

## Minutes of the Council

### County Hall, Worcester

**Thursday, 19 May 2022, 10.00 am**

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#### **Present:**

Cllr Steve Mackay (Chairman), Cllr Alastair Adams, 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 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 Adam Kent, 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 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 Craig Warhurst, Cllr Shirley Webb and Cllr Tom Wells

#### **Available papers**

The members had before them:

- A. The Agenda papers (previously circulated);
- B. 9 questions submitted to the Assistant Director for Legal and Governance (previously circulated); and
- C. The Minutes of the meeting held on 17 February 2022 (previously circulated).

#### **2345 Apologies and Declaration of Interests (Agenda item 1)**

Apologies for absence were received from Cllrs Salman Akbar, Matt Dormer, Aled Evans, Luke Mallett, Jo Monk, Tony Muir, Jack Satterthwaite.

#### **2346 Chairman (Agenda item 2)**

The outgoing Chairman described his year of office and thanked the Council and its officers for their support.

Council Thursday, 19 May 2022  
Date of Issue: 12 September 2022

**RESOLVED** that Cllr Chris Rogers be elected Chairman to hold office until his successor becomes entitled to act.

**2347 Vice-Chairman (Agenda item 3)**

**RESOLVED** that Cllr Kyle Daisley be appointed Vice-Chairman to hold office until immediately after the election of a Chairman at the next Annual meeting of the Council.

**2348 Public Participation (Agenda item 4)**

David Hill presented a petition requesting that the Council does what it can to resurface part of the A422 running through Kington and Dormston.

Alan Bailes asked a question about the environmental impact of high traffic volume, speed of traffic, and traffic queuing on the health of Bordesley Village residents.

Peter Millar asked a question about climate change.

Elena Round asked a question about Special Educational Needs and Disability (SEND) provision.

The Chairman thanked all the public participants for their contributions and said they would receive a written response from the relevant Cabinet Member.

**2349 Minutes (Agenda item 5)**

**RESOLVED** that the Minutes of the meeting held on 17 February 2022 be confirmed as a correct record and signed by the Chairman.

**2350 Chairman's Announcements (Agenda item 6)**

Noted.

A Minute's silence was held in memory of former county councillor Mr Philip Gretton who had sadly passed away.

**2351 Reports of Cabinet- Matters which require a decision - Corporate Plan 2022-27 (Agenda item 7 (a))**

Council considered the Corporate Plan 2022-27.

The Leader introduced the report and commented that the revised Corporate Plan retained the four key themes: Children and Families, Environment, Health and Well-being and Open for Business which had guided the work of the Council over the last 5 years. The contributory narrative and projects included in it had been updated to reflect progress made, the schemes delivered and

the revised context in the county including this Council's and partner organisation's plans and strategies.

He added that new performance measures had been included for each of the themes as well as some corporate cross-cutting measures which would be closely monitored during the plan period. The themes encapsulated the key responsibilities and core duties of safeguarding children, education, adult social care, improving public health and well-being, waste disposal and highways. They focused on making Worcestershire an attractive place for residents, businesses and visitors. The Plan addressed the issues that the public had told the Council were important and needed improving. The refreshed plan prioritised and progressed the One Worcestershire approach for co-ordination between partner organisations. The Plan embraced new initiatives such as Here to Help, the use of digital technology and mobile and flexible working together with a focus on working communities to empower and enable them to do more.

He thanked the Chairman and members of the OSPB for their contribution and recommendations, some of which had been taken on board, for example in relation to crime and disorder, targets for first preference schools, and consistency in how things were measured.

In the ensuing debate, the following points were raised:

- There was no reference in the Plan in relation to the support provided for local bus services and active travel
- The Plan failed to address the bigger environmental picture and was contradictory in places. Climate change needed to be central to the whole plan and annual targets should be incorporated in the Plan to ensure it met the overall climate change target for 2050. The focus on high-tech business and in particular the green elements was welcomed
- Problems associated with SEND, EHCPs and CAMHS needed to be addressed in the Plan. There was insufficient capacity in schools to address issues associated with SEND. Prevention was a key element of the approach to health and well-being
- Transport was a key area in terms of the impact on emission levels and the Council could make a huge impact in this area. Building more roads just added to congestion. The Council's bus strategy had been rejected by the Government and bus companies were struggling to provide a commercially viable service. How was it possible to meet these corporate targets when the county was dominated by car use
- The plan lacked a joined up approach to setting out how Worcestershire would be a place where people wanted to live and work, stay fit and healthy and live independently
- A major issue in terms of economic development and the impact on people's lives was lack of mobility around the county if you did not own a car. There were no measures to address the life-expectancy gap between the prosperous and less-prosperous areas of the county
- The focus on the strategic investment sites was welcomed and in particular, on Malvern Hills Science Park and tech park. It was queried whether there would be a link between the strategic plans, particularly

around 5G and 4.0 diagnostics to bring in established anchor tenants to help drive up valuations, enabling further prospective ownership and additional much needed investment into these assets and in particular retaining graduates and stopping the trend of highly skilled graduates leaving the county

