

Minutes of the Council

County Hall, Worcester

Thursday, 17 February 2022, 10.00 am

Present:

Cllr Steve Mackay (Chairman), Cllr Alastair Adams, Cllr Salman Akbar, Cllr Mel Allcott, Cllr Martin Allen, Cllr Alan Amos, Cllr Marc Bayliss, Cllr Dan Boatright, Cllr Bob Brookes, Cllr David Chambers, Cllr Brandon Clayton, Cllr Kyle Daisley, Cllr Lynn Denham, Cllr Nathan Desmond, Cllr Allah Ditta, Cllr Matt Dormer, Cllr Elizabeth Eyre, Cllr Simon Geraghty, Cllr Laura Gretton, Cllr Peter Griffiths, Cllr Karen Hanks, Cllr Ian Hardiman, Cllr Adrian Hardman, Cllr Paul Harrison, Cllr Marcus Hart, Cllr Bill Hopkins, Cllr Matt Jenkins, Cllr Adrian Kriss, Cllr Aled Luckman, Cllr Emma Marshall, Cllr Karen May, Cllr Natalie McVey, Cllr Tony Miller, Cllr Jo Monk, Cllr Dan Morehead, Cllr Richard Morris, Cllr Tony Muir, Cllr Beverley Nielsen, Cllr Tracey Onslow, Cllr Scott Richardson Brown, Cllr Andy Roberts, Cllr Josh Robinson, Cllr Linda Robinson, Cllr Chris Rogers, Cllr David Ross, Cllr Mike Rouse, Cllr James Stanley, Cllr Emma Stokes, Cllr Kit Taylor, Cllr Richard Udall, Cllr Shirley Webb and Cllr Tom Wells

Available papers

The members had before them:

- A. The Agenda papers (previously circulated);
- B. 4 questions submitted to the Assistant Director for Legal and Governance (previously circulated); and
- C. The Minutes of the meeting held on 13 January 2022 (previously circulated).

2333 Apologies and Declaration of Interests (Agenda item 1)

Apologies for absence were received from Cllrs Aled Evans, Adam Kent, Luke Mallett, Jack Satterthwaite, and Craig Warhurst.

Cllr Tracey Onslow declared an interest in Agenda item 5 (a) 2022/23 Draft Budget and Medium-Term Financial Plan Update 2022-24 as the Deputy Police and Crime Commissioner.

2334 Public Participation (Agenda item 2)

Heather McNeillis presented a petition relating to the repair of the pavements in the Gorse Hill area of Worcester.

The Chairman thanked Ms McNeillis for her contribution and said she would receive a written response from the relevant Cabinet Member.

2335 Minutes (Agenda item 3)

RESOLVED that the Minutes of the meeting held on 13 January 2022 be confirmed as a correct record and signed by the Chairman.

2336 Chairman's Announcements (Agenda item 4)

Noted.

2337 Reports of Cabinet - Matters which require a decision - 2022/23 Budget and Medium-Term Financial Plan Update 2022-24 (Agenda item 5 (a))

The Council had before it a detailed report on the 2022/23 Budget and Medium-Term Financial Plan Update 2022-24, which Cabinet had considered on 3 February 2022 and which the Leader of the Council and the Cabinet were recommending for adoption by the Council.

All Councillors had received or had access to the full report and Appendices considered by the Cabinet on 3 February 2022.

The Leader of the Council introduced the report and moved the recommendation as set out in paragraph 1 of the report; this was seconded by Cllr Adrian Hardman. The Leader commented that the report set out a growing budget for 2022/23 alongside an ambitious capital programme and medium term plan. He thanked all those who had contributed to preparing the budget paperwork. The budget process had been a good example of collaborative working with positive input from stakeholders, partners, staff, trade unions, scrutiny panels and the Overview Scrutiny and Performance Board (OSPB). The budget would help to improve services, invest in the county, and recover from the pandemic. The budget addressed the demand-led pressures in adult and children's social care with an extra £25m investment to protect the most vulnerable in society. The budget would fund a three year capital programme totalling £146m providing certainty in the development of projects.

