



Council Meeting
Wednesday 22 January 2020

Public and Member Questions
and Responses



Derby City Council

COUNCIL – 22 January 2020
PUBLIC AND MEMBER QUESTIONS

	Questioner	Respondent	Subject
Public Questions			
A	Simon Bacon	Cllr Smale	EIR costs to Derby City Council
B	Simon Bacon	Cllr Wood	Arboretum Park anniversary
Councillor Questions			
C	Cllr Lind	Cllr Williams	EHCPs
D	Cllr Willoughby	Cllr Barker	Brexit risk
E	Cllr Carr	Cllr M Holmes	Riverside Gardens
F	Cllr Naitta	Cllr M Holmes	Stafford Street air quality
G	Cllr Evans	Cllr M Holmes	Alvaston District Centre
H	Cllr Peatfield	Cllr Barker	Voter ID
I	Cllr Carr	Cllr M Holmes	Link path from Pastures Hill
J	Cllr Shanker	Cllr Wood	Swimming pool
K	Cllr Care	Cllr Barker	Council motions
L	Cllr A W Graves	Cllr Barker	Allenton Market
M	Cllr Ashburner	Cllr Smale	Black bin waste
N	Cllr Atwal	Cllr Barker	Council Questions process
O	Cllr Lind	Cllr Williams	EHCP annual reviews
P	Cllr Peatfield	Cllr M Holmes	Carbon neutrality
Q	Cllr Care	Cllr Williams	Funding for children and young people outside the city
R	Cllr Ashburner	Cllr Smale	Large black bins
S	Cllr Peatfield	Cllr Wood	Christmas offer
T	Cllr Lind	Cllr Williams	Schools under Council control
U	Cllr Care	Cllr Barker	Polling station review
V	Cllr Shanker	Cllr M Holmes	Assembly Rooms

Public Questions

a) Question from Simon Bacon to Councillor Smale

How much money has it cost Derby City Council in relation to the councils appeal to my Environmental Information Request relating to increased blue bin recycling costs known as EIR 11793? For the avoidance of doubt that includes my appeal to the Information Commissioner and finally the Councils appeal to the First Tier tribunal in relation to that which became EA/2019/0113.

Simon, you rightly take an interest in environmental issues in Derby – you're updated regularly through officers, councillors, FOIs and EIRs as well as attending Council forums and Liaison Groups – you are given the opportunity to lean in, and we are glad to give you the information where we can.

It's disappointing that you felt the Council's advice on commercial sensitivity was not enough for you – the First Tier tribunal subsequently agreed with our ruling, that the information was commercially sensitive.

The amount spent having our advice verified externally was £8367 exc VAT, and internally significant Officer time was afforded. Ultimately both the time and resource could have been used elsewhere, perhaps to bring about a greener Derby.

Hopefully you'll consider this in future.

b) Question from Simon Bacon to Councillor Wood

Derby Arboretum widely known as the first public park in the UK celebrates its 180th Anniversary in September 2020 and noting the iconic status of the Arboretum what proposals does the Council have in place to promote this special occasion later this year not only to the public of Derby but to the world?

The 180th anniversary of Derby Arboretum is being celebrated by a programme of events and activities on the park, delivered by the Friends Group and Derby City Council working together, starting with an anniversary launch event on 26 January. The Mayfest event will follow this on Sunday 10 May, with the main event being the Lark in the Park on Sunday 13 September. We are currently considering how we mark the actual anniversary day on 16 September, and the years events will then be rounded off with the Illuminate lantern parade on 7 November. Furthermore, the park is being entered in the Green Flag Awards with the aim of obtaining the prestigious additional accolade of becoming a Green Heritage Park for the first time, which, if successful, would be a fitting tribute for the park helped by the outstanding work of the Friends Group in this anniversary year.

Councillor Questions

c) Question from Councillor Lind to Councillor Williams

What percentage of Education, Health and Care Plan reviews are taking place in timescale?

Annual Review timeliness is not part of the SEN2 statutory return to the Department of Education; as a result we have not been collating this information. The Local Area Written Statement is addressing this issue as it is desirable to be able to know about the timeliness of Annual Reviews.

The full Derby Local Area Written Statement of Action can be accessed via the following link;

<https://www.derby.gov.uk/education-and-learning/special-education-needs-disabilities/ofsted-and-cqc-information-updates-and-reports/>

d) Question from Councillor Willoughby to Councillor Barker

According to a leaked letter, as reported by Sky News on 7th January, sent by the most senior official at the Department for Exiting the EU to senior officials on December 23, staff will no longer be deployed on the plans for no deal Brexit. In the light of this, and the possibility that the UK could have no trade deal with the EU by the end of the transition period this year, what is the current status of the Council's plan for this possibility, given that the impact of a no deal Brexit at a local level has been item SR11 on the strategic risk register?