- It was queried why there was no mention of libraries in the Corporate Plan
- It was disappointing that there was no mention in the Plan of lobbying the county's MPs to ask the Government to address the education funding gap in the county
- The issue of the lack school places needed to be addressed to reduce the number of private car journeys across the county
- The Cabinet Member with Responsibility for Adult Social Care indicated that the Plan committed the Council to the production of an integrated care system commencing in July 2022. It would be a time of significant change for Adult Social Care with the care cap and the fair price of care coming into effect. The Plan committed the Council to the Three Conversations Model. It reaffirmed the Council's approach of providing the right services at the right price to the right people. The Council would be working with colleagues in health on the prevention agenda to remain ahead of issues associated with the aging population demographics
- It was claimed in the Plan that the Council was a member-led authority yet on key issues, the Council had acted against the wishes of local councillors
- The Cabinet Member with Responsibility for Health and Well-being commented that the Council had responded to feedback from local residents to the Council's health and well-being consultation document and the public's concerns would be addressed as part of the strategy going forward. Health disparities would be addressed as part of the Corporate Plan and prevention had been identified as a key factor
- The Cabinet Member with Responsibility for Communities gave an assurance that libraries had been recognised as a key service for the local community. The Corporate Plan was a high level document which sets out the corporate vision for the next 5 years. The Council did listen to the views of local residents and had addressed their concerns in the Plan. Whilst encouraging other modes of transport, cars were an essential mode of transport in rural areas of the county and the focus should be on ensuring that it was a cleaner and greener mode of transport
- The Cabinet Member with Responsibility for Education indicated that she would do all she could to lobby for fairer funding for schools. Over 90% of pupils in the county received their first preference of school but she recognised that there would be a certain number of pupils travelling greater distances to attend school
- The Leader summed up and commented that the Corporate Plan was an evidence-based refreshed plan. He encouraged all councillors to engage in the scrutiny of the Plan. The Plan was broad and strategic and set out the vision for Worcestershire across the four key themes including cross-cutting and interlinked themes. It was not possible to name-check every area within the Plan. The Council wanted to

encourage all modes of transport but recognised that many people would continue to use their car and that cars would become a greener mode of transport in the future. By improving the roads and pavements, the Council would be addressing congestion, a key issue raised by the public. The Council did wish to see the development of high tech sites and skills to provide higher paid and skilled jobs to ensure a more prosperous future. The Plan would be managed and monitored at least every 6 months. There would be a series of roadshows held throughout the year. A digital version of the Plan would be maintained and updated.

**RESOLVED** that the refreshed Corporate Plan 2022-27, the four key priorities of Open for Business, Children and Families, the Environment and Health and Wellbeing and their respective performance measures be approved.

## **2352 Reports of Cabinet- Summary of decisions taken (Agenda item 7 (b))**

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

- Worcestershire Response to the Invasion of Ukraine
- Approval of Worcestershire Children First's Business Plan 2022-23
- Worcestershire Rail Investment Strategy
- The Domestic Abuse Act 2021 Update
- Adult Social Care – Annual Local Account 2021-22
- Continuing Health Care Partnership Policy
- Section 75 Agreement between Worcestershire County Council and Herefordshire and Worcestershire CCG
- Pershore Area Review Consultation Findings and Recommendations.

## **2353 Constitutional Matters (Agenda item 8)**

### **(a) Overview and Scrutiny Arrangements**

The Leader of the Council introduced the report and commented that the only proposed change to the overview and scrutiny arrangements was to split the Economy and Environment Panel into two separate panels. The change was proposed after discussions with the Chairman and Vice-Chairman of the Panel, because of the emphasis in the Corporate Plan on the environment as well as the economy. The change would allow each of the Corporate Plan priorities to have at least one panel focused on its work.

