

Minutes of the Council

County Hall, Worcester

Thursday, 8 September 2022, 10.00 am

Present:

Cllr Chris Rogers (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 Kyle Daisley, Cllr Nathan Desmond, Cllr Allah Ditta, Cllr Andy Fry, Cllr Simon Geraghty, Cllr Peter Griffiths, Cllr Karen Hanks, Cllr Ian Hardiman, Cllr Adrian Hardman, Cllr Paul Harrison, Cllr Marcus Hart, Cllr Matt Jenkins, Cllr Adam Kent, Cllr Adrian Kriss, Cllr Aled Luckman, Cllr Steve Mackay, Cllr Emma Marshall, Cllr Karen May, Cllr Natalie McVey, Cllr Tony Miller, Cllr Jo Monk, 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 David Ross, Cllr Mike Rouse, Cllr Jack Satterthwaite, Cllr James Stanley, Cllr Emma Stokes, Cllr Richard Udall, Cllr Shirley Webb and Cllr Tom Wells

Available papers

The members had before them:

- A. The Agenda papers (previously circulated);
- B. 5 questions submitted to the Assistant Director for Legal and Governance (previously circulated); and
- C. The Minutes of the meeting held on 14 July 2022 (previously circulated).

2377 Apologies and Declaration of Interests (Agenda item 1)

Apologies for absence were received from Cllrs Brandon Clayton, Lynn Denham, Matt Dormer, Elizabeth Eyre, Laura Gretton, Bill Hopkins, Luke Mallett, Dan Morehead, Kit Taylor, Craig Warhurst.

2378 Public Participation (Agenda item 2)

Mr Trevor Knight, Chair of Governors of Pinvin Federation of Schools presented two petitions requesting an urgent review of school bus policy and ensure that a school bus is provided for the multiple children living in Tibberton

who attend St Nicholas C of E Middle School, Pinvin and Pershore High School.

The Chairman thanked Mr Knight for his contributions and said he would receive a written response from the relevant Cabinet Member.

2379 Minutes (Agenda item 3)

RESOLVED that subject to typographical amendments to Minute no. 2371, to replace the word 'module' with 'modal', the Minutes of the meeting held on 14 July 2022 be confirmed as correct record and signed by the Chairman.

In response to a point of order raised by Cllr Josh Robinson, the Chairman indicated that he would ensure that a response would be provided as soon as possible to Dr Nicholl's question raised at the July Council meeting. In addition, he would ensure that evidence be provided to Cllr Robinson that the roads in Bromsgrove had been treated for weeds as promised in the answer to his Question 1 at the July Council meeting.

2380 Chairman's Announcements (Agenda item 4)

Noted.

2381 Reports of Cabinet- Summary of Decisions Taken (Agenda item 5)

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

- Worcestershire Safeguarding Children Partnership Annual Report 2020/21
- Malvern Hills Art College
- Shrub Hill Quarter.

2382 Constitutional Matters (Agenda item 6)

(a) Integrated Care Partnership (ICP) and Integrated Care Partnership Assembly (ICPA)

The Cabinet Member with Responsibility for Health and Well-being introduced the report and commented that the proposed changes to integrated care were being introduced to develop a strategy involving all partners to address the care needs of the population. This approach would include preventative actions to provide better outcomes in life and lead to less pressure on adult social care and the health service. She outlined the objectives of the ICPA Terms of Reference set out in the Appendix to the report.

On being put the vote, the resolution was agreed unanimously.

RESOLVED: that

- a) **the terms of reference for the Integrated Care Partnership Assembly attached at Appendix 1 to the report be approved; and**
- b) **the Assistant Director for Legal and Governance be authorised to update the constitution accordingly.**

(b) Independent Remuneration Panel

The Leader of the Council introduced the report and commented that the Remuneration Panel usually met once per term. It was necessary to go through an advertising process to fill vacancies on the Panel. On final selection, details of the Panel would be brought back to Council and the Panel could then commence its work. A report of the findings of the Panel would be brought to Council next year.

On being put the vote, the resolution was agreed unanimously.

