



Council Meeting  
Wednesday 3 February 2016

Public and Member Questions  
and Responses



Derby City Council



## COUNCIL – 3 February 2016

### PUBLIC AND MEMBER QUESTIONS

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#### Public Questions

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<b>B</b>	Simon Bacon	Councillor Afzal	Raynesway Recycling Site Traffic
<b>C</b>	Brendan Connelly	Councillor Shanker	Cemetery Wheelchair Accessibility
<b>D</b>	Rob Cooper	Councillor Rawson	Golden Spine Artwork
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<b>E2</b>	Councillor Graves	Councillor Hussain	Allenton Tesco Homes



# Public Questions



**a. Question from Dorothy Skrytek to Councillor Shanker**

**DEFRA (Department of the Environment, Food and Rural Affairs) have stated that approximately 2000 people a year in Derby, die because of air pollution (figures for whole of Derbyshire are approximately 4000). They have also declared that Derby will not meet air quality standards for nitrogen dioxide by 2020, yet the response to public questions in November 2015 stated that Derby would meet standards. Why make such an untrue statement and when are the people of Sinfen - the most polluted ward - and Derby going to be told that the City Council has to instate a Clean Air Zone - one of the four cities having to do this?**

Before Christmas, the Leader of the Council reiterated the authority's opposition to introducing congestion charging after proposals for Clean Air Zones were made compulsory by the Government.

The council participated in a Government consultation on Air Quality in November, in which it restated its commitment to achieving year-on-year reductions in nitrogen dioxide emissions. However, the council also included in the consultation its view that a charging-based scheme in Derby was "wholly unfeasible". This position has not changed, despite Clean Air Zones becoming mandatory in the newly published Government plans.

Every organisation, public or private, and every individual has a responsibility to reduce emissions and do all they can to think green. As the local authority in Derby, we take that responsibility seriously and we have made clear our absolute commitment to complying with targets on nitrogen dioxide by 2020. However, we couldn't have been more categorical in respect of our opposition to introducing congestion charging in Derby.

We will begin talks with the Government as soon as possible to establish what is meant by the Clean Air Zones becoming mandatory, and to understand whether there is a Government expectation of charging.

**b. Question from Simon Bacon to Councillor Asaf Afzal**

**On 18 September 2013 at Council I asked Councillor Banwait what the council was going to do to address the serious traffic issues relating to the Raynesway Household Waste recycling site. Over two years later it was reported in the Derby Telegraph on 11 January 2016 that local businesses and users of the site were still suffering due to a failure of the council to implement plans to improve the situation.**

**Why has the council been paralysed by a total lack of action in dealing with an issue that I as a Derby resident highlighted would be a problem over two years ago?**

The Council is aware that we have traffic queues during peak times, particularly bank holiday periods. This is not unusual in the waste industry and similar facilities in other locations experience the same spikes in demand. The site is proving very popular with residents as we work to increase our recycling rate. Raynesway is currently producing 72.9% material with a combined figure of 97.4% for recycling, composting and diversion.

Whilst we recognise that improvements, to better cater with the extremes of demand at peak periods, are desirable, the reality is that such improvements are likely to be expensive to implement. We are continuing to discuss options for improvements with the operators of the site to try to identify affordable and deliverable solutions.

**c. Question from Brendan Connelly to Councillor Shanker**

**What facilities, including toilets, are provided for wheelchair users at Nottingham Road cemetery?**

As part of the recent extension works to the cemetery we have specifically included disabled visitor parking spaces and low road/path edging to enable ease of access to the burial areas. Blue Badge holders are allowed to drive within the cemetery (whereas other vehicles are actively discouraged) to allow the best possible access to graves. In addition, if we are made aware of mobility issues at the time of selecting the location of a new grave, we try to find a grave space as close as possible to a path or drive.

To improve access to the Cemetery Chapel for funeral services, we provide a ramp and have a wheelchair available.

Due to persistent acts of vandalism and anti-social behaviour the toilets at the cemetery were closed around two years ago. However, in response to a number of requests from service users, we are currently exploring options for providing accessible toilets for all visitors.

Where disabled visitors to the cemetery have particular access issues, we will work with them and partners to make reasonable adjustments, where possible, to improve access for them.