In the ensuing debate the following points were raised:

- The Chairman of OSPB commented that it was important that the Overview and Scrutiny structures accorded with the Council's priorities. The additional panel also meant that the vast majority of councillors could become involved in scrutiny work and have an active role in shaping future policies. He thanked the previous Panel Chairmen, who

had moved on to other political positions within the Council, for their contribution. He requested that the newly appointed Vice-Chairman of the Council be allowed to complete his work with the scrutiny task groups

- The split of the Economy and Environment Panel was welcomed. It would enable more manageable and robust scrutiny of the subject matter
- The Leader summed up and commented that part of the reason for the proposed change was to provide scrutiny members with the capacity to focus on important forward-looking policy development work.

**RESOLVED: that**

- (a) **the revised Overview and Scrutiny Arrangements be approved as set out in paragraphs 5-7 of the report;**
- (b) **the number and size of the Overview and Scrutiny Performance Board and Panels and proposed allocation of seats between the political Groups on those bodies, other committees and on Hereford and Worcester Fire and Rescue Authority be agreed as set out in Appendix 1 of the report;**
- (c) **individual members be appointed to those committees in accordance with the nominations from time to time of the respective political Groups in accordance with the Local Government and Housing Act 1989, and requires the Assistant Director for Legal and Governance to give effect to such wishes expressed by the political Groups;**
- (d) **the Assistant Director for Legal and Governance be authorised to settle any outstanding details relating to the political structures and to make changes as necessary to the Council's Constitution (Articles and Appendices) to give effect to the Council's decisions and any other revisions necessary to reflect needs or circumstances.**

**(b) Chairmen and Vice-Chairmen of Member Bodies**

**RESOLVED** that Members be appointed to the Chairman and Vice-Chairman roles in accordance with Appendix 2 of the report.

**(c) Council meeting dates 2023-24**

County Council meeting dates were currently scheduled up to November 2022. To enable the 2023 meetings programme to be produced and help members plan their commitments, the Assistant Director for Legal and Governance suggested that further meetings of the Council were now scheduled for 2023 and through until the end of the next Municipal Year in 2024.

**RESOLVED** that the Council meeting dates for 2023 and early 2024 be approved as follows:

**2023**

**12 January**  
**16 February**  
**18 May**  
**13 July**  
**14 September**  
**9 November**

**2024**

**11 January**  
**15 February**  
**16 May**

**2354 Notices of Motion - Notice of Motion 1 - Equality Impact Assessments and the Council's obligations to people with protected characteristics under the Equality Act 2010 (Agenda item 9)**

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 Dan Boatright, and Cllr Richard Udall.

The motion was moved by Cllr Lynn Denham and seconded by Cllr Mel Allcott, who both spoke in favour of it.

Those in favour of the motion commented:

- This motion was being brought before Council following consideration of the subject matter by Worcester City Council. The City Council had reviewed its obligations to people with protected characteristics under the Equality Act. It was clear that a recent Equality Impact Assessment (EIA) presented in a report to a meeting of this Council concerning the All-Age Disability Service did not adequately consider the obligations to people with protected characteristics. The screening of reports to take account of different individual needs did not appear to be sufficiently robust. There was a danger of unconscious bias if all EIAs were undertaken by white middle class managers
- The highest number of placements for Looked after Children had been out of county and there had been no explanation for this situation. Was there an unconscious bias or were assumptions being made that resulted in these placements? The Cabinet Member with Responsibility for Children and Families commented that the main reason that Looked after Children had been placed out of county was to enable them to be

with family members. However, he would provide details of those children in care who had been placed out of county

- The review did not necessarily require consideration by a meeting scrutiny panel but could be undertaken by the Cabinet Member with Responsibility.

Those against the motion commented:

- The Cabinet Member with Responsibility for Corporate Services and Communication commented that the Council had a good track record in producing EIA reports and in particular meeting its Public Sector Equality duties. EIAs were assessed through a digital screening platform by individuals and service areas which allowed an in-depth understanding of the impacts of initiatives on residents, staff or visitors in relation to one or more of the protected characteristics. The process was sufficient, modernised and provided the necessary due regard to the Council's duties as stated in the Equalities Act 2010. The robustness of the process was enhanced by the EIA being reviewed and challenged and signed off by the Equality, Diversity and Inclusion Lead. The Council's approach had recently been reviewed and a new Strategy would be implemented, after consultation with trade unions. The new governance approach would be council-wide and ensure that equality, diversity and inclusion was at the heart of everything that the Council did. It would be managed by individual directorate equality groups and reported to the Strategic Diversity Leadership Group, chaired by the Chief Executive. The Council would work with partner councils to share best practice and continuously improve its approach. Awareness of the issue had been drawn to the attention of all employees and included in the Workforce Strategy
- There had been plenty of opportunities for councillors to raise this matter at scrutiny meetings
- The Cabinet Member with Responsibility for Children and Families commented that there remained areas of prejudice that had not covered by the Equality Act 2010 for example, the prejudice expressed and felt by children in care and care leavers
- The Cabinet Member with Responsibility for Adult Social Care indicated that a concern he had raised about the level of equality across the whole of the Council had been addressed to his satisfaction.

