



Derby City Council

**Council Meeting
Wednesday 28 January 2015**

**Public and Member Questions
and Responses**

COUNCIL – 28 January 2015
PUBLIC QUESTIONS

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Public Questions

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B	Dorothy Skrytek	Councillor Afzal	Air Quality Management
C	Simon Bacon	Councillor Afzal	Recovery of Recyclables
D	Helen Oparinde	Councillor Martin	Moorways Sports Hall
E	Dorothy Skrytek	Councillor Afzal	Particulate Monitoring
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Councillor Questions

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I	Councillor Harwood	Councillor Martin	Assembly Rooms Settlement
J	Councillor Davis	Councillor Banwait	Consultancy Services
K	Councillor Ashburner	Councillor Rawson	DRI Site Preservation
L	Councillor Poulter	Councillor Afzal	Christmas Bin Collections
M	Councillor Naitta	Councillor Martin	Squash Courts
N	Councillor Carr	Councillor Martin	Swimming Pool Heating
O	Councillor Williams	Councillor Hussain	Foster Carer Allowances
P	Councillor Wood	Councillor Martin	Derby Arena Opening Date
Q	Councillor M Holmes	Councillor Rawson	SDDC Local Plan Judicial Review
R	Councillor Williams	Councillor Hussain	Investment in Foster Carers
S	Councillor M Holmes	Councillor Martin	Derby Arena Revenue and Expenditure Forecast
T	Councillor Williams	Councillor Hussain	Specialised Care

a. Question from Arron Marsden to Councillor Banwait

Please advise how many people have now completed the Big Conversation?

Since the launch of the Big Conversation we have engaged with over 10,000 residents.

b. Question from Dorothy Skrytek to Councillor Afzal

The Department for Environment, Food and Rural affairs (DEFRA) has reported that many of the UK's 43 Air Quality Management Areas (AQMA), including Derby, are not compliant with EU limit values for nitrogen dioxide.

Derby City Council stated that the two incinerators and associated traffic would worsen nitrogen dioxide levels and particulates in the Sinfen ward and AQMA, where people are breathing substandard air.

As the developer Energos in association with Resource 'Recovery' Solutions and Shanks also lied to you about incineration emissions, (evidence on Derby Friends of the Earth website) how will you be warning the health authorities of the extra burdens and costs on public services?

Energos refute that they have lied about its facilities emissions. The data published is produced independently, and undertaken under the strict conditions required by the permits of each site – All of which are covered by the Waste Incineration Directive (now the Industrial Emissions Directive (IED)).

Emissions were an issue that has been debated in considerable detail at two public inquiries. As was stated and accepted by the Inspector the facility will employ continuous monitoring for certain emissions and periodic monitoring for other emissions. All sampling and monitoring will be in accordance with the requirements of the Environment Agency Environment Permit for the facility and British and European Standards.

Revised projections from DEFRA based on updates to the modelling, including a more pessimistic assessment of the performance of vehicle Euro standards based on real world operations, has shown that 38 of the 43 UK nitrogen dioxide air quality zones will not be compliant by 2015.

This means that Derby will not meet the revised nitrogen dioxide air quality standard as is the case for a number of similar sized local authorities. This is a national issue whereby there is limited action that can be taken locally.

However, the addition of 'air quality' as an indicator of public health within the UK Government's Public Health Outcomes Framework (DoE, 2012) has resulted in air pollution having an ever-increasing presence on the public health agenda. Also, since the inclusion of the local Director of Public Health within the Council, there is now stronger partnership working on public health issues locally between the Council and the relevant health authorities.

c. Question from Simon Bacon to Councillor Afzal

On 21st Aug 2014 Derbyshire County Council and Derby City Council issued a joint press release in relation to the Sinfin Lane waste incineration plant project. In it the councils claimed that once at the plant any remaining recyclables would be removed from the waste and recycled.

