

## **COUNCIL 12 NOVEMBER 2015 - AGENDA ITEM 13 – QUESTION TIME**

*Answers given at the meeting may have been a précis of the full answer which is set out below. In some cases additional information is also included. Where, due to time or other constraints, it was not possible for the question to be asked formally the written response is also included below.*

**QUESTION 1** – Ms P Agar asked Mr A I Hardman:

*"Would the Leader of the Council please inform me of the action he has taken regarding the leaking to the press from this Council about the suspension of Highways officers in relation to the Ketch Island?"*

### **Answer given**

Thank you for your question. In relation to the Ketch, we concentrated on addressing the necessary highways matters, dealing with staff issues and also providing an appropriate level of information in response to press inquiries.

In my experience, it is generally not constructive to attempt a "witch hunt" in trying to determine who may have said what to the press, but to deal with the relevant issues instead.

**QUESTION 2** – Ms P Agar's question to Mr J H Smith:

*"Cornwall is to have powers for franchising and improving local bus services. Is Worcestershire likely to receive similar powers?"*

### **Written Answer**

Delivering better bus services for local people is one of the key aims of Government and local authorities when thinking about devolution. Many local areas have identified the importance of buses to local people, to the economic development of the area, and as an integral part of the local public transport system.

Following the devolution deals signed with Greater Manchester and Cornwall in which the DfT committed to providing the powers necessary to franchise their bus services, the DfT intend to introduce a 'Buses Bill' in the current parliamentary session.

The Bill is likely to be considered from December 2015 to February 2016, the aim being to enable local authorities in England, outside London, to franchise their bus networks where they have agreement from Government.

The franchise issue is complex and will have an impact on the delivery of bus services. Theoretically Worcestershire could apply to the DfT for franchise powers, however an options appraisal and business case would need to be developed in order to fully appreciate the implications.

**QUESTION 3** – Mr P M McDonald asked Mr M L Bayliss:

*"Would the Cabinet Member with Responsibility for Transformation and Commissioning please inform me how many buildings owned and those run by the County Council have asbestos in them?"*

## **Answer given**

Asbestos was a common building material in use right up to the 1980's and was frequently used to insulate pipes and act as a fire barrier. Many private and public institutions carry a legacy of asbestos use which is subject to detailed legislative controls. To specifically answer the Councillor's question there are 699 buildings with known asbestos present on the County Council's Asbestos Register. This is out of approximately 1,500 buildings. This is the total number of buildings that have asbestos across the county and some schools and other council buildings may have more than one occurrence on their site e.g. a boiler house or shed etc. Of the 699 buildings:

- 160 are Academy Schools. In these cases the school is responsible for the management of asbestos but the County Council retains some responsibilities as landlord and will often assist with technical and/or safety advice
- 539 are either maintained schools, smallholdings or Council owned and run buildings. These latter items range from libraries, highway depots, caravan sites to administrative offices.

## **Supplementary Question**

In response to a supplementary question about the continuing health implications of the asbestos legacy Mr Bayliss reiterated the Council's commitment to following the correct protocols and procedures in relation to dealing with this substance.

## **QUESTION 4** – Mr P M McDonald's question to Mr M L Bayliss:

*"Would the Cabinet Member with Responsibility for Transformation and Commissioning please inform me how many redundancies have taken place over the last four years?"*

## **Written Answer**

The Council has reduced its full time equivalent posts by 142 in 2012/13, 137 in 2013/14, 132 in 2014/15 and 27 this year so far. Wherever possible the Council aims to reduce compulsory redundancies by offering staff the opportunity to take voluntary redundancy and through our extensive redeployment scheme.

## **QUESTION 5** – Ms M Rayner asked Mr M L Bayliss:

*"Would the Cabinet Member with Responsibility for Transformation and Commissioning please tell me how it is that staff who have been transferred to another organisation, and then according to the press discovered that they do not have employment, what exactly are the terms and conditions of these types of transfers, and why has this apparently occurred?"*

## **Answer given**

The Transfer of Undertakings (Protection of Employment) Regulations 2006 provide employment rights to employees in certain business situations involving a change of employer. Employees transfer to the new employer on their existing terms and conditions with their continuity of employment preserved. The TUPE regulations apply to what are known as 'relevant transfers' which can include when an employer outsources an activity.

When employees transfer under TUPE, their contracts of employment automatically pass to the new employer (the transferee). The situations where the new employer can change the terms and conditions of employees who transferred are limited. However, if an employer

can establish what is known as economic, technical or organisational (ETO) reason entailing changes in the workforce, they may be able to lawfully change conditions or dismiss employees.