**On being put to the vote, the notion was lost.**

## **2355 Notices of Motion - Notice of Motion 2 - Valuing and Encouraging Foster Carers (Agenda item 9)**

The Council had before it a Notice of Motion set out in the agenda papers standing in the names of Cllr Richard Morris, Cllr Adam Kent, Cllr Mike Rouse, Cllr Kyle Daisley, Cllr Andy Roberts, and Cllr Emma Marshall.

The motion was moved by Cllr Richard Morris and seconded by Cllr Emma Marshall, who both spoke in favour of it.



In the ensuing debate, the following points were raised:

- Foster carers provided a safe, loving environment for vulnerable children which allowed children to adapt and thrive. The aim of the motion was to encourage councillors as corporate parents to help build that body of carers to provide this vital service and become advocates for and support the campaign for foster care across Worcestershire. 34% of looked after children were in foster care and of those 33% had been placed in external placements. The Council's foster care team were particularly focused on finding foster carers for teenage children and respite support placements
- In April 2022, the Council had 200 approved foster carers and 224 approved kinship foster carers compared to the 890 children who were in care. 466 children were awaiting a foster placement. Children in foster care had better outcomes than children in residential care. Foster carers could make a huge difference to a child's life and the outcomes could be very rewarding. Foster carers were provided with opportunities for development and training and were able to join support groups. Statistically care leavers were more likely not to go into further education and were more likely to become homeless. This did not have to be the case because foster carers could make a significant impact
- A particular issue associated with out of county placements in residential homes was children running away from home because they had been taken away from their local area which made them very vulnerable
- Council should consider drawing on the expertise/research of Professor Peter Unwin from the University of Worcester in relation to the potential role of disabled foster carers, particularly for teenage Looked after Children
- Anyone could become a foster carer, all that was needed was to provide a child with a loving safe and caring home
- The Cabinet Member with Responsibility for Children and Families emphasised the importance of these types of motions at Council. Debates at previous council meetings had recently indirectly led to foster carers receiving an increase in pay by 2% for the whole county and for carers of teenagers a further 2%
- The recent communication regarding the Foster Care Fortnight would be recirculated to all councillors.

On being put to the vote, the substantive motion which was agreed unanimously.

**RESOLVED** "Foster Care Fortnight is between 10 to 23 May this year. The annual campaign aims to raise the profile of fostering and to show how foster care transforms lives. It is also the UK's biggest foster carer recruitment campaign.

**Foster carers provide a safe, loving environment for vulnerable children. With their love and support, the children in their care quickly adapt and often thrive. Put simply, foster carers help to make a real difference to vulnerable children in society.**

**This motion seeks to get councillors (in their role of corporate parents) to help build the body of people who carry out this vital service.**

**Foster Care Fortnight is the UK's biggest foster care awareness raising campaign, delivered by leading fostering charity, The Fostering Network. Established for almost 20 years, the campaign showcases the commitment, passion, and dedication of foster carers. It also supports fostering services to highlight the need for more foster carers. Nationally, thousands of new foster families are needed every year to care for children, with the greatest need being for foster carers for older children, sibling groups, disabled children and unaccompanied asylum-seeking children.**

**It is proposed that Council agree that councillors make efforts, using their connections, network and social media, to engage with people in their division to emphasise the role of foster care, its importance and how they can make further enquiries."**

## **2356 Notices of Motion - Notice of Motion 3 - Acknowledgement of Worcestershire's Veterans and Service Personnel (Agenda item 9)**

The Council had before it a Notice of Motion set out in the agenda papers standing in the names of Cllr Martin Allen, Cllr Matt Jenkins, Cllr Josh Robinson, Cllr Dan Boatright, Cllr Beverley Nielsen, Cllr Mel Allcott, Cllr Luke Mallett, Cllr Natalie McVey, and Cllr Lynn Denham.