He added that the budget provided additional funding for the priorities identified as important and in need of improvement by residents in the Council's residents survey. The three key areas were: Better roads and pavements; tackling congestion; and public transport. Over the three year plan, an extra £36m would be invested in surfacing more roads, £12m for pavements, £11m for rail projects including a new rail station in Redditch, the continuation of the cutting congestion programme, major infrastructure projects and bus services.

Further investment had been outlined to support economic development including the 'Open for Business' initiative. Support would be provided to deliver the net zero carbon plan and sustainability plans (in addition to the existing plan to plant 150k trees) and £6m to support the LED street lighting replacement programme helping to lower energy use and carbon emissions. Additional funding would be provided to improve the highways including: the highways control centre being open for seven days a week; more highways response teams and highways liaison officers; and more funds for highway drainage works.

The budget included funding to empower councillors including the continuation of the members divisional fund, an extension to the local members capital fund and £500k per annum for small scale works for example pedestrian crossings. The parish lengthsman's budget would also be uplifted to help parishes get more things done locally including £100k to support the Jubilee celebrations (which included the waving of the fee for road closures).

The budget included investment for the next generation with increased funding in education including the provision of additional school places to keep pace with a growing county. £53m had been included for additional school place including the development of a new secondary school.

The budget would be affordable because the Council's income had increased by £40m as a result of a growing and successful county, an increased tax base and Collection Fund. The additional resources received from Government was welcomed. Mindful of the pressure on household budgets, the increase in Council Tax would be limited to an extra pound a week on a Band D property, meaning that the Council would have the second lowest council tax of any comparable council in the country. Although the precise figures for the government grant was awaited, the local government settlement included additional funding for social care services and a better than expected funding for higher needs (£9.9m in additional funds).

The Cabinet Member with Responsibility for Adult Social Care paid tribute to the Leader of the Council for his work to help put together a budget that was proportional to the council taxpayers and continued to defend and enhance the services to the most vulnerable in society whilst addressed the concerns of local residents.

He added that the Council had ended the last financial year with a balanced budget and therefore had not need to use the Adult Social Care precept. However, the budget for Adult Social Care would rise by £17.3m for the most vulnerable, £15m of which would support the increasing demographic demand in the county. The extra money in this financial year would deal with the complexity and rising cost of Adult Social Care and help retain and train staff. The spending on Adult Social Care totalled £260m partly due to Government funding initiatives. Part of this additional funding included a top up of the Better Care Fund which had enabled the Council to work with colleagues in the NHS and CCG to provide additional funding of £3.6m. It represented the start of an integrated care system which would enable people to live longer in their homes and in better health with better conditions. The budget allowed further

investment in reablement and develop assisted technology. However, there were considerable challenges in the medium term with the integrated white paper and increasing demands in adult and children's social care.

An amendment was moved by Cllr Mel Allcott and seconded by Cllr Lynn Denham proposing:

Amendment: Further Investment in improving Children's Services

Unity Group Revenue Budget Amendment Proposals 2022/23	£ million	£ million
<p><u>Expenditure</u> - investment in the following areas:</p> <p>Further enhance our targeted support services to all vulnerable children including those with additional needs.</p> <ul style="list-style-type: none"> • Development of Family Group Conferencing service which helps families to co-ordinate a network of support within their wider family and community. • Development of Green Hill Lodge to specifically cater for Children with SEND and EHCP's to have community support groups to promote independent living skills. <p>We propose to delegate to the Chief Executive WCF and Director of Children's Services the final allocation based on their assessment of need.</p>		0.455
<p><u>Funding</u> - reduction in planned increase in capital expenditure on highways borrowing:</p> <p>Reduction of Carriageway works for the car by 33% to support the Climate Change Emergency declared in 2021 and promote Active Travel.</p> <ul style="list-style-type: none"> • Reduce £12 million planned capital structural carriageway maintenance expenditure by 33% to £4.5 million. This will reduce planned borrowing costs by £0.455 million for redeployment to Children's Services. 	-0.455	
Net Total Impact 2022/23	-0.455	0.455
Balance / gap		0

The mover and seconder of the amendment then spoke in favour of its adoption; Comments made in support of the amendment included:

- The Council had decided to take only 1% of the available 3% Adult Social Care Precept in the last financial year. Consequently, it was proposed to increase Council Tax by 3.94% this financial year rather than 1.94% at a time of huge financial pressures for residents. The Council had received an unexpected additional £4m of capital funding and it was proposed re-allocate this funding to support WCF and in particular, SEND provision to improve the lives of children and families. The reduction of the capital programme by £4.5m would also enable £450k savings in borrowing costs. The recent Ofsted report into the Council's SEND provision had highlighted four remaining areas in need of improvement. Council needed to fully

support these services to build back trust with partners, carers, and professionals

- The justification for the Council's commitment to funding roads had been based on a residents survey in 2021 which had only received 248 responses
- The proposals in the amendment would involve the transfer of a relatively small amount of money within existing budgets
- The long-term benefits of an increase in the SEND funding would include an improvement in the health and well-being of children, an increase in educational achievement and a potential reduction in anti-social behaviour. It accorded with the Public Health Strategy and the priorities of WCF and Public Health. The establishment of a family group conferencing service for children with SEND would help families co-ordinate a network of support in their wider family and in local community. The development of a county facility which would specifically cater for children with SEND with community support groups to promote independent living skills
- It would seem sensible to transfer funds from a well-funded road network maintenance budget to the SEND service which had been underperforming. The state of the road network would always be recognised as an issue by residents compared to SEND because of the limited number of people who needed to access SEND services. Parents of SEND children were losing money as a result of the delays in Council service provision.

Comments made against the amendment included:

- The Cabinet Member with Responsibility for Transport and Highways commented that the amendment envisaged reducing the spending on road maintenance by 33% but only in relation to cars. However, the proposed reduction would impact on all road users. In particular, the failure to maintain the road surface would be create major hazards for cyclists and pedestrians. There would also be an impact on the reliability of buses and the response times of the emergency services. The proposals in the amendment would lead to 65k potholes not being repaired and 20 miles of new road not being resurfaced/maintained. Roads, footways and congestion had been identified every year by local residents as their main concerns in the Residents' Viewpoint Survey which was why the Council had invested in the road network
- The main issue that local residents raised with their local councillors was the quality of the road network. The quality of this County's road network was far superior to neighbouring counties. The impact of any reduction in the budget for road maintenance would have negative long-term implications
- Schools had a vital role in providing support to children with SEND but a reduction to the road maintenance budget could impact on the ability of those children to travel to school to access the support
- The amendment would have a negative impact on the safety of the road network and discourage cycling and walking and thereby negatively impact on active travel and the climate change agenda
- The Cabinet Member with Responsibility for Education commented that the proposed budget amendment would not necessarily solve the issues

associated with SEND provision. The budget was not concerned with the prioritisation of roads over vulnerable children but in supporting both services. The Council had received an extra £9.8m funding within the Dedicated Schools Grant to support higher needs and SEND

- The Cabinet Member with Responsibility for Children and Families commented that since 2017, an extra £33m funding had been invested in children's services. Since the publication of the agenda papers, the Council had received an invitation to bid for funding from a new innovation fund aimed at improving care including the provision of short breaks for children and young people with disabilities and their families
- The additional funding received for highways maintenance was not a windfall but included as a result of feedback from the scrutiny process and taking account of the relevant data, in particular about the need repair the County's unclassified roads
- Any cut to the road maintenance budget would result in greater spending to resolve deterioration to the road surface in the future
- The Leader of the Council commented that this amendment would reduce the carriageway resurfacing programme by a considerable amount in year three which would undermine the Council's good track record of maintaining the highways in a good condition which was a top priority for local residents. It would lead to more reactive emergency highways works with more inspections necessary and be contrary to previous scrutiny report recommendations and represent poor value for money. It would also impact on all aspects of Active Travel. The Council was also protecting the most vulnerable members of society with significant investment in children's services. Investment in higher needs had increased by over 50% in four years.

At the conclusion of the debate and on a named vote this amendment was lost.