If an employer can establish an ETO reason, the dismissal will not be automatically unfair. Examples of an ETO reason include a reorganisation for a genuine business reason. Many of the examples of ETO reasons are redundancy situations. The ETO reason must also "entail changes in the workforce" which means changes in the overall numbers or functions of the workforce or the location of the workplace.

**QUESTION 6** – Dr K A Pollock asked Mr J H Smith:

*"In view of the recent decision of Harlow Council, with the agreement of Essex County Council, to levy money from all its Council Tax payers to pay for the re-establishment of all night illumination of their streets, would the Cabinet Member with Responsibility for Highways like to comment on the reality of the situation about safety, both for pedestrians and drivers, compared with the perception of safety, as expressed by the some residents, and further would he like to reassert that we would do better to seek to align perceptions with reality, rather than feed the unwarranted fears of some residents, by giving in to those who want all street lighting to be maintained throughout the night?"*

**Answer given**

Thank you for your question. There is the perception from some residents that switching off lighting points could lead to more crime and make driving more hazardous.

Addressing the driver safety issue first, lighting points at key junctions and other higher risk sites are not included in the programme.

During the 20 months in which the current project to reduce the hours of illumination in some areas has been underway, there have been discussions with the police at various levels. None of these have identified a direct link between reduced hours of lighting and increases in crime rates or night time accidents. I firmly believe that we should endeavour to align the public's perceptions with reality rather than reverse the decision previously made and that the current project should continue contributing to the savings the County Council are required to achieve.

**Supplementary Question**

In response to a specific supplementary question Mr Smith reiterated the County Council's position on night illumination of streets and the need to relay this message more effectively.

**QUESTION 7** – Mr P A Tuthill asked Mr J H Smith:

*"The Chief Officer of Hereford and Worcester Fire and Rescue Service has consistently promoted the successful Dying 2 Drive Programme (<https://www.hwfire.org.uk/safety-and-advice/road-safety/dying-2-drive/>). Dying 2 Drive is a free multi-agency road safety scheme aimed at reducing death and serious injury amongst young road users in Herefordshire. The events involve a realistic reconstruction of a road traffic collision followed by powerful interactive workshops. The scheme is aimed at Year 11 students who will currently be car passengers and soon become young drivers.*

*Would the Cabinet Member with Responsibility for Highways agree that the same format and dramatic Programme title should be launched here in Worcestershire? I am sure all members will agree – particularly those who have young drivers in their families and Divisions.*

*Having had notice of this question has the Cabinet Member with Responsibility for Highways been able consider how this might be replicated in Worcestershire and are there any funding issues associated with it?"*

**Answer given**

Worcestershire County Council (WCC) did run a "Dying 2 Drive" programme as a partnership project with Hereford & Worcester Fire and Rescue Service as the lead. From memory this was delivered in 2007 to several schools.

The way the programme works is as follows - there is a dramatic crash scene and the emergency services arrive to treat the casualties who are actors, the make-up is very realistic. The pupils then go back into school to attend several workshops that are delivered by the agencies involved. The WCC Road Safety Team was one of the agencies together with the ambulance service, police and obviously the fire service who lead the programme.

The programme is aimed at the Year 10/11 age group, part of our feedback at the time felt it was hard to engage with pupils in the workshop element after they have experienced such a traumatic Road Traffic Accident (RTA) scene. Obviously there are several differing views on this to be considered.

The evaluation that followed also highlighted the expense of putting on this programme, in terms of officer time for all agencies involved.

Currently in order to address the issues of young drivers WCC invest in the Green Light Project which is delivered by the Safer Roads partnership and is aimed at the same age group (Year 10/11) as a pre-driver training course which involves workshops. This is very cost effective and we believe it reaches more pupils annually than dying 2 drive.

Given the finance and staff implications and the graphic nature of the simulated RTA scene, it is considered that the best way forward is to continue with the Green Light Project. I will include a link in the printed answer attached to the minutes so that members may see some of the details for themselves.