The Brexit Working Group continues to meet on a regular basis to mitigate any risks emerging from the EU exit in the short and medium term. The strategic risk register will be kept under frequent review.

e) Question from Councillor Carr to Councillor M Holmes

The path through the Riverside Gardens was due to be closed for four weeks from early November. What has caused the delay to the path reopening?

The closure of the riverside path in November, for four weeks, was to allow for the infill of the redundant part of the Markeaton Brook culvert.

This was a separate contract to the flood defence works, but it was sensible to do this at the same time rather than having to revisit the area at a later date.

These works took longer to complete than originally programmed, owing to the flooding that in early November and the significant period of wet weather that has followed.

The riverside path was opened once the infill works were complete to allow use by the public whilst the space was not required for our flood defence work.

The current closure is for the flood defences and associated remodelling of the River Gardens, including resurfacing of the paths; this will be completed in February. There will be some landscaping works to complete at that time but this will not require the path to be closed.

f) Question from Councillor Naitta to Councillor M Holmes

Has installing NOx-absorbing artificial trees been included in the planning for Stafford Street air quality improvement?

The roadside NO2 reduction plan was prepared with assistance from DEFRA and examined various interventions.

The use of artificial trees was not considered for Stafford Street. Artificial trees that have been featured in media reports, are predominantly aimed at capturing CO2 not NO2, and currently cost approximately £20,000 each.

g) Question from Councillor Evans to Councillor M Holmes

Alvaston District Centre is overdue to be remodelled and improved; this delay is understandable due to waiting for the additional Section 106 funding from the new housing developments on the periphery of Alvaston. When is it anticipated that the Section 106 funding will be available and can you confirm your full commitment and high priority to delivering expediently this scheme?

The final phase of Alvaston District Centre improvements works are pending the determination of two major housing planning applications for 800 dwellings in Derby (Snelsmoor Grange) and c700 dwellings in South Derbyshire (Boulton Moor Phase II).

Both require a substantial highways improvement scheme within Alvaston District Centre to mitigate impact. There is a risk that progressing Alvaston District Centre improvements ahead of the planning decision could result in abortive works.

Good progress has been made on negotiations with the developers on the highway mitigation works required to support the developments. However there is no timescale yet for concluding the S106 agreement or commencing the work. Once this is determined we will be able to assess what extra work is needed to complete the improvement works to Alvaston District Centre.

h) Question from Councillor Peatfield to Councillor Barker

Will Derby residents require Voter ID for the 2020 local elections?

Derby residents will not require Voter ID for the 2020 local elections.

i) Question from Councillor Carr to Councillor M Holmes

The original planning approval for Heatherton included a link path from Pastures Hill down to Badgerdale Way. This has never been completed. What action is being taken to progress this with the developer?

To allow pedestrian connectivity from Badgerdale Way and the surrounding locality, steps were proposed to provide access to Pastures Hill. This was a planning condition of a development scheme in 2001.

The developer sought to discharge the condition in 2005 but contended that the ramp structure would not be inclusive to all users and should be upgraded. They proposed the formation of a cycle way / footpath and bridge over the Hell Brook close to the site of the suggested ramp.

This was not covered by the imposed condition but, as an alternative all user route, this was agreed by Planning Control Committee in November 2009. Permission was granted, subject to more technical details relating to the Hell Brook Bridge and access over the grass verge at Palatine Grove, adjacent to Callow Hill Way.

I understand that due to local concerns however, this bridge link was never pursued.

j) Question from Councillor Shanker to Councillor Wood

Could you please give me an update on the Budget, Timescale and Scope of the New Moorways Swimming Pool Project.

I am very pleased to confirm that the key objectives in relation to budget, timescale and scope, which were set for this stage of the swimming pool project, have all been met.

- The capital project is currently forecast to remain within the £42m budget.
- The date for practical completion for construction of the complex remains late 2021.
- The scope includes the key designs from the original scheme and the new enhanced leisure facility.

This exciting facility will very soon be here in Derby for many people to enjoy and benefit from – it has been a great achievement for the Council and thanks goes to everyone involved in supporting the delivery of the project.

k) Question from Councillor Care to Councillor Barker

What processes and procedures are in place to ensure that actions agreed in Council motions are acted upon?