The motion was moved by Cllr Martin Allen and seconded by Cllr Tom Wells, who both spoke in favour of it, and Council agreed to deal with it on the day.

In the ensuing debate, the following points were raised:

- This Council should recognise the courage, sacrifice and commitment of Worcestershire's Veterans and Service Personnel of Her Majesty's Armed Forces. Acknowledging their service was recognising the great debt that was owed to them all
- The impact on the children of serving men and women of their service to the country should be acknowledged
- The conflict in the Falklands had left mental and physical impacts on all those involved and many did not ask or did not know how to ask for help. The country needed to do better in looking after veterans when they returned from conflicts
- Service families led a very nomadic life but with a strong sense of family support. Children spent long periods where a parent was away on duty and the family effectively acted as a single parent family. The support for families had improved but there remained issues in accessing support and the suicide rate was still too high
- The Worcestershire Armed Forces Champion welcomed the motion as an opportunity to pay tribute to all those men and women who had

served in the Falklands conflict. He praised the work of the previous Armed Forces Champion for raising profile of veterans. There would be an event for Falklands veterans at the National Memorial Arboretum on 14 June to mark 40 years since the conflict. The Royal British Legion had created a message board for those wishing to pay tribute and honour the sacrifice made. Businesses, GP practices and charitable organisations were being asked to sign the Armed Forces Covenant and thereby pledge to make their commitment to support veterans

- The key element of the motion was to recognise the debt owed and to reach out and support the families as well as the veterans themselves.

On being put to the vote, the substantive motion which was agreed unanimously.

**RESOLVED “As indicated by its active involvement with the Armed Forces Covenant, this Council acknowledges the service and sacrifice of Worcestershire’s Veterans and Service Personnel of Her Majesty’s Armed Forces.**

**In the fortieth anniversary year of the Falklands Conflict, this Council requests that the Chairman send to her Majesty the Queen, our grateful thanks, and good wishes to all Veterans and Service Personnel for their loyal service and dedication in protecting and upholding the values and traditions of our Country. This Council further acknowledges the great debt we all owe to these men and women, who step into danger when called upon to do so.”**

## **2357 Report of the Cabinet Member with Responsibility for Economy and Skills (Agenda item 10)**

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

The Cabinet Member with Responsibility for Economy and Skills answered a broad range of questions from members.

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

## **2358 Question Time (Agenda item 11)**

Nine questions had been received by the Assistant Director for Legal and Governance and had been circulated in advance of the meeting. Seven were answered on the day. The answers to all the questions are attached in the Appendix.

## **2359 Reports of Committees - Audit and Governance Committee (Agenda item 12 (a))**

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

**2360      Reports of Committees - Pensions Committee (Agenda item 12 (b))**

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

**2361      Reports of Committees - Standards and Ethics Committee (Agenda item 12 (c))**

The Council received the report of the Standards and Ethics Committee containing a summary of the decisions taken.

The meeting was adjourned from 12.15pm to 12.25pm and 1.20pm to 2.15pm and ended at 3.15pm.

Chairman .....

## COUNCIL 19 MAY 2022 - AGENDA ITEM 11 – QUESTION TIME

Questions and written responses provided below. Questions 4 and 7 were not asked on the day.

**QUESTION 1** – Cllr Josh Robinson asked Cllr Simon Geraghty:

*“Does Worcestershire County Council have pride in Bromsgrove High Street and the wider town centre?”*

### **Answer**

Thank you Josh for your question. The County Council is indeed proud of our County and through our One Worcestershire campaign and investment in Visit Worcestershire looks to work to raise the profile of Worcestershire, including Bromsgrove, both within the County and further afield. We are always looking for opportunities to deliver further improvements across Worcestershire and at the last meeting of Council approved an ambitious 3 year capital programme. In recent years we have already delivered the new Bromsgrove Rail Station, started improvements to the A38, invested in walking & cycling and the Bromsgrove on demand bus service. Specifically in Bromsgrove town centre, Bromsgrove District Council has been successful in securing significant funding for its Levelling Up bid and we will be working with colleagues to assist in the delivery of those plans.

### **Supplementary question**

It was queried whether the Leader of the Council would commit to meeting Cllr Josh Robinson to discuss the issues affecting Bromsgrove High Street, whether the Council's policy could be changed to ensure that utility companies completed works quicker than the current 6 months and whether the levelling up funding could be used to improve the High Street. The Leader of the Council responded that Bromsgrove District Council had bid for the levelling up funding and there were clear parameters for the use of that funding. Many of the issues raised in the supplementary question related to Bromsgrove High Street, including issues associated with utility companies and would be better addressed in detail by the Cabinet Member with Responsibility for Highways and Transport.