Those in favour of the amendment were: Cllr Mel Allcott, Cllr Dan Boatright, Cllr Lynn Denham, Cllr Matt Jenkins, Cllr Natalie McVey, Cllr Josh Robinson, and Cllr Richard Udall. (7)

Those against the amendment were: Cllr Steve Mackay, Cllr Alastair Adams, Cllr Salman Akbar, Cllr Allan Amos, Cllr Marc Bayliss, Cllr Bob Brookes, Cllr David Chambers, Cllr Brandon Clayton, Cllr Kyle Daisley, Cllr Nathan Desmond, Cllr Allah Ditta, Cllr Matt Dormer, Cllr Elizabeth Eyre, Cllr Simon Geraghty, Cllr Laura Gretton, Cllr Peter Griffiths, Cllr Karen Hanks, Cllr Ian Hardiman, Cllr Adrian Hardman, Cllr Paul Harrison, Cllr Marcus Hart, Cllr Bill Hopkins, Cllr Adrian Kriss, Cllr Aled Luckman, Cllr Emma D Marshall, Cllr Karen May, Cllr Tony Miller, Cllr Jo Monk, Cllr Dan Morehead, Cllr Richard Morris, Cllr Tony Muir, Cllr Tracey Onslow, Cllr Scott Richardson Brown, Cllr Andy Roberts, Cllr Linda Robinson, Cllr Chris Rogers, Cllr David Ross, Cllr Mike Rouse, Cllr James Stanley, Cllr Emma Stokes, Cllr Kit Taylor, and Cllr Shirley Webb. (42)

Those abstaining were: Cllr Martin Allen, Cllr Beverley Nielsen, and Cllr Tom Wells. (3)

In debating the budget as originally moved and seconded the following points were raised:

Comments made in support of the proposed budget included:

- The additional funding for Highways Liaison Officers was welcomed and those officers were thanked for their work and support provided to local councillors and residents
- The Cabinet Member with responsibility for Children and Families commented that the budget included funding of £18.8m for People's Services of which £7.9m funded Children's Services to continue moves to improve the resilience of the service. In particular, it provided support for the Early Help service to enable children to be kept with their families rather than being taken into care with the associated additional costs
- The budget would allow local councillors to have more of an input into local highways issues, particularly with the extension of the local councillor highways budget
- The Cabinet Member with responsibility for Economy and Skills highlighted the proposals in the budget to continue the Open for Business programme which had helped numerous businesses through the pandemic and would help to build the economy going forward and provide support for young people finding employment. The budget also provided the opportunity to continue the economic development programme with the development of a number of important projects
- The budget provided everything that local residents had requested at the second lowest comparable council tax rate of any council in the country
- The budget was an ambitious budget with increased investment that improved the services provided to local residents
- The Cabinet Member with responsibility for Education explained that the budget included an allocation of £109m for WCF which included an additional £6.4m staffing costs for SEND. 70% of the budget had been allocated to 2% of the population of the county helping the most vulnerable members of society
- The Cabinet Member with responsibility for Transport and Highways indicated that an extra £6m had been invested in roads on top of the existing budget over 3 year which would provide: An additional 135 miles of road; an additional £4m over 3 years for footways providing 108 miles of new footways; and an additional £1m a year for 3 years for drainage and flood alleviation. A new infrastructure fund had been established for members to spend on street lighting. £6m would be provided for the street lighting LED replacement programme. Funding would be provided for eight Highways Liaison Officers in the County. £75k had been allocated to the Lengthmens Scheme. The opening hours of the Highways Control Centre had been extended. Each member would be allocated £110k to spend on highways projects in their local area
- The Cabinet Member with responsibility for Environment commented that the Council assessed all aspects of its budget against climate change and sustainability targets. £900k had been allocated to the

warmer homes project with 121k applications received to date. £250k of this fund had been allocated to vulnerable households to reduce energy costs and improve standards of living

- The Leader of the Council commented that the budget protected and enhanced services with investment in all parts of the county. It was forward-looking and would drive recovery and protected the most vulnerable in society.

Comments made against the proposed budget included:

- The budget had not addressed the issue of climate emergency. The climate emergency should be a key theme running through the entire budget. It was not potholes that deterred people from cycling on the road network but congestion and the perception of the dangers of cycling. More funding was necessary for cycling and Active Travel in general. A key theme running through the budget where carbon-related funding had been provided, it was by the Government and without any matching funding by the Council. The majority of the budget associated with the environmental issues related to funding for the road network rather than any specific green issues
- The Council had not listened to the residents of Bromsgrove in relation to proposals for the A38 relief road and other local highways concerns
- The Council's education provision had and continued to be underfunded.