RESOLVED that:

- a) **the reconstitution of the Independent Remuneration Panel with 5 members be approved and that recruitment of members to the Panel is undertaken as set out at paragraph 12 of the report;**
- b) **the terms of reference as set out in Appendix 2 to the report be approved;**
- c) **the Chief Executive be authorised to make all necessary arrangements to put the recommendations in this report into effect and to bring recommendations for membership to Council for approval in due course; and**
- d) **it is intended that the Panel will commence work on reviewing the Members Allowances scheme as soon as practicable in order to make recommendations to the Council in 2023.**

(c) Arrow Valley West By-Election

The Leader of the Council introduced the report and congratulated Cllr Andy Fry for his success at the recent Arrow Valley West By-Election. The outcome of the by-election meant that political balance needed to be adjusted with two seats allocated to the Unity Group that were previously allocated to the Conservative Group. He proposed that these seats be allocated onto the Audit and Governance Committee and the Adult Care and Well-being Panel. The former holder of the seat in Arrow Valley West had previously sat on the Audit and Governance Committee. There was also a vacancy on the Adult Care and

Well-being Panel. These changes would cause the least disruption to the work of Council and maintain stability. The proposal was seconded by Cllr Marcus Hart and became the substantive motion.

An amendment was proposed by the Leader of the Unity Group, Cllr Mel Allcott and seconded by Cllr Richard Udall that a member of the Unity Group be added to the membership of the OSPB (as well as on the Audit and Governance Committee).

The amendment was then debated and the following points made:

- The Cabinet Member with Responsibility for Communities commented that the membership of the OSPB had always consisted of panel chairmen and other members were not directly appointed to it. It would not be appropriate from a political balance perspective to make such an appointment
- It was a matter for Council, based on the advice of the Monitoring Officer, to decide the allocation of seats based on political balance
- The Monitoring Officer advised that each political group had the same proportionality on each decision-making body as to its numbers proportional to the full council. Essentially each councillor was entitled to two places on committee/panels. The calculation of the allocation of places involved the rounding up or down of decimal points which led to the 7:1:1 allocation on the scrutiny panels. Ultimately, the final decision rested with Council. The allocation of a place for the Unity group on the Audit and Governance Committee was straight-forward. However, there were a number of committees with the same number of places and Council could determine where the extra place was allocated. The membership of OSPB was set out in the constitution, which could be changed by the Council, but if changes were made there was a risk that the political balance of the individual committee would be impacted as well as the overall balance
- Precedent had been set on previous occasions where non-panel chairs had sat on the OSPB
- The Chairman of the OSPB commented that an increase in the numbers on the OSPB did not necessarily equate to better outcomes and the current membership was sufficient to work effectively
- The Leader of the Unity Group commented that as the main opposition group in the Council, her group should have more involvement on the OSPB.

On being put to the vote, the amendment was lost.

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

RESOLVED that the outcome of the by-election for Arrow Valley West be noted and the political balance of the Council as set out in Appendix 3 to the report be approved.

2383 Notices of Motion - Notice of Motion 1 - Bikeability (Agenda item 7)

The Council had before it a Notice of Motion set out in the agenda papers standing in the names of Cllr Emma Stokes, Cllr Emma Marshall, Cllr Alan Amos and Cllr Bob Brookes.

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

In the ensuing debate, the following points were made:

- This motion sought to deliver cycling competency and confidence to school children and teenagers, the family that is a bit “wobbly”, and e-cycle users. Cyclists needed to have the skills to be able to share road space with other road users because of the lack of protection afforded to them. Bikeability had reported that their level 3 proficiency scheme was not being taken up by some middle and high schools in the county. This was a matter that could be addressed with headteachers by the relevant Cabinet member. Bikeability training could give parents more confidence to allow their child to travel to school on a bike and thereby reducing traffic. In particular, this training would provide advice on how to access the more complex road junctions in the county
- Bikeability Plus offered families the opportunity to learn together to build confidence, which in turn gave parents the confidence to allow their children to cycle to school and elsewhere and give them independence. It allowed families to create memories together and improve health. The introduction of a “try before you buy” scheme might encourage families to take up cycling more readily if they were worried about the investment commitment
- The Cabinet Member with Responsibility for Communities endorsed all modes of transport of which cycling was an important element. The Council did have a Bikeability programme for school children but the number of instructors had reduced. This was due to recruitment issues which had resulted in double the number of placements but half the number of instructors. He undertook to investigate whether any funding could be made available for Bikeability for adults
- Even with the provision of training, many people felt vulnerable cycling along the county’s busy roads. Alongside training, the county needed to improve the cycling infrastructure including more dedicated cycle routes and off-carriageway cycling
- This motion built on the Government’s changes to the Highway Code to create a safer environment for cyclists on roads
- There were many people who would wish to cycle but lived in areas where they had experienced incidents and lost confidence. Bikeability had a role in building that confidence back. It was particularly important to focus on dangerous junctions to make them safe for cyclists
- The focus on Bikeability training for e-bike users was welcomed because different skills were needed