<http://www.greenlightsafety.org.uk/>,

**QUESTION 8** – Mr R C Lunn asked Mr A N Blagg:

*"Does the Cabinet Member with Responsibility for Environment support the aim of the forthcoming Paris Conference on reducing climate change and global warming, due to the major risks both pose to the forthcoming natural and economic well-being of Worcestershire? How does he think that the County Council can continue to take a lead by further reducing our own carbon footprint?"*

**Answer given**

- Absolutely we support the aim of the forthcoming Paris conference, and the Council has a key role to play in continuing to reduce its own emissions and leading from the front
- We have had a Carbon Management Plan in place since 2011 (which we worked with the Carbon Trust on during 2010). This is our second plan (2011-16), the first one was implemented during 2004-2009.
- The current carbon reduction initiatives in the projects register are being implemented to support us to achieve our carbon reduction target of 30% by the end of March 2016 – this is a very stretching target. We have so far reduced emissions by 14% from 2009/10 baseline

- Projects include the implementation of the £2.3 million energy efficiency spend to save fund, which supports installation of renewables on WCC property and energy efficiency measures such as LED lighting, cavity wall/loft/valve insulation, amongst others.
- We have a new carbon and energy dashboard function linked into our energy management software which will be launched to all sites (inc. Schools that are signed up to the SLA with Place Partnership) – this software helps to communicate to building occupiers exactly how much energy they are using, and provides alarms when normal consumption levels are breached.
- The Council is fully supportive of a move to low carbon vehicles and recently received Government funding to install 12 rapid charge electric vehicle charge points around the County. The Council will be funding 2 new electric pool cars and an electric courier van using Spend to Save funding, which will reduce emissions from vehicle usage
- The current street lighting initiatives (part-night switch off, dimming and replacement of old energy inefficient lighting) will significantly help the Council to reduce its emissions from electricity consumption
- Now developing a new Carbon Management plan, for implementation from April 2016 for another 5 years to ensure we continue to reduce the Council's carbon footprint.

### Supplementary Question

In response to a specific supplementary question about the cost for using charging points Mr Blagg outlined the Council's approach to this and why different charging points cost different amounts to use.

### **QUESTION 9** – Mrs F M Oborski asked Mr J P Campion:

*"Would the Cabinet Member with Responsibility for Children and Families tell me when another local authority places a Looked After Child with foster parents in Worcestershire and passes the Pupil Premium payment for the child to this council what is the procedure for passing that payment on to the school attended by the child and how soon after Worcestershire County Council receives the payment can the school expect to receive it?"*

### **Answer given**

All looked after children are entitled to an enhanced pupil premium. The money is routed through the Council that has taken the child into care. So when a child looked after by another Council attends a Worcestershire school it is that Council, not us, that has the responsibility. That Council will decide whether to passport the money to the school in whole or in part. Not all do, although we in Worcestershire passport nearly all of it, if a child is in mainstream education. If the responsible Council does passport the premium, they will either pay the money directly to the school when it is an Academy, or via us in the case of a maintained school. Reconciliation is carried out on a twice termly basis, so there may be a short delay before a school receives the money.

### Supplementary Question

In response to a supplementary question Mr Campion suggested that if the questioner was referring to a particular case she might approach the Strategic Commissioner – Education and Skills and receive a bespoke response.

**QUESTION 10** – Mrs F M Oborski's question to Mrs S L Blagg:

*"Would the Cabinet Member with Responsibility for Adult Social Care tell me what services does the Council provide for the rehabilitation and support of blind and partially sighted people? Has there been any change in the level of service over the last five years?"*

**Written Answer**

We commission prevention services from Deaf Direct and Sight Concern for all people with Sensory Impairment to help them with information, advice and support. We will be re-commissioning these services in 2016/17.

We have a Sensory Impairment Team that provides rehabilitation and social work for people with a hearing impairment, visual impairment or dual sensory loss – including:

- teaching skills to help people perform tasks independently – e.g. meal preparation.
- orientation and mobility training – e.g. long cane skills and route training.
- communication skills such as Braille and Moon.
- assessment of eligibility for long-term care.

In 2014/15 there were 57 people receiving community based services and 8 people receiving residential or nursing care whose primary support need was a sensory impairment.

There has been no change in the level of service over the last 5 years.

**QUESTION 11** – Mr G J Vickery's question to Mr A I Hardman:

*"Would the Leader of the Council say how the impending transfer of responsibility for people with learning difficulties above the age of 18 from the NHS to local authorities is to be funded?"*

**Written Answer**

The NHS, Local Government Association and Association of Directors of Adult Social Services have agreed a national plan to further develop community services for people with a learning disability and close hospital facilities. Six areas have been identified as 'Fast Tracks' including Arden, Herefordshire and Worcestershire. The intention is to reduce the number of people in inpatient care in this area by 50%. However most of these are in Coventry and Warwickshire. Worcestershire has only 5 people in hospital, with 4 due for discharge before the end of January 2016, among the lowest numbers anywhere in the country. This is as a result of an active programme of moving people into the community over the last 3 years. This has led to additional costs for the County Council and we are continuing to talk to our CCGs about funding arrangements.