**QUESTION 2** – Cllr Dan Boatright asked Cllr Tracey Onslow:

*“Please can you inform me of how many (if any) judicial review proceedings (which relate to SEND or education matters more generally) Worcestershire County Council have been involved in each year for the past 5 years. Please indicate for each case, a brief outline of the matter and what the outcome was. Please indicate for each case the legal costs involved - internal legal costs plus any external legal costs.”*

### **Answer**

The number of Judicial Review proceedings issued against Worcestershire County Council in Court (which relate to SEND or education matters more generally) in each year for the past 5, is two litigated cases as detailed below:

- 2018 – 1
- 2019 – 0

- 2020 – 0
- 2021 – 1
- 2022 - 0

## **2018 – outline of the matter**

### **R (on the application of RD and others v Worcestershire County Council [2019] EWHC 449 (Admin)**

This was a case challenging the Council's decision to cease an education service known as 'Portege'. Portege provided Early Years support to pre-school children with special educational needs by means of a 'Portege worker' assigned to support each family. WCC took the decision to cease the service in 2016 due to the support being delivered through the Council's Local Offer and graduated response programme. The service was reduced gradually over two years to 2018 as children 'graduated' out of the service.

In 2018, four children challenged the decision to cease Portege. The claim was out of time to challenge the original 2016 decision. The Council defended the judicial review as it was, by this point, impossible to agree to reinstating the service following the redundancy of the Portege workers and the investment in alternative services.

The Council successfully defended 4 of the 5 grounds of challenge, but the High Court found that the Council had failed to meet the legitimate expectations of the claimants. The Court required the Council to further assess the needs of the claimants on cessation the service.

The Council was ordered to pay the costs of the claimants in bringing their claim.

#### **Costs:**

WCC Counsel: £35,190

External Costs lawyer: £6,347.88

Claimants' costs: £117,500

Total: £159,037.88

## **2021 – outline of the matter**

### **R (on the application of P) v Worcestershire County Council**

This judicial review challenged a failure of the SEND team to issue an amended EHCP within the appropriate timeframe following an annual review. WCF had in fact issued the amended plan and the claim had been brought pre-emptively by the claimant. The claim was withdrawn and no order for costs was made.

#### **Costs**

WCC's Counsel: £1250

## **Internal Legal Costs**

Internal legal costs for Defending Judicial Review Claims are covered by an SLA paid annually by WCF/WCC to the service. It is not possible to quantify the actual internal legal costs incurred in each of the above cases, as legal costs are not usually recoverable against a legal aided opponent and therefore the time spent is not formally recorded.

## **Supplementary question**

The Cabinet Member with Responsibility for Education indicated that she would not be able to confirm whether the recent data breaches had related to the cases set out in her response.

## **QUESTION 3 – Cllr Natalie McVey asked Cllr Mike Rouse:**

*"One in ten car journeys made today needs to be made by bus by 2030 if the UK is to remain on track for its net-zero goals, according to the independent Climate Change Committee.*

*Given the catastrophic failure of Worcestershire County Council to attract any government funding for bus travel in Worcestershire (notably along with other Shire Counties, as the*

government drastically diminished the total funding pot from £3bn to £1.2bn) can the Cabinet Member enlighten us as to what the 'Bus Back Better Plan B' for our county is?"

## **Answer**

*The announcement of the results of our Bus Service Improvement Plan submission was an incredible disappointment for all involved and for the residents of Worcestershire who understandably want assurance that when they get up to go to work, to school or to engage in leisure activities there is a public transport network available to them should they need it.*

*That is what was set out in 2019, when we created the Worcestershire Passenger Transport Strategy, which remains our key to ensuring people can choose how they move, integrate with other modes of transport, and helps achieve our Net Zero goals.*

*I am looking forward to attending OSPB next week where there will be an opportunity to delve into more detail about how Worcestershire is responding to the challenges within our bus network, and we have a short space of time to do that given a government deadline of 1 July to provide an analysis of our commercial network. **I take nothing off the table when it comes to our response, and we are considering all options including how Active Travel can play a stronger role in how people complete their journeys, all based off a common-sense pragmatic approach, and I am looking forward to working with partners and communities to move this agenda forwards.***

## Supplementary question

In response to a query about the possibility of First Bus withdrawing their service from Worcestershire, the Cabinet Member with Responsibility for Highways and Transport explained that discussions would take place with partner organisations to try and ensure that First Bus continued to provide bus services in Worcestershire.