This claim is false as the county council later confirmed in November 2014 via their then cabinet member for the project Joan Dixon who in an email stated "using the latest automated mechanical separation techniques. RRS will extract 80% of the ferrous metals, 74% of the non-ferrous metals, and approximately 36% of the plastics in the waste stream. This represents we believe a better solution than recovering paper and ensures we are not feeding plastics unnecessarily into the gasification unit."

Is it acceptable for the city council to put out a false claim that "any remaining recyclables would be removed" in a press release to the media considering that there is no evidence paper and cardboard would be extracted which is what the press release claimed would happen by stating any remaining recyclables would be removed?

With respect to Cllr Dixon, she was quoted in August 2014 as saying "Inside the facility, any recyclable materials not yet removed will be separated and recycled and the remaining non-recyclable waste will be shredded..." Indeed this is what will happen.

However, we must all be aware that the process of extracting recyclable materials prior to further processing will be complex and indeed there will be types of material as discussed by Cllr Dixon in November, that will be unsuitable for further recycling due mainly to the material being contaminated or mixed with other materials in such a way that makes resale onward as high quality recyclate impossible. Therefore contaminated materials that are not recyclable will go further through the gasification process and will generate electricity.

Ideally, we want to encourage all householders to separate what can be recycled first and use the blue bin provided for recycling rather than put it in the residual (black bin), which would ensure all such material is recycled before it is ever likely to go to the new waste treatment facility at Sinfin.

Both the press release of August 2014 and Cllr Dixon's assertion in November are unambiguous and they indicate in clear terms the principle of extracting recyclate at the new Sinfin Plant prior to the gasification.

d. Question from Helen Oparinde to Councillor Martin

* An identical question was submitted by Kevin Winson, who will also be given the opportunity to ask a supplementary question.

In light of the recent feedback on the 2015 budget consultation by local residents and the lack of clear decision making on the closure of Moorways sports hall, will the council now reconsider keeping the sports hall open, while future health and leisure needs and solutions in this deprived area are re-examined?

The decision to close Moorways Sports Centre was made when the Council approved the Leisure Facility Strategy in 2010/2011 and therefore it does not form part of the budget consultation. The vision agreed for new leisure facilities set out that the sports centre at Moorways would close when the new Derby Arena was open. The Derby Arena will open early this year and this will coincide with the closure of the sports centre as planned.

It's important to recap on the reasons why we needed to develop the Leisure Facility Strategy.

1. The poor condition of many of the council leisure centres and a need for these to be replaced with better up to date modern facilities.
2. To develop new facilities that would meet the future needs of the City.
3. To be aspirational and respond to the opportunity and legacy of the Olympics.

The closure of Moorways Sports Centre is in response to the opening of the Derby Arena which is one of the best new facilities across the country.

e. Question from Dorothy Skrytek to Councillor Afzal

The incinerator developer Energos - associated with Resource 'Recovery' Solutions and Shanks - lied about nitrogen dioxide emissions and particulate emissions which are also underestimated (see website evidence). Modelling of PM 2.5 is now recommended by DEFRA in its December 2014 consultation.

Will Derby City Council be continuing to monitor particulates in Sinfin, especially as the two incinerators and associated heavy traffic will add to the current industry/heavy traffic air pollution and when will the Progress Report on air quality be made public?

Energos refute any suggestion that they have lied.

The contents of the website referred to by the questioner have been reviewed and whilst all the data shown is correct, a set of emission results from a period up to 2003 has then been compared with a later set of results from 2007 and Energos indicate that using data in this manner without placing it in its correct context is misleading.

Energos indicate that in 2005 the technology's average Nitrous Oxide emissions were around 60% of the EU limit but development work and modifications were made in 2005/06 which resulted in a further reduction in Nitrous Oxide emissions.

The Environment Agency (EA) subsequently, in the process of permitting the site, were provided with significant data from Energos plants and the EA were satisfied as to the accuracy and robustness of the data provided.

The air quality information provided by the Sinfin applicant has been formally consulted on and appraised by a number of regulatory agencies and their comments are still available publicly on the e-planning web pages.