**QUESTION 12** – Mr G J Vickery asked Mr A I Hardman:

*"Does the Leader of the Council share the concerns of many about the latest decisions of the Worcestershire Acute Hospitals Trust to close maternity services at the Redditch Alexandra Hospital?"*

**Answer given**

As I understand it the decision to close maternity services has been taken on safety grounds: i.e. the clinicians did not believe that they could safely manage deliveries at the Alexandra Hospital. What is unfortunate is that the Future of Acute Hospital Services in Worcestershire Programme has been so delayed that service changes are now having to take place as emergency reconfigurations rather than after public consultation.

### Supplementary Question

In response to a supplementary question about longer term solutions Mr Hardman stated that the Deputy Leader would be addressing some of these with district council colleagues, and other partners.

**QUESTION 13** – Mr R C Adams asked Mr A I Hardman:

*"Members of the Worcestershire Armed Forces Community Covenant Working Group are extremely grateful for the support of the Worcestershire Partnership Relationship Manager in the production of the booklet "Service to Civvy Street". Would the Leader of the Council accept our thanks and endorse the contents which will inform ex-service personnel and their families of the support available in Worcestershire?"*

#### **Answer given**

I am extremely grateful to the work that the Worcestershire Armed Forces Community Covenant Working Group, with the help of the Worcestershire Partnership Relationship Manager, has put into the production of the booklet "Service to Civvy Street". This is an excellent publication which deals with a full range of problems which ex-servicemen face and I would thank him for drawing it to the Council's attention and would also recommend all Members who have service personnel in their divisions to consider using it.

**QUESTION 14** – Mr P Denham asked Mr J H Smith:

*"At our Council meeting on 9 July 2015 the Cabinet Member with Responsibility for Highways agreed to investigate the possibility of permitting taxis to use bus lanes, in response to a motion tabled by me which was widely supported by members.*

*I recognise that proper investigation is not simple or easy but can Council be advised whether we employ sufficient suitably qualified staff to undertake this work within a reasonable timescale and when we can expect to see a report on this important matter?"*

#### **Answer given**

I can confirm that a comprehensive review of the business case for permitting taxis to use bus lanes in the city of Worcester is currently underway, and will include detailed assessment of the various options. This work is expected to be published for consideration early next year.

With regard to the availability of suitably qualified staff, we are currently recruiting to fill a vacant post within transport planning. In addition, as a commissioning authority, we are also able to draw on appropriate resources from our term engineering consultants on specific project activity subject to this representing good value for money.

### Supplementary Question

In response to a supplementary question Mr Smith confirmed this was a complex issue and he would await the outcome of the current investigations before making a final evaluation.

**QUESTION 15** – Mr P Denham's question to Mr A N Blagg:

*"It seems likely that the UK will be fined by the European Union for failing to meet targets designed to reduce air pollution. It is also likely that these fines will be passed on by national government to local councils which continue to have air quality action zones.*

*Has there been any estimate of this county's potential financial risk in these circumstances and what has Worcestershire done to mitigate this risk?"*

## **Written Answer**

Included in this answer are a number of links so that members may see some of the details for themselves. The UK Government has published a briefing note:

[www.parliament.uk/business/publications/research/key-issues-parliament-2015/health/air-quality-in-urban-areas/](http://www.parliament.uk/business/publications/research/key-issues-parliament-2015/health/air-quality-in-urban-areas/) which sets out the current state of affairs in relation to the UK's poor performance in relation to tackling nitrogen dioxide emissions in the UK.

The threat of fines from the European Commission for this is currently very real, and the UK Government (via Defra) is doing all it can to prevent European Commission from progressing towards full infraction proceedings. Defra have recently published revised plans to tackle this issue, for which the consultation concluded last week. The draft documents can be viewed here: <https://consult.defra.gov.uk/airquality/draft-aq-plans>

If Defra is unsuccessful in its approach then under the Localism Act the six Worcestershire Districts and Worcestershire County Council could be liable to pay a share of national fines.

By the time any potential fine was levied in the UK, it is anticipated that there could be 12 designated Air Quality Management Areas (AQMA) in the county. There are 10 currently, but air quality in Worcester City Centre is known to be deteriorating markedly, which is expected to result in additional declarations. Analysis of current guidance suggest that a maximum fine of £300 million nationally, if this were to be apportioned by the number of AQMAs in each local area, then the Worcestershire local authorities could potentially be liable to pay a fine in the region of £7.8 million between them.