On a named vote **RESOLVED** that:

- a) **The budget requirement for 2022/23 be approved at £373.199 million as set out at Appendix 1B, having regard to the proposed Transformation and Reforms programme set out in section 9;**
- b) **The Council Tax Band D equivalent for 2022/23 be set at £1,396.78 which includes £169.47 relating to the ring-fenced Adult Social Care precept, and the Council Tax Requirement be set at £301.346 million, which will increase the Council Tax Precept by 3.94% in relation to two parts:**
 - **0.94% to provide financial support for the delivery of outcomes in line with the Corporate Plan 'Shaping Worcestershire's Future' and the priorities identified by the public and business community;**
 - **3.00% Adult Social Care Precept ring-fenced for Adult Social Care Services of which 2% was carried forward from 2021/22, in order to contribute to existing cost pressures due to Worcestershire's ageing population;**
- c) **The Capital Strategy 2022-25 and Capital Programme of £146.064 million be approved as set out at Appendix 1C and 1D and section 8;**

- d) **The earmarked reserves schedule as set out at Appendix 2 be approved;**
- e) **The Treasury Management Strategy and Prudential Indicators set out at Appendix 4 be approved; and**
- f) **The Council's Pay Policy Statement set out at Appendix 5 be approved.**

[NB Appendices referred to are those presented to 3 February 2022 Cabinet.]

Those in favour of the motion were: Cllr Steve Mackay, Cllr Alastair Adams, Cllr Salman Akbar, Cllr Allan Amos, Cllr Marc Bayliss, Cllr Bob Brookes, Cllr David Chambers, Cllr Brandon Clayton, Cllr Kyle Daisley, Cllr Nathan Desmond, Cllr Allah Ditta, Cllr Matt Dormer, Cllr Elizabeth Eyre, Cllr Simon Geraghty, Cllr Laura Gretton, Cllr Peter Griffiths, Cllr Karen Hanks, Cllr Ian Hardiman, Cllr Adrian Hardman, Cllr Paul Harrison, Cllr Marcus Hart, Cllr Bill Hopkins, Cllr Adrian Kriss, Cllr Aled Luckman, Cllr Emma D Marshall, Cllr Karen May, Cllr Tony Miller, Cllr Jo Monk, Cllr Dan Morehead, Cllr Richard Morris, Cllr Tony Muir, Cllr Beverley Nielsen, Cllr Tracey Onslow, Cllr Scott Richardson Brown, Cllr Andy Roberts, Cllr Linda Robinson, Cllr Chris Rogers, Cllr David Ross, Cllr Mike Rouse, Cllr James Stanley, Cllr Emma Stokes, Cllr Kit Taylor, Cllr Shirley Webb and Cllr Tom Wells. (44)

Those against the motion were: Cllr Mel Allcott, Cllr Martin Allen, Cllr Dan Boatright, Cllr Lynn Denham, Cllr Matt Jenkins, Cllr Natalie McVey, Cllr Josh Robinson, and Cllr Richard Udall. (8).

2338 Reports of Cabinet - Summary of decisions taken (Agenda item 5 (b))

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

- Mental Health Aftercare Arrangements as Required Under Section 117 of the Mental Health Act 1983
- Creation of an All Age Disability Service (0-25) Incorporating Adult Services Young Adult Team (YAT)
- Transport Policy for Adult Social Care
- National Bus Strategy.

2339 Appointment of External Auditors (Agenda item 6)

The recommendation was moved by the Leader of the Council and seconded by the Chairman of the Audit and Governance Committee.

In the ensuing debate, a query was raised about the loss of audit expertise to local government and increased costs following the abolition of the Audit

Commission in 2014 with the external auditor role transferring to the private sector. The Leader of the Council responded that there was an option in these proposals for the Council to set up its own auditing arrangements but that was considered to be costly. Alternatively, the Council could work with another partner but that was not considered appropriate. The Council complied with the national arrangements for the appointment of external auditors and intended to use the PSAA approach.

RESOLVED that Council opt-in to the Public Sector Audit Appointments sector-led option for the appointment of external auditors to principal local government and police bodies for five financial years from 1 April 2023.

2340 Notices of Motion - Notice of Motion 1 - Real Living Wage (Agenda item 7)

The Council had before it a Notice of Motion set out in the agenda papers standing in the names of Cllr Lynn Denham, Cllr Mel Allcott, Cllr Luke Mallett, and Cllr Dan Boatright.

