

ITEM 4

Time commenced 6.00pm
Time finished 8.10pm

NEIGHBOURHOODS COMMISSION 27 JUNE 2011

Present: Councillor Jackson (Chair)
Councillors Davis, Keith, Rawson, Richards, Roberts and Troup

In attendance: Councillors Banwait, Bayliss, Campbell, Higginbottom, Holmes,
Poulter, Redfern and Russell

01/11 Apologies for Absence

Apologies were received from Councillors Graves and Poulter.

02/11 Late Items Introduced by the Chair

There were no late items.

03/11 Declarations of Interest

There were no declarations of interest.

04/11 Call-In

Review of Public Transport Supported Services and Concessionary Fares

In accordance with Overview and Scrutiny Procedure Rule OS36, the Monitoring Officer had called in for scrutiny a decision in respect of the Waste Management Contract Update (minute number 07/11) made by Council Cabinet at its meeting on 7 June 2011.

The request for call-in had been made by Councillors Campbell, Higginbottom and Redfern.

The Commission was provided with copies of the reports considered by the Council Cabinet on 7 June 2011, the letter requesting the call in and an extract of the Council Cabinet minute 07/11.

The call-in letter stated that in taking decision the Council Cabinet had breached the following principles of decision making as set out in Rule OS33 of the Constitution:

- b. due consultation and the taking of professional advice from officers;
- c. respect for human rights; and
- f. a record of what options were considered and giving the reasons for the decision

In accordance with the Protocol, Councillors Campbell, Higginbottom and Redfern were invited to attend the meeting and address the Commission to present the case for the call-in. Members of the public also present at the meeting were also invited to address the Commission by the Chair.

The signatories stated that there were a number of issues to the report. There was insufficient consultation with the sections of the community that it would most affect. The consultation was carried out during inclement weather conditions and may have led to a reduced response. The signatories stated that a petition submitted to the Council Cabinet on the evening of their decision was not considered and the concerns contained within it were discounted. This decision would have a large impact on people's movement and freedom of association and this would therefore amount to a restriction on people's liberty. Government guidance states that no one should be more than a quarter of a mile from a bus stop. By removing these community services the Council could no longer guarantee this Government's pledge. The removal of these services would also reduce these residents' human interactions and in turn their quality of life. The signatories argued that the other options considered section of the report did not sufficiently detail what these options were. They added that the report was biased to officer's recommendation and was not balanced in its approach. The signatories stated that although Arriva had advertised that they would lose money through the loss of funding from concessionary fares and therefore cut routes there was no evidence that this will have an impact on those who use Community Transport. They argued that the reduction in this service would be because of the decision taken by the Council Cabinet on 7 June 2011. The signatories urged the Commission to refer the decision back to Council.

The Monitoring Officer, Stuart Leslie, stated that as the decision was within the budget and policy framework rules this decision could not be referred back to Council, only the Council Cabinet. Councillor Higginbottom asked the Monitoring Officer if, in his opinion, the human rights of these individuals would be breached by this decision and whether the equalities impact was insufficient. The Monitoring Officer said that there was no breach of human rights and the equalities impact report was sufficient.

The Cabinet Member for Neighbourhoods, Councillor Poulter, responded to the points outlined by Councillors Redfern, Campbell and Higginbottom. The Cabinet Member for Neighbourhoods stated that he was not taking this decision out of choice. Savings had to be found across the board. Each department had looked at its statutory services and then considered where savings could be made. He stated that the Government guidance on distances between bus stops was just that; guidance. Officers had taken that guidance into account when compiling this report. In certain areas where the topography or demographics warranted it, then the guidance would be enforced. The petition had not been accepted at the Council Cabinet meeting as the vast majority of signatories were outside of the city boundaries and not covered by the jurisdiction of the Council. The petition was subsequently accepted as it was felt that residents from outlying towns and villages would have an impact on the city. He informed the Commission that the Cabinet Member for Adults Social Care and Health, Councillor Skelton, and officers in the department had been informed of this decision. They were currently looking at

alternatives to the community transport scheme such as using taxis. The Cabinet Member for Neighbourhoods stated that no other consultation for the budget had gone into such detail. All the stakeholders and councillors were involved in this process. More than 1,500 responses were received which for the Council was a large amount. Councillor Poulter said that Arriva Buses were in receipt of £3m of Government funding for providing concessionary fares. But he could not guarantee what the impact would be when this funding was withdrawn. He stated that the dial a ride bus services and services to Pride Park stadium were of great use to those that use them. Officers were currently exploring opportunities to gain funding from these organisations to continue the services as the Council was previously providing them with their customers. He noted the signatories' comments about the No.19 bus service but stated that it was not designed to be used during rush hour. Outside of its operating hours the buses were used elsewhere within the city. He stated that every alternative had been considered to these services and officers were still working to fill the void that they would leave.

Members of the commission asked questions of the signatories and the Cabinet Member relating to the decision. The Chair asked why this decision was listed in the Forward Plan for a decision to be taken on the 28 June but this was instead considered at the 7 June meeting. The Cabinet Member for Neighbourhoods stated that a decision was needed in early June to enable the proposals to be enacted.

Councillor Rawson expressed concern that the services were cancelled before alternatives appear to have been sought. Councillor Poulter stated that alternatives would not be possible in all cases but officers would work hard to find them wherever possible. Councillor Rawson also asked if any work had been done to consider the knock on affect that this may have on both the NHS and social services. Councillor Poulter stated that the knock on impact had been considered and officers were working hard to find solutions.

Councillor Davis asked if the County Council would continue supporting the No.19 service. Councillor Poulter stated that they would support the service until the end of the financial year. He stated that he did not think it was fair for Derby residents to pay for a service which predominantly helped those living outside of the city. The Spondon Neighbourhood Forum for example was considering supporting the No 9 bus.

Councillor Keith stated that this report was not vindictive and the Council had to save money. He added that the best course of action would be to send the report back to the Council Cabinet for them to come up with some alternative options.

Councillor Roberts suggested that the Council should reinstate the Strategic Bus Partnership as this would be able to put pressure on the bus services and was very effective.

The Chair allowed each of the signatories a brief opportunity to question the Cabinet Member for Neighbourhoods.

The Chair then invited representatives of community groups and witnesses to address the Commission. Judy Bateman (Vice Chair of the Disabled People's

Diversity Forum), Brenda Tunnicliffe (50+ Forum), Mrs McElwee, Mr Marson (Disabled Peoples Liaison Officer at Derby County Football Club) Margaret Jarvis, Mr Froggatt (Mickleover Carers Group) and Helen Clarke each stated their case to the Commission.

Councillor Campbell made a further statement to the Commission followed by a statement from the Cabinet Member for Neighbourhoods.

After hearing the submissions from Councillors Campbell, Higginbottom and Redfern and the Cabinet Member for Neighbourhoods, the Members of the Neighbourhoods Commission considered whether the decision of the Council Cabinet had breached any of the principles set out in the call-in under Rule OS33 of the Constitution.

Resolved that the Commission found that principle (c) and principle (f) of decision making under rule OS33 had been breached by the Council Cabinet's decision stated in Cabinet minute 07/11.

Councillors Jackson, Rawson and Roberts asked that their votes in support of the signatories' claims that three principles of decision making had been breached by the Council Cabinet's decision be recorded in the Minutes under Council Procedure Rule 101.

MINUTES END