A proposal to include consideration of PM2.5 within English Local Authority areas is currently being consulted on as part of DEFRA's 'Review of Local Air Quality Management in England'. Part of the proposal is for DEFRA to develop statutory guidance for Local Authorities on how to assess PM2.5 in their areas. The closing date for consultation comments is 30th January 2015 and no timescale has been set out as of yet for its introduction.

In relation to the monitoring of particulates in Sinfin, the Council no longer performs this function in this area of the city following the revocation of the Victory Road Air Quality Management Area (AQMA). The proven low levels of

particulates in this location up until 2012/13 demonstrated that monitoring was no longer justified, a decision which has been ratified by DEFRA.

The detailed air quality modelling provided in connection with the Sinfin waste treatment facility and also the wood gasification facility at Trafalgar Park suggests that there is no risk that increased emissions would lead to a local breach of the Air Quality Objective for PM10.

The council is currently working on a progress report in accordance with its duties set out under the Environment Act 1995. The report is due to be completed by the end of March 2015.

f. Question from Simon Bacon to Councillor Afzal

In 2013/14 Derby City Council paid Resource Recovery Solutions - a SHANKS company £8,666,724 to handle 79,995 tonnes of the waste of Derby. Of that just £33,279 was spent on waste minimisation and education and when added to non RRS spend on waste minimisation and education of £13,984 equates to spending less than £50,000 on sustainable waste management education.

Why is Derby City Council spending so little on waste reduction while spending so much on disposal via landfill and incineration?

As indicated in the Derbyshire and Derby Joint Municipal Waste Management Strategy, one of the biggest challenges facing all of us is to reduce the amount of waste we produce at home, at work and in other aspects of our daily lives. It is vital that householders have the correct information and knowledge to enable them to prevent waste.

Derby City Council will be introducing waste reduction campaigns over the coming years and it will make best use of its budgets using modern technology, involving communications from the council's website and Twitter.

The city will also make use of its budgets to promote re-use and recycling in all of Derby's primary schools ensuring our young people are introduced to these issues at an early stage with which they can not only influence their parents, but these young people can then take what they have learnt into their adulthood. This will ensure that future generations of Derby's householders will be well informed and motivated to reduce, re-use and recycle.

Each year the city reviews where and when the need is to engage with residents and spends its budgets effectively to maximise these resources.

Household waste management costs for 2012/13 published by Department of Communities and Local Government (DCLG) and reported by the Audit Commission, indicate that of £3.3 Billion spent nationally on household waste management, only £25.6 Million was spent on waste minimisation, which is less than 1% of the total national spend on household waste. Derby allocated around 0.5% of its 2013-14 waste spends on recycling and waste reduction initiatives. However, the national average cannot be considered an absolute target for spend and the city is satisfied it has got good value for money from the budget it has spent on educating its residents and young people in waste matters.

g. Question from Helen Oparinde to Councillor Martin

* An identical question was submitted by Kevin Winson, who will also be given the opportunity to ask a supplementary question.

Please can the Cabinet Member clarify what is proposed if the closure of the Moorways pool and sports hall goes ahead? Is a planning request being considered for residential housing on this site?

The approved Leisure Facility Strategy recommended that a new swimming pool with associated health and fitness facilities and changing facilities be developed on this site. The plan remains the same, however we are aware that it may be more cost effective to relocate the 50m pool on to the Moorways site and we have asked officers to bring forward options for the development of a new 50m pool at Moorways.

The leisure strategy highlighted the potential to reconfigure the Moorways site in light of the new facility developments. It was recognised at the time that receiving a capital receipt could reduce the amount of capital borrowing required by the Council to fund the new leisure facilities.

However, I am not aware of a current planning request for housing on the Moorways site and we would need to identify an appropriate design solution for the pool on the site as the priority and retaining the athletics facilities that have recently been refurbished.

h. Question from Councillor M Holmes to Councillor Banwait

The activities of local authorities in the pre-election period are governed by the Code of recommended practice on local authority publicity, which is issued as part of the provisions of the Local Government Act 1986.