**d. Question from Rob Cooper to Councillor Rawson**

**Having spent £85,000 on an art installation called the Golden Spine under the Homes Bridge, consisting of two large LED lanterns and copper panelling along the structure, would this money have been better spent helping children stay safe by providing lollypop patrols?**

The Golden Spine lighting and artwork contributes to the Purple Flag ideals of establishing Derby as a safe night-time destination, and helps the on-going regeneration of the city centre. Its aim is to enhance the experience of using the river side route for pedestrians, cyclists and visitors in this previously under-utilised area. The work was approved for funding from the Regeneration Capital Programme and completed in 2014.

Derby City Council is committed to investing in the city centre, and will continue to do so, making use of its own capital funding, private sector through S106 and external funding where possible.

The funding of school crossing patrols comes through our revenue budget and therefore this capital funding could not have been used to support school crossing patrols.

**e. Question from Susan Stacey to Councillor Russell**

**HAY completed the evaluation of full time SENTAs in Derbyshire and this resulted in points equivalent to a Grade F. Given that Teaching Assistants who support Special Educational Needs children may have to leave their jobs in order to support themselves, has the Council assessed the potential impact on its priority obligation to support SEN children which, at present, it is failing on? If so, what mitigation is it putting in place to ensure that there is no deterioration in service?**

Derby City Council has commissioned Hay Group to undertake a job evaluation process and this is across jobs covered by the "Green Book" terms and conditions. We recognise that this has been challenging for some staff in schools and officers in the council; unfortunately we tried to reach an agreement with unions, but were unable to do so. If we don't do this as a council, then we are not fulfilling our duties; this is something which many authorities completed several years ago. So far almost 60 per cent of employees have voluntarily accepted these changes and we are confident that the numbers will continue to grow. I do need to put on record my thanks to all staff in schools and officers that have been affected by this for their forbearance and cooperation with the process.

We are aware that a number of school based posts have been affected, but we have worked hard with individual schools to mitigate this. Indeed, the HR and the Finance teams have been working very closely with individual schools to look at possible options in line with the Leader of the Council's request that schools mitigate the impact of these changes wherever possible.

It's through this process that we've been able to mitigate the impact for a number of employees including TAs and these conversations are still on-going.

In addition, we have a large piece of work across the whole of the city which is based around trying to secure better outcomes for children and young people with special educational needs. This is being jointly led by Headteachers and officers and it has a number of different angles. The work and progress so far includes:

- a) SEN Charter Mark – This would be for schools to review their work on inclusion and see if they meet the standards for achieving a charter mark or what they need to do next in order to make further progress. This group has reviewed a number of different options and especially on framework from the Family and Childcare Trust. Their next update is due in February

2016 and they are currently investigating issues around training and accreditation.

- b) Autism strategy – this group has an audit underway and schools appear to be concerned about their knowledge of autism and require various levels of training. Models currently being investigated include baseline autism training for all schools via an organisation such as the Autism Education Trust. Additionally, the development of a city wide autism hub model is also being investigated in order to identify good practice for other schools to share.
- c) Communications strategy – each work-stream requires a separate communication strategy. This work-stream is currently looking to develop a newsletter to ensure that all schools know what is happening in the city and then also collecting good practice examples. The work-stream will also lead the review the 'SEN Head teacher Project Group' including a review of a shared vision from the middle of summer term onwards.
- d) Banding and top up - SEND4Change (formerly Nottinghamshire County Council) has been working with this work-stream on top up decision making being made by groups of schools. A pilot will operate with a small number of schools from February 2016 onwards. This will use some of the DSG reserve to pump-prime the pilot and a decision will be made in summer 2016 with regards to any next steps.
- e) Transitions to adulthood – Our Local Offer in Derby is regarded as a strength by the DfE. This work-stream is around identifying any gaps including whether the capacity of St Andrew's Special School can be expanded.
- f) CPD strategy – This work is around what training and professional development is needed for all staff in schools to better meet the needs of SEN children, regardless of whether they are teachers, TAs or other non-teaching staff. They are reviewing the current training offer available in the city and are also looking at whether specific training is needed for TAs too.

As a council, we are not taking the job evaluation process lightly and we certainly don't want any of the excellent school staff to leave their work. We recognise that TAs work hard to improve the lives of children with SEN. However, I don't agree that job evaluation is failing children and the work of Headteachers around SEN is designed to make the support available even stronger.

