

## 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.