- The introduction of cycle training should hopefully reduce the need for draconian action to be taken against dangerous cycling behaviour
- Bikeability was important but only addressed a small part of the concerns of residents about cycling. The top three concerns being the lack of cycling infrastructure, the volume and speed of traffic, and the approach taken by other aggressive road users
- The Cabinet Member for Health and Well-being welcomed the inclusion of adults as well as children in the Bikeability scheme as it fitted in with the Council's health and well-being agenda
- Other road-users should also receive advanced training to ensure roads were safer
- Bikeability instructors were employed on zero-hour contracts and should be full-time employees in order to ensure this proposal was successful
- The Cabinet Member with Responsibility for Highways and Transport commented that he would look at the possibility of introducing a "try before you buy" scheme. As a pro-active travel council, it was important to get proficiency training right to stimulate demand for cycling and the use of cycling facilities.

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

RESOLVED "The Council currently engages 23 instructors to deliver Bikeability, the Department for Transport Flagship national cycling programme for school children, to an expected 5,000 plus Children in Worcestershire during 2022/2023.

Whilst Bikeability assists the delivery of cycling competency and confidence to school children, this Council supports Bikeability PLUS schemes for delivery of family Bikeability, and e-bikes to increase cycling competency in adults.

We all saw an increase in cycling during lockdown; confidently, but "a bit wobbly", sharing the road space with other users and this should be encouraged post lockdown.

An increase in cycling proficiency and confidence will sit within the Council's promise to improve mental health, wellbeing and physical health and reduce car usage with associated carbon reduction benefits.

This Council, therefore, requests that the Cabinet Member(s) with Responsibility look at the allocation of some resource to ensure that this can be progressed."

2384 Notices of Motion - Notice of Motion 2 - Rivers (Agenda item 7)

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

The motion was moved by Cllr Richard Udall and seconded by Cllr Dan Boatright who both spoke in favour of it and Council agreed to deal with it on the day.

The following amendment was moved by Cllr Richard Morris and seconded by Cllr Emma Marshall and accepted as an alteration by the mover and seconder of the motion which therefore became the substantive motion:

“Council calls upon the Cabinet Member with Responsibility (CMR) for the Environment with officers to bring a report to the Environment Member Advisory Group to outline the legal obligations and powers available to the council and to explore how Worcestershire County Council, in partnership with District Councils, the Environment Agency and other partners, can all contribute to improving river water quality in Worcestershire. The Member advisory Group will advise the CMR for the Environment on next stages if required.”

In the ensuing debate, the following points were made:

- River pollution was a serious risk to public safety and the impacted negatively on the environment. A number of serious national contamination incidents had impacted on biodiversity and endangered public health. Water pollution incidents were occurring every day in this county and river health was declining. The Environment Agency (EA) appeared to be unable to act and had had its budget massively reduced in recent years. It was only able to respond to the most serious cases. The Council needed to help the enforcement agencies with their work, meet its own obligations and educate and raise awareness
- The Cabinet Member with Responsibility for Environment commented that the responsibility for water quality rested with the water companies and the EA. However, it was important to understand the local situation and determine what action the Council could and should take within a partnership role. The amendment proposed to bring the matter to the Environment Member Advisory Group so it could be examined more fully with cross party involvement. He set out a number of areas where the Council was already involved in water quality enhancement work. Gloucestershire County Council had recently completed a scrutiny exercise on water quality and it seemed sensible to use their findings rather than repeat the scrutiny process in this council. Although the Government had taken major steps to improve water quality, it was unacceptable that water companies continued to discharge sewage into rivers. The targets in the Environment Act would act as powerful tools to ensure that water companies improved water quality and biodiversity. He gave an assurance that the findings of the MAG would be made public at some point
- Work was being undertaken to create fish corridors to enable fish to follow their usual migratory patterns and allow fish populations to thrive. It was important to prevent plastics entering watercourses and work with farmer to encourage working practices that were friendly to watercourses