**f. Question from Ms Janet Abbott to Councillor Eldret**

**Can you tell me how many schools to date have confirmed that they are able to offer sufficient hours to fully mitigate against the 25 per cent loss in pay suffered by the majority of teaching assistants on a permanent basis and/or temporary basis? Please also detail the number of schools who have made no offer at all.**

Schools are currently preparing their budget proposals and will examine this question along with other budgetary issues, including funding any increases arising from the cost of implementing the outcome of the job evaluation exercise.

**g. Question from Pat Woolley to Councillor Afzal**

**As there is no money available for new city centre bus shelters until September 2016, what is Derby City Council doing to provide basic passenger facilities in these circumstances between now and such time that new bus shelters are provided?**

The Council recognises the importance bus shelters play in helping bus passengers and supporting public transport in Derby, but it is not a statutory duty to provide them. As a result of Government funding cuts to the Council there is limited scope to respond to service changes undertaken by bus operators.

Nevertheless, the Council has been successful in securing grant funding to renew the vast majority of city centre shelters. Going forward it is planned to renew the remaining shelters around The Spot as part of a wider public realm improvement once funding has been secured from the D2N2 Local Enterprise Partnership.

#### **h. Question from Dorothy Skrytek to Councillor Shanker**

**The diesel generators at the Sinfin incinerator are to be enlarged under the recent planning application, meaning that the particulate pollution estimates are incorrect. Derby City Council has already stated that air pollution will worsen because of the incinerator and associated heavy traffic. When will the Air Quality Management Areas for particulate pollution (PM10, PM2.5 etc) be reinstated in Sinfin?**

Shanks have not had planning approval to 'enlarge' the 'diesel generators'. It has had planning approval to identify the location of the housing for the standby generator and electrical cabinets, and to increase the size of the diesel fuel tank on the site. This is to ensure there is a plentiful supply of fuel available for periodic start-up and shutdown of the three gasification units during periods of routine maintenance, as well as for the mobile plant on the site.

This will not increase the particulate emissions as has been suggested in the question, and so there is no need to amend any of the modelling or assumptions on air quality, including the reinstatement of any Air Quality Management Areas for particulate pollution PM10.

**i. Question from Simon Bacon to Councillor Asaf Afzal**

**In late 2015 via Freedom of Information request 7594, which was an application for the blue bin recycling scheme contract, why did Derby City Council attempt to hide from me via a redacted document the fact that the more waste that is recycled in the blue bin beyond 16,500 tonnes the cheaper it gets?**

The information requested by you was dealt with appropriately on receipt, as a Freedom of Information (FOI) request.

Freedom of information legislation provides a number of statutory exemptions from disclosure that may be applied, where appropriate. Those exemptions are supported by relevant FOI case law.

In applying an exemption to your original request, to withhold certain information on the basis of commercial sensitivity, I am satisfied that the relevant guidance applicable at the time was followed.

What is also clear is that on or about the same time as your original request was responded to, new case law came into being the effect of which was to introduce a wider range of tests to information requests such as the one you had made. The new case law was applied in considering your appeal against the decision to withhold certain information from you, resulting in its subsequent release to you.

Categorically therefore, I can state that there was no attempt to hide information, as you allege, of whatever description, from you or from the public.

**j. Question from Brendan Connelly to Councillor Banwait**

**Is the Leader's job a full time post?**

The role of a councillor cannot be compared directly to a standard 'employed' role and in fact councillors are not employees of the Council. However your question seeks to establish if the Leader's role is full time, by this I can only assume that you are comparing it to a full time employee at the Council where the standard full time contract is 37 hours per week.

Using that as a benchmark, I can confirm that the Leader's role takes up at least this amount of time each week, with a substantial proportion of this work being performed outside of regular working hours and at weekends.

Moreover, much of the work carried out also takes place in the community or in the case of the Leader, away from Derby. It is not an accurate reflection of the role to equate a councillor's workload with the number of days they are in attendance at the Council House.

**k. Question from Rob Cooper to Councillor Afzal**

**Does the Council believe the section of Prince Charles Avenue between Mornington Crescent is an accident black spot for road users?**

We have access to the Police personal injury accident database that shows all recorded accidents within Derby that have resulted in an injury to someone involved.