In September 2019, Council agreed to change the Scheme of Delegations to reserve responsibility to the Chief Executive for the delivery of Council resolutions, unless otherwise stipulated. This was to ensure resulting actions are effectively delegated across the Council.

Following every meeting of Council, a copy of the draft minutes and an accompanying actions log are circulated to relevant officers for implementation. Accompanying these documents is a database summarising all ongoing and outstanding actions from previous meetings of Council, with the responsible officers identified; updates are requested each time the database is circulated.

I) Question from Councillor A W Graves to Councillor Barker

Allenton Market needs saving and the council wishes to rid itself of the responsibility.

Unfortunately, the council have not invested in the market in any significance over many years leading to this decision.

The council has gone through a process to see if there is any future for the market.

A petition of many hundreds of local residents has been handed in, asking that the market is saved.

The market traders themselves wish to run it independently and have expressed this fact to the council. They also wish to invest in the market to not only conserve the existing clientele but to increase footfall turning it into a vibrant place to visit in Allenton.

Can you give the Cabinet member give an update on at what stage the council is at? Can the cabinet member assure the local residents that they will look at any new interested party favourably to keep and improve Allenton market?

The July 2019 Cabinet report highlighted the poor financial trading position of the market, the changes in customer habits and general retail trends affecting this performance and proposed a number of actions to determine the future of the market. The Council then held a consultation exercise in Autumn 2019 to find out the views of the community. We also invited third parties to send us their proposals in regard to running the market.

We have been working with the traders who have submitted a bid to us and have given them the opportunity to supply further information and clarification to make sure we explore this opportunity fully and fairly.

Officers are in the final stages of assessing the bid and we will be in a position very soon to take a final decision, which takes into account the bids received and the results of the consultation exercise.

m) Question from Councillor Ashburner to Councillor Smale

Given that black bin waste from Derby is currently going to landfill is there any extraction of recyclable or compostable material from this waste stream and where are these two streams going?

Black bin waste is currently being tipped at Raynesway before it is moved to other locations. Since the commencement of the new contract we have seen diversion away from landfill in the region of an average 60 per cent. The destinations for the black bin waste will change on almost a daily basis depending on the requirements of facilities.

n) Question from Councillor Atwal to Councillor Barker

When are we going review this formal public & member question process to something less painful & repetitive?

The current Leadership recommended changing the Council Question process in July 2018 to ensure members of the public had opportunity to hear their questions being put to the meeting and their response read out, alongside the printed Council Questions booklet. This replaced the previous arrangement where only the responses to supplementary questions were provided orally. The same arrangements currently apply to questions from councillors.

The arrangements for dealing with Council Questions are detailed in Committee Procedure Rule CP24 of the Constitution and may be amended by motion and majority vote. However, it is felt that the existing process provides transparency and a greater sense of accountability for those who take the time to submit questions.

o) Question from Councillor Lind to Councillor Williams

What Percentage of Education, Health and Care Plans have not been subject to an annual review in the last 12 months?

Forty-eight per cent of EHCP annual reviews have been reviewed in the last calendar year. This means that 52 per cent of the reviews have not taken place; however, this figure may be lower as some school are still in the process of sending the Annual Review paperwork to the Council.

p) Question from Councillor Peatfield to Councillor M Holmes

When can Derby expect to be Carbon Neutral?

The UK Government has adopted the target of net zero carbon emissions by 2050 which provides the national context for whatever we decide on locally.

I would like Derby to be more ambitious target but this must be based on an informed decision as opposed to simply picking an aspirational date without clarity.

The target we agree has to be owned by the people of Derby and all our local partners, who all have a part to play.

q) Question from Councillor Care to Councillor Williams

How many children and young people are currently being funded by the Council to be educated in schools outside the city, broken down by broad area of special need and cost?

144 children and young people are currently in an Independent None Maintained Special School (INMSS).

Primary Need	Percentage
Autistic Spectrum Disorder	53.4%
Behaviour, Emotional & Social Difficulty	13.9%
Moderate Learning Difficulties	9.7%
Social, Emotional Mental Health	6.3%
Severe Learning Difficulty	5.6%
Speech Language & Communication Difficulties	4.1%
Physical Disability	2.8%
Specific Learning Difficulty	2.8%
Hearing Impairment	0.7%
Visual Impairment	0.7%

INMSS Cost for 2019/2020 financial year: £7,198,506

r) Councillor Ashburner to Councillor Smale

How many households currently have larger than standard black bins, and roughly what proportion of these would no longer qualify for a larger bin?