## **QUESTION 4** – Cllr Beverley Nielsen asked Cllr Marc Bayliss:

*"Recognising the support which the Cabinet Member with Responsibility for Economy and Skills has provided the proposed bid to revive Malvern Hills College as an essential skills and training facility in Malvern Hills, when will the County Council consider this bid for support for the College's revival and could the Cabinet Member explain, more fully, the process for this support?"*

## **Answer**

Worcestershire County Council is working proactively with the local district council, trusts and other bodies to assist in a business case development for the College. As colleagues can imagine this is a complex task needing all round support,. This will need Cabinet appraisal and approval at both the County and the district council and I am committed to bringing that forward on the understanding that the business cases clearly shows a value for money case. At this stage officers are working with all parties to assess and bring forward such a paper in the coming months and I will ensure that Councillor Nielsen and others are kept fully informed of progress.

## **QUESTION 5** – Cllr Matt Jenkins asked Cllr Mark Bayliss:

*"With the Three Counties Show and other major events taking place in Malvern Hills this summer what is Worcestershire County Council doing to assist the free flow of traffic this year? Could some explanation be given regarding delays to the A4440 link road works? Why is this taking so long?"*

## Answer

Our Streetworks Team has a major task in terms of managing activity on the County's Highway network. There are sometimes conflicting demands for road space including routine highway maintenance, new transport infrastructure schemes, housing and commercial developments, and planned and emergency works carried out by the utility companies. This is even more challenging in areas that are subject to seasonal influxes of visitors to large events. The Team liaises closely with event organisers and venue operators to both minimise disruption and prevent clashes. Events such as the Spring Show at the Three Counties Showground attract huge numbers of visitors and, where other works are unavoidable on the network, organisers are asked to play their part in encouraging visitors to plan well ahead and avoid known pinch-points.

With our own projects, other site-specific measures are taken such as carrying out as much work "off line" as possible, manual control of traffic signals to assist with the tidal nature of traffic flows, and carrying out work overnight or at off-peak times where possible.

With reference to the Southern Link Road, the works are on schedule to be completed this summer. This is a major civil engineering project involving the construction of an entirely new carriageway, a new bridge over the River Severn, a new viaduct and the provision of improved infrastructure for pedestrians and cyclists. We've also taken the opportunity to bring forward some important maintenance works so that we don't have to close the road again in the near future to accommodate them. As much of the work as possible has been carried out off-line, overnight and, where appropriate, at weekends, and given the scale of the project I am pleased with the way the traffic has been managed.

### Supplementary question

In response to a query about the timescale in which the works were meant to be completed and the penalties available for late completion, the Cabinet Member with Responsibility for Economy, Infrastructure and Skills indicated that the original date for completion was spring 2022. Covid had had a major impact and led to a lapse in the schedule but the opportunity had been taken during this period to improve and maintain the structures that were already there.

### **QUESTION 6** – Cllr Martin Allen asked Cllr Marc Bayliss:

*"During the last few weeks there have been a welcome influx of visitors into Upton for the marvellous folk festival and the following weekend to the equally popular Three Counties Show Ground. I would like to thank Cllr Amos and his staff for attempting to mitigate the worse of the traffic delays many experienced when visiting our county. Although delays are inevitable, would it not have been better to delay the start of the Upton roundabout until the Ketch roundabout had been completed?"*

## Answer

Councillor Allen, I understand you sit on two of our excellent Community Liaison Groups – one for the Upton Roundabout Scheme which you chair and one for the Southern Link Road. The purpose of these liaison groups is to enable officers and contractors to brief local councillors on progress with the schemes so that they can disseminate the information to the local community and field questions.

As you are aware as a member of the Southern Link Road Phase 4 Community Liaison Group, the Ketch Roundabout is not being improved in isolation – it is one component of the Southern Link Road improvement scheme. Had we waited until the Southern Link Road was completed this summer until starting work on the Upton Roundabout scheme, obviously we would have been a year behind programme. This would not only mean that users would have had to wait a further year before the scheme was completed but with



current rates of inflation in the construction industry, the cost would have grown significantly. Whilst I fully understand that works on the highway, even several miles apart, can cause some inconvenience to road users, a strategy of not undertaking major projects when others are underway within, say a 5 mile radius, would lead to an unnecessary delay to our infrastructure programme and massively increase costs – inevitably leading to the programme having to be reduced.