During the most recent three years (01/12/12 to 30/11/15) there were 1811 accidents, of these 74 were in the Mackworth Ward. Along Prince Charles Avenue between Mornington Crescent there have been three slight personal injury accidents.

We carry out accident analysis every year in the city to determine the 50 worst accident cluster sites, which enables us to target our resources. Prince Charles Avenue between Mornington Crescent is not on that list of cluster sites.

Although any accidents on our roads that result in personal injury are a concern, the statistics show that Prince Charles Avenue is safer than a great many other locations across the city and as such is not considered an accident black spot.

## **I. Question from Susan Stacey to Councillor Eldret**

**A 'TA2' and a 'TA2 with additional needs' have been Hay assessed as a Grade E, therefore earning the same pay. But, in the document guidelines entitled 'Working hours and holidays in schools, attachment 2', distributed to school support staff in regard to Special Class Allowance, from Paul Robinson Chief Executive, it states 'to avoid "double counting", where a JIQ has been Hay assessed based on job holders working with special needs children, no payment of allowance is made. Where no reference to working with special needs children is contained within the relevant JIQ, a payment may be made but only for the period the JIQ occupant works with that child'.**

**Surely then, this statement implies that 'to avoid double counting' the special class allowance is included within the 'TA2 with Additional Needs' pay, meaning their pay should be higher than a standard TA?**

**For this to make any sense, the 'TA with additional needs' would have to have the special class allowance included in their pay which would mean them being on a higher pay scale than a standard TA2.**

**When the new pay grades begin, a standard TA2 will now be able to earn more than a 'TA2 with additional needs' who is in that particular role because there was a requirement in the post for specialist skills and experience in order to support SEN/challenging behaviours.**

**Do you agree that this needs to be rectified in order to make 'special classroom allowance' accessible to all TAs working with SEN where it is not already reflected in their pay 'from both a fairness and equal pay approach'?**

Job evaluation assesses and grades the content of a particular job. All the Job Information Questionnaires (JIQs) have been evaluated and points awarded independently by Hay Group using their system of job evaluation. If a particular activity or duty is included in a JIQ then it is not appropriate to pay an additional allowance for an activity that is part of the duties of that job. Where an employee undertakes an additional duty which is not in their JIQ, so no points have been awarded for that duty then an additional payment may be appropriate.

**m. Question from Janet Abbott to Councillor Eldret**

**What measures are Derby City Council putting in place to protect school support staff who work at schools where no additional hours are being offered?**

In August last year as part of the Pay and Reward project the Leader agreed and issued a joint statement to all schools, co-authored by the three Trade Unions negotiating on the project, urging schools to do everything possible to mitigate the impact of any reduction in pay for support staff, but this had to be subject to the budgetary position of each individual school.

It was right to ask the schools to look at this on a school by school basis as each one is in a unique and different budgetary position. We continue to work closely with our colleagues in schools to manage this as sympathetically and proactively as possible, but within those on-going budgetary constraints.

**n. Question from Pat Woolley to Councillor Afzal**

**Why did Derby City Council allow, agree or approve the changes Arriva made to services before basic passenger facilities had been put in place?**

The Council does not have any statutory powers which allow it to regulate or control changes to bus routes or services that may be proposed by operators. Changes to bus routes are registered and regulated by the Traffic Commissioner.

However, Arriva have stressed that they are always keen to maintain a good working relationship with the City Council and welcome feedback from local people. The Council was consulted as part of the proposed service changes.

Since the service changes in October 2015, Arriva have confirmed that they have received significant feedback from their customers and local residents of Derby and as a result, they have made some interim changes to their services. One example is that the company moved the Service 7 from stopping in Babington Lane.

The company continues to work with the City Council to look into introducing further refinements to services. They believe that this will address the concerns that have been raised. Arriva is also monitoring all of its services and have set a six month review date to see where it can make further improvements.

In terms of the provision of passenger facilities, the Council's budget for shelter provision and maintenance is currently being reviewed as part of the Budget Consultation for 2016/17, so any significant new spending is unlikely to be approved until the Council has decided on its budget priorities.