- The River Severn Partnership had successfully attracted Government funding to improve the quality of waterways. The improvement of water quality was very much a long-term project. It was important that the district and county council planning processes supported efforts to improve water quality
- Rivers were cleaner now in terms of levels of particulates than they had been for decades. However, there had been a major decline in biodiversity since the 1970s. River levels and river flow were important factors that the MAG should examine. The views of the angling society should also be considered
- The privatised water companies were insufficiently regulated and the Environment Act did not provide a legal obligation for them not to pollute rivers and oceans, just to gradually reduce sewage discharges. There remained a relative lack of investment by water companies in improving water quality and certainly less than was paid out in dividends to their shareholders
- Worcestershire's watercourses had a particular problem with phosphate pollution, largely from the agriculture sector
- It was not possible to rely on the Government or water companies to protect water quality and therefore it was important that the Council with partners organisations did as much as it could to prevent the pollution of rivers
- The fines received by water companies for illegal discharges were miniscule compared with the profits they made
- Domestic and agricultural waste was more prevalent than industrial waste in recent years. It was less obvious to observe but was just as damaging to the environment
- The impact on watercourses needed to be addressed as part of future housing and infrastructure policies/developments
- Strong regulation was the key factor in ensuring water companies behaved responsibly and appropriately
- The improvement of consumer rights was a key factor in improving water quality.

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

RESOLVED “Council calls upon the Cabinet Member with Responsibility (CMR) for the Environment with officers to bring a report to the Environment Member Advisory Group to outline the legal obligations and powers available to the council and to explore how Worcestershire County Council, in partnership with District Councils, the Environment Agency and other partners, can all contribute to improving river water quality in Worcestershire. The Member advisory Group will advise the CMR for the Environment on next stages if required.”

2385 Notices of Motion - Notice of Motion 3 - Air Quality (Agenda item 7)

There was insufficient time to consider this motion.

2386 Reports of the Cabinet Member with Responsibility for Children and Families (Agenda item 8)

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

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

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

2387 Reports of the Cabinet Member with Responsibility for Education (Agenda item 8)

The Cabinet Member with Responsibility for Education presented her report to Council which covered various topics.

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

The Chairman thanked the Cabinet Member with Responsibility for Education for her report.

2388 Question Time (Agenda item 9)

Five 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.

2389 Reports of Committees (Agenda item 10)

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

The meeting was adjourned from 11.25am to 11.40am and ended at 1.35pm

Chairman

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COUNCIL 8 SEPTEMBER 2022 - AGENDA ITEM 9 – QUESTION TIME

Questions and written responses provided below.

QUESTION 1 – Cllr Josh Robinson will ask Cllr Mike Rouse:

“Can an update be provided on the planned new footpath connecting Norton Farm with Elm Grove, Bromsgrove?”

Answer

The plans for a footpath through Uplands Park met with some early resistance, with concerns from residents whose properties back onto the park (in relation to anti-social behaviour). To mitigate this, Worcestershire County Council is proposing an improved planting scheme to offer additional protection to boundary fencing.

Engagement regarding the new proposals will be undertaken during September with the intention to commence construction later in the Autumn. The plans for engagement are:

- Letter drop surround properties
- Engage with Councillor Robinson to help share plans via local neighbourhood, social media groups etc.

Officers will contact Cllr Robinson directly to discuss this matter further.

Supplementary question

It was requested that the work on the planned new footpath be completed before the winter months. The Cabinet Member with Responsibility for Highways and Transport responded that every effort was made to keep the work to a tight schedule but there were circumstances outside the Council’s control which could delay work so he was unable to give such an assurance.