#### Supplementary question

In response to a query, the Cabinet Member with Responsibility for Economy, Infrastructure and Skills undertook to establish whether any lessons could be learned from the management of the works associated with the Ketch Roundabout, A4104, A38 and Upton Upon Severn Roundabout.

#### **QUESTION 7** – Cllr Lynn Denham asked Cllr Mike Rouse:

*"How many faulty street light repairs are still unresolved after six weeks since being first reported, data for last 4 years please?"*

#### **Answer**

In the 4-year period between 2017 and 2021 there were approximately 35,000 reports of a faulty street light, and I'm pleased to let her know that 97.6% of these were repaired within their target response date, as defined within the previously established policies. Within the 2.4% that missed their target there are various reasons to be considered such as non-standard stock lanterns that turn out to be beyond repair and require a special order to replace them, overgrown vegetation or traffic management issues making access and the working environment trickier. Data relating to the repair rate for other councils is difficult to find and can't always be directly compared, but I was able to find out that [a council in South London](#) has a missed target rate of between 5% and 8%, so I am hopefully confident that Worcestershire's rate of 97.6% within target is a figure that stands up well.

[NB: Source: [Street Lighting Contract - Options Report.pdf \(moderngov.co.uk\)](#) Page 369]

#### **QUESTION 8** – Cllr Richard Udall asked Cllr Karen May:

*"Can the Cabinet Member with Responsibility for Health and Well-being comment upon the availability of emergency contraception in Worcester, especially at weekends and on Bank Holidays. What advice would she provide to individuals who cannot afford the cost of the private prescription of the Morning After Pill?"*

#### **Answer**

Across Worcestershire, emergency contraception is available for free, even for individuals under the age of 16, from contraception clinics, sexual health clinics, some GP surgeries, young people's clinics, NHS walk in centres, some pharmacies and A&E departments. There are currently wide coverage of community pharmacies offering emergency contraception across the county, as would be expected their opening times are variable. However, some of these pharmacies are open on a Sunday and bank holidays.

As Cabinet Member for Health and Well-being I would advise anyone who is needing to access emergency contraception to use the NHS web page: [Emergency contraception \(morning after pill, IUD\) - NHS \(www.nhs.uk\)](#)

This page has ongoing links to find a local pharmacy or sexual health clinic which provides emergency contraception, opening hours and treatment services are described.

Supplementary question

In response to a query, the Cabinet Member with Responsibility for Health and Well-being undertook to investigate the availability of emergency contraception especially at weekends and Bank Holidays in Worcester and whether pharmacies were over-charging for emergency contraception.

**QUESTION 9** – Cllr Josh Robinson asked Cllr Marc Bayliss:

*"Can we have an update on the A38 BREP scheme?"*

**Answer**

The A38 Bromsgrove Route Enhancement Programme is progressing extremely well. So far we have made significant capacity improvements at Junction 4 of the M5 and Junction 1 of the M42, improved the junction with Barley Mow Lane, installed new pedestrian crossings on Stratford Road and Charford Road and constructed a new pedestrian and cycle route in parallel to the A38 and along Charford Road providing safe access to the schools located there.

We have a planning application submitted for the replacement of the existing pedestrian and cycle bridge over the A38 between Fordhouse Road and Carnforth Road. Colleagues will recall that we have paused the development of a separate pedestrian and cycle bridge in the vicinity of Old Station Road to consider the feasibility of providing an alternative route for pedestrians and cyclists between the railway station and the town centre. I am pleased to report that this work is progressing well and we will be in a position to share the outcome shortly.

Finally, colleagues will be aware that we submitted an Outline Business Case to the Department for Transport earlier this year and are awaiting their response. Should they endorse the proposals, the next step will be to develop a Full Business Case. Approval for the submission of the Full Business Case to the Department for Transport will be sought from Cabinet later this year.

As previously advised, implementation of the A38 Bromsgrove Route Enhancement Programme proposals is essential if we are to tackle congestion issues in the A38 corridor as if we fail to do so it will not only face traffic gridlock, a decline in air quality and the risk of traffic backing up onto the M42, we face the prospect of being unavailable to accommodate economic growth in the future.

Supplementary question

In response to a query, the Cabinet Member with Responsibility for Economy, Infrastructure and Skills undertook to ask that officers from the Major Projects team contact Cllr Josh Robinson to discuss issues associated with the A38 BREP.