# Councillor Questions



**o. Question from Councillor Graves to Councillor Rawson**

**In light of the recent floods that have left so many people suffering and having to leave their properties severely damaged by rising water should we revise our Local Plan wording to protect our citizens?**

**The Derby City Local Plan in many places talks about the risk of flooding at varying levels including high risk of flooding.**

**The Plan in simple terms indicates that we will allow building on flood plains to achieve our housing allocation.**

**I appreciate the Our City Our River project is a valuable project in protecting ourselves against flooding occurrences but you will be aware of breaches of installed flood defences in places like Keswick.**

**Can you confirm you are comfortable that existing housing and future building could be affected by worrying plans to build in areas susceptible to flooding?**

**Other authorities have taken to informing people about building on flood plain areas by installing street signs indicating such. Do you think we should do the same?**

The Environment Agency is content with the sequential testing that we have undertaken for sites. We have policies in place to protect people. Where the 'principle' of development has been accepted we will still look at the detail to minimise risk to people and property.

The OCOR project will offer protection to the 1 in 100 year flood level plus a 5 per cent allowance for climate change. This is a significant reduction to the current risk of flooding which the City is exposed to. Schemes of this nature only reduce the risk of flooding they do not remove the risk entirely. Development in areas benefitting from flood defences still needs to be appropriate and designed to be resilient to flooding.

**p. Question from Councillor Ashburner to Councillor Afzal**

**At the Council Meeting on 25 November 2015 in answer to question from myself, Cllr Afzal stated that "we recognise the value of live CCTV monitoring and we are currently in discussions with the Police and other partners to investigate alternative funding options to enable this service to be re-installed. I will advise Members on the outcome of these discussions in due course."**

**At the January Audit and Accounts Committee, it was disclosed that, on 23 October 2015 approval had been given to award a contract for CCTV monitoring.**

**Given that approval had been given to award a contract 33 days before he stated that discussions were still in progress is he happy with the briefings that he is receiving?**

Following the ending of active CCTV monitoring on 31 May 2015 representations were received from the Police and local businesses to re-instate the operation. Funding to enable this (initially on a trial basis) was subsequently identified from the Business Improvement Districts and the Police and Crime Commissioner's Community Safety Fund. However, funding for the on-going maintenance of the CCTV system remained unfunded, and discussions with partners were continuing.

In order to implement this pilot before Christmas (the city centre's busiest time of year) two requirements would need to be met:

- Approval for the pilot would need to be sought via the appropriate constitutional route, and
- A procurement waiver would be necessary, as the usual procurement route would not achieve the desired deadline.

Both of these requirements were addressed. The proposal was considered by the Integrating Communities Overview and Scrutiny Board on 30 November 2015, with a recommendation that the proposal be approved, and then formally approved at a Cabinet Member Meeting on 3 December 2015. These were the earliest dates available for these meetings. The approval to operate beyond March 2016 was still subject to securing funding for maintenance of the system, and this was reflected in the terms of the contract.

The waiver seeking approval to award a contract was prepared in advance of these meetings to ensure that, if the scheme was approved, it could be implemented immediately. The contract was not formally awarded until the meetings had approved the proposal.

During this process I was kept fully briefed by officers and my comments to Members on 25 November were therefore a correct description of the situation. The Council was still in discussion with partners to try to secure funding for the scheme.

**q. Question from Councillor Naitta to Councillor Eldret**

**Did the Leader of the Council mislead the unions and the public regarding the Teaching Assistant negotiations?**

No, the Leader of the Council was referring to written positive comments from the Unison Full Time Officer regarding the good progress in the negotiations on introducing job evaluation and changes to terms and conditions of employment. At that point it seemed as though an agreement with the three Trade Unions might be achieved.

Unfortunately as the talks progressed and the distance between what was required and what could be offered on the remaining issues became clearer, it became apparent that an agreement could not be reached in a timescale acceptable to the Council.