Particular care needs to be taken during this 'purdah period' (commencing on the day of notice of election) with council press releases, photo calls, election sensitive issues and use of the authority's resources for political purposes.

Therefore, can the leader of the council confirm if the council, during purdah, plans to adhere to the Local Government Act 1986 by removing paper and online copies of the Labour administration's 'Fair Deal' and any other similar petitions from council buildings and website?

The question clearly sets out the requirements of all members and political parties during the pre-election period and as always the Labour administration will observe those requirements.

The work of the council cannot cease in this period, though a line will be drawn between enacting policy and political campaigning and we are confident that robust advice will come from the Monitoring Officer.

The 'Fair Deal for Derby' initiative is policy having been adopted by unanimous resolution of Council on 19 September 2012.

i. Question from Councillor Harwood to Councillor Martin

Will the cabinet member please confirm when the council expects a settlement with its insurance company in regard to the Assembly Rooms and the amount of that settlement?

Negotiations on the settlement with the insurance company are in the final stages. It is our intention that a conclusion will be reached by the end of the financial year.

As these negotiations are on-going it is not possible to disclose a settlement figure.

j. Question from Councillor Davis to Councillor Banwait

Derby City Council has recently inviting tenders for "specialist consultancy services" with contract periods of up to four years for the following service areas:

- **Strategic Planning**
- **Development Management**
- **Heritage**
- **Urban Design**
- **Public Participation and Training**
- **Commercial**
- **Marketing and Communications**
- **Employers Agent (Commercial & Residential)**
- **Technical and Surveying Services (Commercial & Residential)**
- **Architectural Services (Commercial & Residential)**

What amount of expenditure (estimated if not currently finalised) has been agreed by officers in consultation with the relevant cabinet member(s) for the procurement and use of these specialist consultancy services in the forthcoming and future financial years that the contracts may span?

No amount of expenditure has been agreed. The framework contract being developed is for the use of consultants on an 'as and when' needed basis, there is no guaranteed value of business to the suppliers.

k. Question from Councillor Ashburner to Councillor Rawson

As demolition starts on the DRI site, what action is being taken to safeguard historic elements on the site, including the Florence Nightingale and Queen Victoria statues and the listed buildings?

The Florence Nightingale Statue is on council land and therefore outside the area being redeveloped and should not be affected by the application. Demolition works will not be occurring in the immediate vicinity however we will be discussing protection for the statue. The Queen Victoria statue will be protected and we need to agree the method of protection the contractors will be undertaking on the DRI site.

With regards to Wilderslowe House, we have visited the site and have recommended that additional works be undertaken to protect features within the building (which has been done) and have recommended additional protection measures be added to the outer envelope of the building. We are in discussions with the Trust on this point.

I. Question from Councillor Poulter to Councillor Afzal

The Labour administration made a decision to cease black bin collections over the Christmas period leading to a predictable increase in fly tipping and excess household waste.

Just two reported issues caused were the wholesale fly tipping across Normanton and around 60 to 70 bags piled up on Grampian Way in Sinfin ward, requiring more than one unscheduled visit by the Council's Streetpride team to remove.

What has been the cost (estimated if figures are still to be finalised) of dealing with this excess / extra waste and fly tipping caused by the Labour administration's cuts to bin collections over the Christmas period?

The incident specifically referred to by Councillor Poulter was waste in the communal bin storage area of Heath Court. This amounted to around 70 additional bags of waste which were cleared on the normal collection day by the scheduled refuse collection team on Thursday 8th January 2015 and there were no additional refuse collection costs incurred.

There were indeed other incidences of fly-tipping principally in the Normanton and Arboretum area. The Neighbourhood Boards funded £1,200 to increase the number of cleansing teams deployed in these areas after the Christmas period. These were the only additional costs incurred by the Street Cleansing Service.

