

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.