QUESTION 2 – Cllr Martin Allen will ask Cllr Marcus Hart:

“With the delay in the issue of Veterans Identity Cards to Veterans who live in Worcestershire, will the Cabinet Member kindly write to the Government Minister with responsibility for our Worcestershire Veterans to ask for the process to be speeded up and request for a date when Veterans in Worcestershire can expect their Identity Card?”

Answer

Thanks for your question Cllr Allen, the answer to your question is yes.

Supplementary question

The Cabinet Member with Responsibility for Communities agreed to meet Cllr Martin Allen to discuss the Veterans Identity Cards before the letter was sent to the Government Minister in order to discuss this motion and a similar issue he raised at a previous Council meeting.

QUESTION 3 – Cllr Dan Boatright will ask Cllr Mike Rouse:

"Back in January the Cabinet Member with Responsibility for Highways and Transport gave us the welcome news that the contractor for Spitfire Homes in Eckington would be suspended from using their statutory right of access to the Highway as a result of their behaviour and damage to Eckington and the surrounding area. They seem to have re-surfaced in Pershore after their suspension, working on Station Road for Persimmon. There has been no regard for the safety of pedestrians and cyclists and the chaos of the road closure has been for all to see. Given their work remains poor, and they clearly have not learnt from their previous suspension, can we now look at a permanent ban from the Highway?"

Answer

L Healy Ltd were given a six month suspension between January 2022 and the end of June 2022 because of illegal works in Fernhill Heath and poor works in Hallow and Eckington. On August 15th 2022, L Healy Ltd were discovered working illegally, without a licence and without the correct traffic management on the public highway on behalf of Piper Homes. This site is currently under investigation through the Health and Safety Executive and also Wychavon District Council. WCC Highways have made the area of works safe with water filled barriers and are currently assessing the next steps which is likely to include a further ban for L Healy Ltd.

Please note that there are separate works for Persimmon Homes which are being undertaken by Shannonside under a road closure further north on Station Road.

Supplementary question

A request was made for an investigation into the actions of both the contractor and the developer. The Cabinet Member with Responsibility for Highways and Transport explained that the contractor and developer were currently under investigation. The problem with the introduction of a total ban on the contractor was that it created an issue where a company folded and then re-registered under a different name. By taking this approach, the Council could hold the developer to account for the illegal and poor work of their contractors. Officers in Streetworks were using all the available legal avenues to ensure that these issues did not continue or escalate.

QUESTION 4 – Cllr Josh Robinson will ask Cllr Mike Rouse:

"Can an update be provided on the works to the public right of way between the Alcester Road to the A38 in Lickey End, Bromsgrove?"

Answer

The public rights of way team have been liaising directly with Cllr Robinson regarding this issue, it is very emotive and has involved officers from the Police and the County Council. The issues have now been resolved, however; if there are any detailed, or specific matters of concern, I suggest Cllr Robinson contacts the appropriate Public Rights of Way Officer, who will be able to assist.

Supplementary question

The Cabinet Member with Responsibility for Highways and Transport undertook to liaise with Cllr Josh Robinson to discuss whether all the issues around the public right of way between the Alcester Road to the A38 in Lickey End, Bromsgrove had been resolved.

QUESTION 5 – Cllr Martin Allen will ask Cllr Mike Rouse:

"Does the Cabinet Member for Highways and Transport agree with me that the use of VASS devices is part of an important strategy of helping to reduce speeding on our roads and that VASS Poles should be installed quickly and efficiently within 3 months of a Parish

or Town Council requesting them if the locations are acceptable to the Highways Department?”

Answer

VAS's are a useful educational tool that remind drivers of the posted speed limit and the need to adhere to it, however they are not a form of enforcement. Speeding enforcement falls under the responsibility of the Police, but we strive to do what we can to try and ensure safer roads with the use of these devices and we know that Local Members are keen to use these in their Divisions. Following assessment, we would hope to be in a position to install the posts quickly and usually within a three-month period. Regrettably, sometimes this work falls outside the three-month period due to more urgent work affecting the works programme; where this is the case, we will endeavour to ensure that you are updated where possible.

Supplementary question

The Cabinet Member with Responsibility for Highways and Transport undertook to arrange for the VAS poles installed at the wrong height in Upton-upon-Severn to be removed and re-installed at the correct height.

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