Early indications are that the City collected around 600 tonnes less black bin waste in December 2014 than in December 2013 and around 200 tonnes less of blue bin recyclate in December 2014 than during December 2013.

Additionally street cleansing collected 14 tonnes less fly-tipped and litter waste in December 2014 than in the previous December 2013.

Unfortunately we are unable to analyse any residual and fly-tipped and litter waste tonnage figures for January 2015 until mid-February 2015, when I will be able to answer the Councillor in full.

Staff and vehicle cost savings for Refuse Collection services have been estimated at £100,000.

m. Question from Councillor Naitta to Councillor Martin

Given that Derbyshire has some of the top squash players in the country and many other regular players, once Moorways Sports Centre has closed will there be enough squash courts for the squash-playing public, including capacity for youngsters to get enthusiastic for the sport?

Yes there will be enough squash courts. As a local authority we recognise that it is not the role of the council to provide for all sports and at all levels. By working in partnership with other providers such as schools, further education, the private and voluntary sectors we can work together to provide a comprehensive balance of sports provision across the city.

Springwood Leisure Centre will become the focal point for the provision of squash provided by the council and we will aim to maintain these courts going forward. Although the courts at Springwood are busy, there are still slots available during peak times and therefore we do have the potential to increase squash capacity and usage at Springwood Leisure Centre.

Derby University are soon to be opening a new sports facility early next year and I'm aware that they have plans to develop new squash courts as part of another new exciting new sports facility for Derby. The development of the new University Sport Facility is a good example of how partners work together to provide for different sports in the city, such as squash.

n. Question from Councillor Carr to Councillor Martin

Heating is one of the larger costs of running a swimming pool. Has the council therefore made any inquiries about the possibility of siting the proposed new pool(s) close to a potential source of waste heat, maybe from an industrial or similar process?

Part of the early design options for locating the new 50m swimming pool at the Riverlights site was a possible district heating scheme planned as part of the Castleward development.

This was conceived to supply generated heat/power to the Council House, Assembly Rooms, Swimming Pool and other city centre buildings. However, a combination of costs and development timescales resulted in this scheme not being viable.

The decision to move the pool location to the Moorways site will give the opportunity for this option to be looked at again.

o. Question from Councillor Williams to Councillor Hussain

Derby City Council Foster Care allowances vary greatly and can be confusing to potential and existing carers. The Corporate Parenting Board has for a number of years recommended that the allowances be simplified but also raised so that potential carers can understand the system and make a preferred choice of being an LA foster carer over a private agency carer, whose payments are easy to understand and used as recruitment tools. Why is DCC not implementing these recommendations, but instead employing another consultancy to give advice?

I have searched Corporate Parenting Board papers going back to 2012. I have been unsuccessful in finding any recommendations from the board that have not been implemented.

If you have any ideas that may help us simplify information, I am happy to take those on board. You can discuss those ideas with me individually or make recommendations at the next board meeting for me and my colleagues to consider implementing.

iMPower are working across the council including with the fostering and adoption service to support our recruitment of additional foster carers. Local Authorities have a national shortage of foster carers; this is not unique to Derby.

p. Question from Councillor Wood to Councillor Martin

Can the cabinet member confirm whether an opening date has been set for the Derby Arena and what the date is?

The aim is to open the Derby Arena by the end of March.

Plans are being put in place to have a launch event during March, which will be in the evening involving some cultural and sporting activities.

There will be a 'come and try it' weekend during March and other 'soft opening' events at that time, including a national badminton event.

The building will then be fully open as long as the above events and activities have gone well and all the procedures, processes, equipment, staff and systems are in place.

q. Question from Councillor M Holmes to Councillor Rawson

At the cabinet meeting on 21st January 2015 held at Littleover Community School, Item 14 – “Derby Core Strategy – procedural issue to consider whether to prepare a joint plan with partners” was considered with recommendations noted and agreed by cabinet.