**r. Question from Councillor Holmes to Councillor Eldret**

**At the September 2015 full council meeting the Leader of the Council stated, in relation to Job Evaluation, that:**

**“The whole Job Evaluation saga... we’ve inherited from you [The Conservative Group]” and that “We’re picking up your disaster and cleaning up your mess”.**

**Accepting that:**

- In October 2010, following acceptance from Trade Union representatives that no further progress could be made with the NJC Job Evaluation scheme, it was agreed by the then Conservative administrations’ cabinet to procure a consultant to deliver a new pay and grading structure, based on “Job Family Modelling”.**
- In July 2012, two months after the current Labour administration had inherited the project and the consultant to deliver it, direction was being sought via the Personnel Committee on the “Choice of job evaluation methodology”**
- In September 2012, four months after the current Labour administration had inherited the project, a council report confirms that two Job Evaluation schemes will be used – “NJC Scheme” & “Hay Scheme”.**
- In November 2012, six months after the current Labour administration had inherited the project, a council report states that “Good and sustained progress is now being made”.**
- In March 2013, ten months after the current Labour administration had inherited the project, a council report states once again that, “Good and sustained progress is being made on progressing the Pay and Reward review”. The report also confirms that all aspects of the project were classed as “Green - Achieved or on target to achieve”.**
- In September of 2014, over two years after the current Labour administration had inherited the project, it was announced in the press that the process had run into difficulties due to a “contractual**

**issue” and “The contract [with Aquarius] came to an end and we were at the point where we needed a new contractor to see this through to the end”.**

- **In January 2016, over three and a half years after the current Labour administration had inherited the project, it has still to be completed and will have cost the authority nearly £5 million by April 1 with a reserve set aside to cover the overall cost of the project being increased to £9 million.**

**It is therefore a statement of fact to state that the project ran into significant and costly difficulties between March 2013 and September 2014.**

**Will the Cabinet Member therefore now reconsider the Leader's comments that the “Job Evaluation saga”, “disaster” and “mess” were inherited and concede that they occurred during the current administration's management of the council?**

**No.**

**s. Question from Councillor Grimadell to Councillor Rawson**

**In early January it was reported that Derby City Council intends to cease funding its programme of 'cultural events' at Derby Arena in 2018. However, the Budget Consultation 2015 to 2018 document (page 60) references the need to increase the number of events to maximise revenue.**

**Can the Cabinet Member offer clarify in regard to the position that the council is taking with Derby Arena?**

Due to Government cuts, by 2018 the current budget has had to assume that there will only be funding for statutory services. Therefore, Derby LIVE will not be able to provide the support it currently contributes to cultural events at the Derby Arena such as the pantomime and Jimmy Carr.

Due to this funding gap, alternative solutions must be found in order to continue to realise events at Derby Arena. These could include Derby LIVE becoming a trust; private sector operators having greater involvement in events at the Arena or support being brought in on an event-by-event basis and charged against the event itself.

**t. Question from Councillor Harwood to Councillor Rawson**

**Whilst commending the efforts of the cast, staff and crew of the recent pantomime held at Derby Arena, it resulted in a significant drop in tickets sales when compared to the two previous pantomimes at the Assembly Rooms (19,000 less tickets sold than in 2012 and 10,000 less tickets sold than in 2013).**

**Would the Cabinet Member agree that the decision to close the Assembly Rooms, a venue with a proven track record of hosting concerts, shows and conferences, rather than refurbish and reopen it has led to Derby City Council being unable to offer an acceptable cultural offer and unable to maximise the revenue of the events that it does provide via alternative venues?**

Whilst Derby Arena should not be seen as a replacement for the Assembly Rooms – it is, first and foremost, a sporting facility – the staging of the 2015/16 pantomime at the Arena covered a significant gap in the city's cultural offer. The fact that the city had not had a professional pantomime in 2014, combined with a change of venue for 2015, meant that inevitably attendance would be down when compared with recent years. The lack of a Derby pantomime in 2014 led to schools audiences in particular going elsewhere for their Christmas show.

However, ticket sales for the 2016/17 pantomime are already ahead of comparable sales in recent years. The continuance of the pantomime at Derby Arena should help ensure increasing ticket sales for the pantomime in coming years. This, when coupled with the greater capacity at the Arena, means that ultimately the pantomime will generate more, not less, income than was ever achieved at the Assembly Rooms.

**u. Question from Councillor Webb to Councillor Eldret**

**Is the Cabinet Member confident that all reasonable avenues have been explored in consultation with the Trade Unions to secure agreement on the employment terms and conditions of staff under a Single Status Agreement?**

Yes, an extensive amount of time and significant effort were expended by elected members and officers trying to seek a joint agreement with the three trade unions recognised for collective bargaining. A joint agreement was always the Council's preferred method of introducing these changes, however one union was unable to support a collective agreement following months of negotiation thereby preventing the Council from progressing in this manner.