The motion was moved by Cllr Lynn Denham and seconded by Cllr Josh Robinson, who both spoke in favour of it, and Council agreed to deal with it on the day.

Those in favour of the motion commented:

- The real living wage had been calculated at £9.90 an hour which contrasted with the national living wage which was set at £9.50 an hour from April 2022. However, the National Living Wage only applied to workers over 23 whereas the Real Living Wage applied to workers over 18 years of age. This meant that 18-20 year olds would only receive £6.83 an hour under the national living wage for doing the same job as an “adult”
- Paying the Real Living Wage would improve staff relationships with management, improve recruitment and retention, improve staff information, and improve health and well-being. Worcestershire LEP had identified low wages as an issue across the county. The increase would be beneficial for the local economy with increased staff spending power.
- The introduction of the national living wage had not had the negative impact on employment as some predicted. A recent Harvard University paper had indicated that wage increases of the lowest paid improved loyalty, productivity and delivered increased earnings for businesses. The introduction of the real living wage at a time when the cost of living was increasing in the post covid environment should be supported
- The motion merely asked that the issue of introducing the real living wage be considered by the Cabinet Member. It was important to address issues associated with staff recruitment and retention because of the potential impact on service provision

- In a time of financial pressures on families, the Council could set an example as a good employer to other businesses by adopting the real living wage. Lower paid employees were likely to spend more of their earnings locally
- Bringing a motion to Council was a legitimate part of the Council's constitution. It was still possible to undertake national pay bargaining whilst paying the real living wage as Worcester City Council had done. This motion was an opportunity to send a positive message to those staff affected.

Those against the motion commented:

- The Cabinet Member with responsibility for Economy and Skills commented that increasing the tax free allowance and a rise in the national minimum wage rise was the best way to tackle poverty. The motion would result in an increase in Council Tax at a time when the cost of living was rising. It would also mean a move away from national pay bargaining. The Council's priority was not solely to protect the interest of its staff but also to consider the impact on local residents
- The motion had not made any reference to the impact of the real living wage on private sector staff.

On being put to a named vote, the motion was lost.

Those in favour of the motion were: Cllr Mel Allcott, Cllr Dan Boatright, Cllr Lynn Denham, Cllr Matt Jenkins, Cllr Natalie McVey, Cllr Beverley Nielsen, Cllr Josh Robinson, Cllr Richard Udall, and Tom Wells. (9)

Those against the motion were: Cllr Steve Mackay, Cllr Alastair Adams, Cllr Salman Akbar, Cllr Allan Amos, Cllr Marc Bayliss, Cllr Bob Brookes, Cllr David Chambers, Cllr Brandon Clayton, Cllr Kyle Daisley, Cllr Nathan Desmond, Cllr Allah Ditta, Cllr Matt Dormer, Cllr Elizabeth Eyre, Cllr Simon Geraghty, Cllr Laura Gretton, Cllr Peter Griffiths, Cllr Karen Hanks, Cllr Ian Hardiman, Cllr Adrian Hardman, Cllr Marcus Hart, Cllr Bill Hopkins, Cllr Adrian Kriss, Cllr Aled Luckman, Cllr Emma D Marshall, Cllr Karen May, Cllr Tony Miller, Cllr Jo Monk, Cllr Dan Morehead, Cllr Richard Morris, Cllr Tony Muir, Cllr Tracey Onslow, Cllr Scott Richardson Brown, Cllr Andy Roberts, Cllr Linda Robinson, Cllr Chris Rogers, Cllr David Ross, Cllr Mike Rouse, Cllr James Stanley, Cllr Emma Stokes, and Cllr Shirley Webb. (40)

2341 Notices of Motion - Notice of Motion 2 - Climate targets (Agenda item 7)

The Council had before it a Notice of Motion set out in the agenda papers standing in the names of Cllr Matt Jenkins, Cllr Natalie McVey, Cllr Beverley Nielsen, and Cllr Martin Allen.

The motion was moved by Cllr Beverley Nielsen and seconded by Cllr Natalie McVey, who both spoke in favour of it, and Council agreed to deal with it on the day.

