for a local community to wait for safety lines to be repainted on a busy local road outside a children's centre?"*

**Written Answer**

The Council has a programme for lining maintenance works, however critical and safety issues are given higher priority than general lining. Highways officers have recently reviewed the way safety and critical hand lining is undertaken, to ensure that appropriate prioritisation is given and works completed as soon as reasonably practicable.

**QUESTION 17** – Mr C J Bloore asked Mrs S L Blagg:

*"What reassurances can the Cabinet Member with Responsibility for Adult Social Care give the public and members of this Council that the cutting of 100 adult social care workers will not affect the level of service offered to our county's most vulnerable residents?"*

**Answer given**

There has been no announcement or decision to cut 100 adult social care workers.

However at Adult Care and Well-being Scrutiny Panel on 13 October the intention to reduce social work posts by approximately 10% in most teams was outlined.

New teams were introduced in adult social work in April in order to meet the requirements of the Care Act and to improve customer journeys. We are reviewing the outcomes of this in order to inform the next stage of our modernisation of adult social work under the New Models of Care project.

This next stage of this project is already underway. It includes streamlining processes, supporting flexible and mobile working, piloting devolved budgets and real time monitoring to give staff greater autonomy and allow decisions to be made more quickly. All of these will help staff to do their job more easily. It also includes embedding best practice in line with the Care Act, reviewing roles and skill-mix, and aligning social workers with primary care to achieve greater integration with health services.

These new ways of working will enable us to continue to provide an effective service to people and their carers. We are currently holding posts vacant (and using agency staff as an interim measure as required) and at this time we do not anticipate that redundancies will be necessary.

**Supplementary Question**

In response to a supplementary question Mrs Blagg gave a detailed answer on the likely customer experience in the next one to two years.

**QUESTION 18** – Dr K A Pollock's question to Mr A N Blagg:

*"The 2001 Foot and Mouth outbreak cost £8 billion and led to the banning of pig swill. This was due to the failures of individuals and has resulted in a huge amount of food waste being dumped, digested or burnt.*

*Would the Cabinet Member with Responsibility for the Environment agree that, despite his sterling efforts to cut food waste in Worcestershire, it is now time to lobby for a change in*

*the regulations about food waste, so that this country, if not the whole EU, emulates the situation in Japan and South Korea where centralised sterilisation is used to ensure that waste food can be safely fed to pigs and chickens?"*

### **Written Answer**

Worcestershire County Council and Herefordshire Council, in their capacity as Waste Disposal Authorities (WDAs), have a Joint Municipal Waste Management Strategy (JMWMS) that has waste prevention at the top of the Waste Hierarchy. The Council continues to actively promote the 'Love Food Hate Waste' and 'Home Composting' messages to residents to minimise the amount of food waste collected and disposed of each year.

In line with the JMWMS the Council works to minimise the use of landfill. Within Worcestershire there are no dedicated household food collection services undertaken by the Waste Collection Authorities and there is no strategic objective to provide access to specific food waste treatment facilities. The provision of centralised sterilisation facilities would require the stimulation, support and participation of business stakeholders within the county to provide private, commercially viable food waste collection services, guaranteed feedstock and treatment facilities. I will write to the Government to express my support for food sterilisation.