#### **v. Question from Councillor Roulstone to Councillor Russell**

**Thanks to the new ECHP introduced in September 2014 the waiting time for children with SEN to finalise the ECH plan adequate for their needs should have been reduced from 26 weeks to 20 weeks maximum. Can the Cabinet Member confirm the current number of ECHP in process and the average number of weeks from initial request to a final ECH needs assessment being finalised during the first year 2014/15?**

**What does that equate to in comparison to the national average for the first year of implementation?**

The points you make about education and health care plans are important and are part of a number of changes that have been introduced by the Government. In terms of context, the changes being introduced are designed to ensure better interaction between schools, colleges, training providers, health and social care; however, professionals were concerned about major change programmes at a time of austerity and when cuts were being made to local services.

Derby's Children's Services experienced large cuts between 2010/11 – 2011/2012; this was when the planning should have started for the SEN reforms. During this period there was a change in the Director of Children's Services and a reduction in the budget to Specialist Teaching and Education Psychologist Service in 2011-2012 of around £400K. This deleted a number of key posts (*\*see footnote 1*). This also combined with the Service Director for Inclusion leaving and the Head of SEN leaving too.

1. The number of ECHP in process during the first year 2014/15?
  - Number of EHCP in process for pre-16 students = 177
  - Number of EHCP in process for post-16 students = 3
2. The average number of weeks from initial request to a final ECH needs assessment being finalised during the first year 2014/15?
  - Average number of weeks for pre-16 plans = 35.25
  - Average number of weeks for post 16 plans – none have yet been issued.
3. What does that equate to in comparison to the national average for the first year of implementation?

The percentage of Derby children for whom statements of SEN or EHC plans were newly made has increased between the years 2013 and 2014 by 21.3% (nationally there has been a drop of 3.2%).

4. New EHC plans issued within 20 weeks

- In 2014 Derby alongside comparator authorities such as Coventry, Dudley, Peterborough, Sheffield and Walsall had no EHC plans issued at this time. Nationally, of the new EHC plans issued in 2014, 64.3% were within the 20 week time limit when excluding exception cases.

**Footnote 1**

*Head of STePS Service, Team Manager Specialist Support Teaching Service and Advisory Teacher for Hearing Impairment, Advisory Teacher Dyslexia, Early Intervention Practitioner Behaviour, Early Support Workers (1.6fte), Early Intervention Teacher (1fte), Early Intervention Practitioner Portage (0.2fte) and a Higher Level Teaching Assistant for Autism (0.8fte).*

**w. Question from Councillor Graves to Councillor Banwait**

**I was very disturbed to read from a local resident that the phone number to register his father's death never answered after 50 minutes of waiting on line, listening to piped music and a recorded apology.**

**He finds this very upsetting and insulting. The matter was resolved by ringing the main switchboard who emailed the department and someone rang him back.**

**The council has to be sensitive to callers at all times especially in these circumstances. Do you have statistics on such calls?**

The telephone system we use has a series of performance reports that are used daily. One of these reports shows the longest waiting time for each service and there was a call to the Registration service last week that was on hold for 43 minutes, without the details of the caller I can only assume this was the call that is being referred to. This is not the service we want to offer and we are sorry for the distress this has caused.

Last May, as a result of the budget cuts the capacity in the contact centre to manage customer contacts was reduced by 44% and to help mitigate this level of cut, we actively promote online options to release staff to deal with more complex or sensitive cases and more vulnerable customers. We have seen some success with this approach as the number of online transactions has increased by 50% in the last year. This does not fully mitigate the 44% reduction in capacity and consequently there are occasions where waiting times are much longer than we would want.

Currently the Registration service only has one online service, requesting a copy certificate. However significant work has been put into a project to offer the option to book a registration appointment online, this is scheduled to be implemented in early March 2016. We anticipate that take up for booking a birth appointment and a marriage appointment online will be good, and that this will release staff time to handle registering a death, which people will want to do over the telephone.

**x. Question from Councillor Holmes to Councillor Eldret**

**At the September 2015 full council meeting, in relation to a Cabinet Member question on the Job Evaluation process, the Leader of the Council stated that the Council's chosen partner, Aquarius had "picked the wrong methodology".**

**Can the Cabinet Member confirm that the Leader was referring to the HAY methodology in relation to that comment?**

Aquarius did not hold licences or permission from Hay to operate their system, and therefore did not use the full Hay Methodology.