This Notice of Motion was withdrawn by the signatories to the motion at the meeting on the basis that a representative of the GAIA group would be invited to attend meetings of the Sustainability and net Zero Member Advisory Group.

2342 Report of the Cabinet Member with Responsibility for Environment (Agenda item 8)

The Cabinet Member with Responsibility for Environment presented his report to Council which covered various topics.

The Cabinet Member with Responsibility for Environment answered a broad range of questions from members.

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

2343 Question Time (Agenda item 9)

Four questions had been received by the Assistant Director for Legal and Governance and had been circulated in advance of the meeting. The answers to all the questions are attached in the Appendix.

2344 Reports of Committees - Pensions Committee (Agenda item 10)

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

The meeting was adjourned from 11.55am to 12.10pm and 1.35pm to 2.10pm ended at 3.00pm.

Chairman

COUNCIL 17 FEBRUARY 2022 - AGENDA ITEM 9 – QUESTION TIME

Questions and written responses provided below.

QUESTION 1 – Cllr Richard Udall asked Cllr Alan Amos:

“Play Streets are neighbour-led short road closures, creating a safe space for children to play freely together on their doorstep. Play Streets typically allow children to play freely, without organised games or activities. In practice, this means children cycle, scoot, skate, chalk, skip, hopscotch, kick a ball around and make up games. They were first developed by parents on one street in Bristol in 2009; they have now been taken up by hundreds of street communities all over the UK, supported by councils and local organisations.

Would the Cabinet Member consider establishing the right for residents and communities to establish Play Streets in Worcestershire and would he agree to allow St John’s or the whole of the west side of Worcester, to be a pilot area to test such schemes?”

Answer

I thank Cllr Udall for his Question.

But poor Richard, he’s tried so hard to get another quick-win headline.

However, as always, I’ll be as helpful as possible.

Roads are designed to facilitate the movement of goods and people, but Cllr Udall has this on-going penchant of wanting to close them, either for cyclists and now for play areas.

Whilst Cllr Udall refers to “short” road closures, he does not say whether he is talking about closures for a few hours, half a day, a whole day, a weekend, or whatever; and he seems to be saying that it is for a number of repeat closures but does not say if that is throughout the year or just a part of it. No matter. Any such closure would require a Traffic Regulation Order (TRO) which is a legal process involving statutory consultation, and I can confirm that any objection from a resident on the grounds that they require access to their properties during any such closure would count as a significant objection that would carry considerable weight. And, of course, access for the emergency services cannot be compromised under any circumstances, nor on bus routes given the enormous disruption to timetables that that would cause. Another significant consideration is that these closures would not be enforced, which raises a number of serious safety issues.

To pre-empt any question, I would also add that these proposed closures are not the same as, for example, a street party for the Queen’s Jubilee, which is classified as an event.

The other consideration, of course, is the displacement effect from road closures, as we all know too well from diversions caused by roadworks or other physical blockages. Motorists, like water, will get from A to B via the quickest possible route. Few things swell my post box as quickly as delayed or diverted drivers. These closures will inevitably lead to hitherto quiet residential roads being turned into busy rat-runs, and we’re not in the business of delivering something which is only going to create a new problem elsewhere in adjacent streets for neighbouring residents.

Specifically, the Play Streets initiative to which he refers, involves regular closure of streets to traffic and there is no doubt that these temporary closures would have the effects I have described, namely significant disruption to traffic movements; and they are not appropriate either on through-routes with connectivity to other areas and specifically where - for some streets - the closed road is the only point of access; or on bus routes or emergency services routes. It is in the nature of streets that they do not provide and are not built for a permanent quality recreational environment for children or have the facilities to make them appropriate.

However, Cllr Udall has raised a wider and very important point about children having access to safe play areas. As a Member of Worcester City Planning Committee, I routinely speak out against residential planning applications which do not provide adequate garden or green space for its residents. Perhaps he could persuade his Labour colleagues to adopt a similar approach instead of their voting in favour of schemes which don't have gardens or any green space for children, so at least this issue will not be a problem for future residential developments.

Cllr Udall's constituents can, of course, use the local parks, including Pitmaston in my Division which is always happy to welcome people who are well behaved. I would again remind Cllr Udall - the self-styled mouth of St. John's - that he does not represent St. John's as such but rather only a part of it since I represent the other part, with Cllr Geraghty also representing a section. I know that my residents in Bedwardine certainly do not want ad hoc or repeated road closures with the creation of consequential rat-runs in neighbouring streets.