Our records indicate we currently have approximately 4500 properties with greater capacity than a standard bin. We are undertaking a piece of work in the near future to understand how many of these properties still require this additional capacity. Where customers no longer meet the criteria for extra capacity we will provide advice around recycling and look to return them to the standard service.

s) Councillor Peatfield to Councillor Wood

What is the administration doing to improve the Christmas offer for 2020?

The Council has already started working on the Christmas offer for 2020 and this includes collaboration with our many and varied cultural partners across the city.

We will build on our 2019 vision for Christmas in Derby which was based on the past, present and future; creating a festive link to the Dickens' novel, A Christmas Carol.

In addition, I am pleased to confirm that the Peter Pan Pantomime at the Arena achieved 35,000, the largest audience in the five-year history of the Arena. We hope that attendances will continue to be strong for this year's Sleeping Beauty, for which tickets are already on sale.

The successful Family Festivities Event are planned again at Markeaton Park and the Window Wonderland competition again for businesses in the city centre.

Officers have been asked to review previous Christmas offers and to build upon the offer that has been developed over recent years such as the Christmas presents and futuristic tree.

t) Councillor Lind to Councillor Williams

How many – and which - primary and secondary schools remain under council or diocesan control rather than having joined or become an Academy or other independent arrangement? Which have left in the last 12 months?

As of the 22 January 2020 there are 42 schools under Council or diocesan control (including Pupil Referral Units).

These are the 42 schools in question:

LA Controlled Schools as of 22nd January 2020
Alvaston Infant and Nursery School
Ashgate Nursery
Ashgate Primary School
Becket Primary School
Brackensdale ER Primary School
Cavendish Close Infant School
Central Community Nursery
Dale Community Primary School
Gayton Community Junior School
Harrington Nursery School
Key Stage 1-2 PRU
Key Stage 3-4 PRU
Lawn Primary School
Littleover Community School
Lord Street Community Nursery School
Markeaton Primary School
Meadow Farm Community Primary School
Mickleover Primary School
Murray Park School
Oakwood Infant & Nursery School
Oakwood Junior School
Parkview Primary School
Pear Tree Infant School
Portway Infant School
Ravensdale Infant School
Redwood Primary School
Ridgeway Infant School
Roe Farm Primary School
Rosehill Infant and Nursery School
Shelton Infant School
Shelton Junior School
Silverhill Primary School
St James' CofE Infant School
St James' CofE Junior School
St Martins School
St Peter's CofE Junior School
Stonehill Nursery School

The Bemrose School
The Kingsmead School
Walbrook Nursery
Whitecross Nursery School
Wren Park Primary School

In the twelve months leading to up to January 2020, the following schools have converted to Academy Status:

Converted in last 12 months (23-01-2019 to 22-01-2020)
Arboretum Primary School
Asterdale Primary School
Beaufort Primary School
Borrow Wood Primary School
Brookfield Primary School
Carlyle Infant and Nursery Academy
Chellaston Infant School
Chellaston Junior School
Cherry Tree Hill Primary school
Homefields Primary School
Ivy House School
Lawn Primary School
Portway Junior School
Ravensdale Junior School
Springfield Primary School
St Andrews Academy
St Clares School
St Giles School
St Werburgh's CofE Primary School

The Council has received Academy Orders for the following schools which are expected to convert this coming year:

Academy orders – conversions in progress:
Oakwood Junior School
St Martins School
St Peter's Church of England Aided Junior School

u) Councillor Care to Councillor Barker

The polling station review highlights that there are areas of the city where appropriate buildings are not available for use as polling stations. How can this ongoing need in support of our democracy be addressed as part of our Local Plan Part 2 process?

Policy CP21 of the Part 1 Local Plan seeks to prevent the loss of existing community facilities and their importance as polling stations would bolster that policy where such facilities are under threat.

However, in areas where no suitable facilities exist the only real options are to use facilities for more than one station or to provide a new facility that could be used as a polling station.

Where new housing development leads to an increase in population, new community facilities can be looked at as part of Section 106 negotiations. For instance, the S106 Obligations for the nearby Manor Kingsway development include provision for financial contributions to community facilities, but this is not enough on its own to fund a new facility. Neither is there an obvious site which is suitable in planning terms.

v) Councillor Shanker to Councillor M Holmes

Could you please confirm if there have been any changes to the Assembly Rooms refurbishment Project with relation to Budget, Timescale and Scope since the 27th November 2019?

Subject to board agreement tomorrow the Assembly Rooms project will be halted. A very recent report being taken to the board predicts a significant increase in costs, and shows that the project is forecast to exceed £30m.