Worcestershire County Council continues to work closely with Worcestershire Regulatory Services to explore and invest in schemes and measures to mitigate designated and pending AQMA across the county. Recent actions include:

- The Lowesmoor Traffic Restraint Scheme;
- A range of traffic management and regeneration schemes (often in partnership with Local Planning Authorities) to mitigate areas of known poor air quality;
- Worcestershire Electric Vehicle Charging Points Network (including rapid charge points);
- Promotion of Walking, Cycling and Passenger Transport travel choice options;
- Provision of infrastructure to support walking, cycling and passenger transport;
- Relaunch and promotion of Worcestershire's car share database ([www.worcestershire.liftshare.com](http://www.worcestershire.liftshare.com)).

In addition we are working with local authorities on infrastructure projects that will in part tackle specific AQMA designations, for example the emerging proposals for improving the A38 corridor in Bromsgrove linked to work with Highways England on the M42 corridor. The development of LTP 4 next year will also an opportunity to promote specific schemes.

However, it is recognised that Government intervention will be required to bring about the dramatic reductions in nitrogen dioxide needed to tackle poor air quality; particularly in urban areas and to fully revoke Worcestershire's AQMAs.



**QUESTION 16** – Mr C J Bloore's question to Mr J H Smith:

*"Does the Cabinet Member with Responsibility for Highways agree with me that six months is far too long for a local community to wait for safety lines to be repainted on a busy local road outside a children's centre?"*

**Written Answer**

The Council has a programme for lining maintenance works, however critical and safety issues are given higher priority than general lining. Highways officers have recently reviewed the way safety and critical hand lining is undertaken, to ensure that appropriate prioritisation is given and works completed as soon as reasonably practicable.

**QUESTION 17** – Mr C J Bloore asked Mrs S L Blagg:

*"What reassurances can the Cabinet Member with Responsibility for Adult Social Care give the public and members of this Council that the cutting of 100 adult social care workers will not affect the level of service offered to our county's most vulnerable residents?"*

**Answer given**

There has been no announcement or decision to cut 100 adult social care workers.

However at Adult Care and Well-being Scrutiny Panel on 13 October the intention to reduce social work posts by approximately 10% in most teams was outlined.

New teams were introduced in adult social work in April in order to meet the requirements of the Care Act and to improve customer journeys. We are reviewing the outcomes of this in order to inform the next stage of our modernisation of adult social work under the New Models of Care project.

This next stage of this project is already underway. It includes streamlining processes, supporting flexible and mobile working, piloting devolved budgets and real time monitoring to give staff greater autonomy and allow decisions to be made more quickly. All of these will help staff to do their job more easily. It also includes embedding best practice in line with the Care Act, reviewing roles and skill-mix, and aligning social workers with primary care to achieve greater integration with health services.

These new ways of working will enable us to continue to provide an effective service to people and their carers. We are currently holding posts vacant (and using agency staff as an interim measure as required) and at this time we do not anticipate that redundancies will be necessary.

**Supplementary Question**

In response to a supplementary question Mrs Blagg gave a detailed answer on the likely customer experience in the next one to two years.

**QUESTION 18** – Dr K A Pollock's question to Mr A N Blagg:

*"The 2001 Foot and Mouth outbreak cost £8 billion and led to the banning of pig swill. This was due to the failures of individuals and has resulted in a huge amount of food waste being dumped, digested or burnt.*

*Would the Cabinet Member with Responsibility for the Environment agree that, despite his sterling efforts to cut food waste in Worcestershire, it is now time to lobby for a change in*

*the regulations about food waste, so that this country, if not the whole EU, emulates the situation in Japan and South Korea where centralised sterilisation is used to ensure that waste food can be safely fed to pigs and chickens?"*

### **Written Answer**

Worcestershire County Council and Herefordshire Council, in their capacity as Waste Disposal Authorities (WDAs), have a Joint Municipal Waste Management Strategy (JMWMS) that has waste prevention at the top of the Waste Hierarchy. The Council continues to actively promote the 'Love Food Hate Waste' and 'Home Composting' messages to residents to minimise the amount of food waste collected and disposed of each year.

In line with the JMWMS the Council works to minimise the use of landfill. Within Worcestershire there are no dedicated household food collection services undertaken by the Waste Collection Authorities and there is no strategic objective to provide access to specific food waste treatment facilities. The provision of centralised sterilisation facilities would require the stimulation, support and participation of business stakeholders within the county to provide private, commercially viable food waste collection services, guaranteed feedstock and treatment facilities. I will write to the Government to express my support for food sterilisation.