QUESTION 2 – Cllr Lynn Denham asked Cllr Marcus Hart:

"How many EHCP (Education, Health and Care Plan) assessments have been completed within the 16 weeks, in 20/21 and 21/22 to date? How many plans have been completed within 20 weeks? What percentage of requests is that?"

Answer

EHCP completed in 16 weeks

2020/21 = 520/526	on time = 99%
2021/22 to date (Dec End) = 71/202	on time = 35%

EHCP plans completed in 20 weeks

2020/21 = 482/484	on time = 100%
2021/22 to date (Dec End) = 88/158	on time = 56%

Supplementary question

It was queried why Worcestershire Children First was not meeting the statutory target to complete EHCPs. The Cabinet Member responded that it was not only important to meet the statutory deadline to complete EHCPs but also to ensure that they were of sufficient quality. The quality of EHCPs was an issue raised by the CGC inspection and the Council was taking time to ensure their robustness. There had also been a transition period in terms of staffing levels, not helped by a shortage nationally of Educational Psychologists.

QUESTION 3 – Cllr Dan Boatright asked Cllr Marcus Hart:

"It is welcome that the Council and Worcestershire Children's First (WCF) has acknowledged a greater need for transparency in the actions of its SEND services. Whilst talking to stakeholders I have been directed to the legal proceedings that the Council and WCF has experienced as parents fight to get the right support for their children. With this in mind, how much has been spent on legal costs, both internally and externally, in fighting parents of children with SEND in the tribunals and other legal proceedings in last 5 financial

years? How much of this money has been spent on cases where we have settled before a tribunal date? And how much was spent on cases where the decisions of WCF and the Council was found to be wholly upheld?"

Answer

WCF commission an external law firm for legal support with tribunals – None of which I have any connection with:

Financial Year	£
2017/18	74,250
2018/19	85,000
2019/20	129,500
2020/21	147,600
2021/22 to 31.01.22	91,200

As WCF have just a block service level agreement for legal services with the County Council in terms of an internal legal figure, that level of detail was not kept on a case by case basis.

Supplementary question

It was queried whether there was a moral duty for the Council to pay the money back to parents who had won at a tribunal. The Cabinet Member responded that there would always be occasions where two parties would disagree and require determination by a tribunal. However, issues associated with SEND and EHCP needed to be examined globally, working collaboratively with parents and carers to try and avoid the need for matters to go to tribunal in the first place. In other words, prevention rather than cure.

QUESTION 4 – Cllr Richard Udall asked Cllr Matt Dormer:

"Is the Cabinet Member aware of growing concern about forced marriages of people who do not have the mental capacity to consent, either through mental health or dementia. Can he confirm what measures are in place in our registry offices to ensure all participants in marriage ceremonies have such mental capacity for consent?"

Answer

I am aware of the growing concern about forced marriages of people that do not have the mental capacity to consent and attempts through a private members bill by Fabian Hamilton MP to make changes to the current law and guidance.

All registrars are trained to identify where a marriage may be forced, coerced or where either party lacks capacity to understand what is happening either through language barriers or mental capacity.

When a registrar takes a notice of marriage not only are the couple interviewed together, but separately as well. Registrars are trained to look for indicators that there may be an issue with the understanding of the purpose of the meeting.

This aspect is covered under the Mental Capacity Act 2005, which states 'a person must be assumed to have capacity unless it is established that he lacks capacity and that a person is not to be treated as unable to take a decision unless all practicable steps to help him to do so has been taken without success.

Should a registrar be concerned when interviewing then they have to advise the Superintendent registrar who will make the decision, following speaking with the individual, whether the notice of marriage/marriage should continue.

The registrar can obtain further guidance from the Forced Marriage Unit if required. If the decision is made that it should not continue and it is considered that the person is vulnerable they then are required to contact the safeguarding team.

Supplementary question

It was queried whether staff were being encouraged and empowered to intervene to protect those most vulnerable members of society to ensure that no-one was enforced into marriage without their knowledge and against their will. The Cabinet Member reiterated his previous response that staff needed to be trusted to do their job to a high standard.