The report stated:

"1.1 An issue has arisen in respect of the three Local Plans being prepared by DCC, Amber Valley Borough Council and South Derbyshire District Council (SDDC). An objector to the SDDC plan is contending that all three authorities have failed to satisfy a requirement of the Planning and Compulsory Purchase Act 2004 (as amended) requiring local authorities to consider whether to prepare a Joint Plan. SDDC has been threatened with Judicial Review on the matter."

Would the cabinet member please offer more detail and background as to whom the objector is that have threatened SDDC with Judicial Review?

The view that South Derbyshire's local plan, and by implication, Amber Valley's and Derby City Council's, is open to judicial review on the basis of this issue has been made in respect of land being promoted by CEG Land Promotions for housing development to the west of Mickleover at Newhouse Farm.

Any further information required by Cllr Holmes should be directed to South Derbyshire District Council as the objector has registered their views against the proposed plan.

r. Question from Councillor Williams to Councillor Hussain

Being a foster carer is an honourable vocation, however, with paper work, court appearances, training and expected qualifications it has become more of a profession. DCC currently has over 400 children in care needing foster carers. Over 45% of our looked after children are in private foster care placements that cost substantially more than our in house carers who if paid by the hour for a 40 hour week wouldn't even get minimum wage. Would it not be sensible for the council to invest in our Foster carers? Why pay private rates when you could increase the rates our carers are paid?

All Foster Carers are expected to complete essential training as part of the approval process. The basic training is nationally prescribed and we certainly adhere to national standards. We have to be careful that we don't raise the entry bar too high as there is a risk that we may unintentionally put off some good potential carers from coming forward.

We had a lengthy discussion at the last Corporate Parenting Board on raising the fee levels for our carers. The conclusion was that we cannot play catch-up to private agencies as nothing would prevent them from offering higher allowances again to maintain the differential and their appeal.

Age of child from	Weekly Fostering Allowance
0-4	£140.33
5-10	£159.85
11-15	£192.20
16-18	£226.10

In some instances, carers can earn up to £500 if they are caring for a child with complex needs, which is significantly above the minimum wage level.

s. Question from Councillor M Holmes to Councillor Martin

Can the cabinet member detail the current forecast of revenue and expenditure in regard to the Derby Arena for the next three financial years (or longer if already considered as part of Derby City Council's future plans beyond that period)?

The Arena forecast projections on income and expenditure are currently based on a number of operational assumptions.

1. The council continues to manage and operate the facility and therefore the Arena will not be exempt from Business Rates and VAT.
2. The Arena only hosts up to 12 events a year
3. All the necessary maintenance budgets and sinking funds are in place.
4. Pricing charges are in line with inflation.

Over the next three years the projections are as follows:

	Year 1	Year 2	Year 3
Expenditure	£2.200m	£2.190m	£2.180m
Income	£1.365m	£1.485m	£1.585m

t. Question from Councillor Williams to Councillor Hussain

Some of our children in care have special needs and require more specialised care. Will the council look at making those DCC carers with specialised expertise professionally paid and qualified?

I believe that the answers provided to previous questions have already addressed the issues that you are raising; however I am happy to expand.

As a council we pay foster carers a weekly allowance dependent on age of the child. If a child has an additional or specialist need this is assessed and an additional allowance is also paid to reflect the level and complexity of care that the foster carer will be required to give.

Foster carers are expected as a part of their continuing approval to attend training and complete minimum standards as required by Fostering Legislation, this is equivalent to fostering qualifications.

Age of child from	Weekly Fostering Allowance
0-4	£140.33
5-10	£159.85
11-15	£192.20
16-18	£226.10

If you're looking after a child with additional needs, such as challenging behaviour, then you'll also receive an additional payment ranging from £80 per week to £300 per week for each child on top of your fostering allowance.

If you become the long-term foster carer of a disabled child or a child with special needs, you'll receive an additional payment ranging from £80 per week to £300 per week on top of your fostering allowance.