**y. Question from Councillor Harwood to Councillor Rawson**

**With reference to the JET project, what checks were carried out to ensure that the payments of £84,500 to staff were justified?**

The 'staffing' cost referred to in the question was the cost of employing a range of trainers to meet the complex needs of the target group, and to deliver the broad range of skills included within the training packages.

I can assure you that regular monitoring and evaluation of the project was undertaken throughout the term of the project, to justify the payments made.

Regular contract management reviews were held to review performance and compliance of the contract.

Lincolnshire County Council were the Accountable Body for the ESF East Midlands Local Authority Consortium, Derby City Council was a partner within this Consortium.

The final contract review was completed on 05 December 2014 and the project was closed successfully. The regular contract reviews covered:

- Project Progress Reports
- Verification of Beneficiary Starter Forms, Leaver Forms, Individual Action Plans and evidence of progress/support
- Job Entry Statements where applicable
- Case Studies
- Evidence of outputs
- Expenditure Claim Forms

**z. Question from Councillor Roulstone to Councillor Russell**

**Can the Cabinet Member please provide the current number of LDA assessments and statements within DCC in total to be transferred to ECHP by the statutory deadlines of September 2016 (for LDA) and Spring 2018 (for Statements) along with the current number already converted?**

**Is the Council currently on target as per the current published SEND conversion plan Version 2, April 2015?**

All LAs have had to publish a plan called a conversion plan. This is a trajectory of how many statements will be converted in to EHC plans. The conversion plan is revised annually and our target date for doing that was in December 2015.

- The number of statements (pre 16 years old) that should have been converted to plans in the last academic year (Sept 2014 – Aug 2015) was: 246
- The number that were converted was: 76
- The number of Learning Difficulties and Disabilities plans (LDD) (post 16 years old) that should have been converted to plans in the last academic year (Sept 2014 – Aug 2015) was: 179
- The number that were converted was: 67
- The number of statements (pre 16 years old) that are due to be converted to plans in the current academic year (Sept 2015 – Aug 2016) is: 209
- The number that have been converted so far is: 36
- The number of LDD plans (post 16 years old) that are due to be converted to plans in the current academic year (Sept 2015 – Aug 2016) is: 183
- The number that have been converted so far are: 0
- In total, this should mean that by August 2018, the total number of statements and LDD plans that should have been converted to plans is: 1542

Whilst we are behind where we wanted to be, it is with the additional capacity that I have brought in that we are now making progress.

**a2. Question from Councillor Graves to Councillor Shanker**

**Costs to date in making safe 3 Church Street Alvaston have reached £44,000 and caused great inconvenience to local residents and vehicle traffic including the local bus services. Advice has been given that there is yet another four to six months to wait and that is if the owner of the building complies with your requirements. I can see this being another 3-4 year problem similar to the old flats on Branksome Avenue that were delayed in demolition due to inaction by the Council.**

**How much longer do residents and drivers have to wait before the road is put back into proper use?**

Following assessment, the councils own structural engineers reported the above building as immediately dangerous. Action was taken under the provisions of the Building Act and temporary scaffolding was constructed adjacent to the building to ensure public safety should the building collapse into the road. The Council has a statutory duty to address dangerous structures.

This is a complicated building made more so as the existing thatched roof has been overlaid with asbestos sheeting. Engineers with specialist knowledge of timber framed buildings of this type and age have been engaged to assess the extent of the condition of the building and recommend actions necessary to render the building safe. Their report was received by the Council in December 2015 and a meeting is being arranged with the owner to discuss a way forward.

If the owner refuses to undertake the work or there are undue delays the Council will apply to a magistrate's court for an order to require the necessary work to be undertaken, if necessary by the Council in default.

The estimate of a further 4-6 months recognises the time necessary for the legal process, procurement of a contractor and undertaking the work required. As soon as the building is made safe the temporary scaffolding and traffic management can be removed.

The Council will take appropriate action to recover any incurred costs. If necessary the Council will seek to recover all costs that it can recover from the courts.

**b2. Question from Councillor Holmes to Councillor Banwait**

**Would the cabinet offer an overview of the compensation claims made against the council in the last two full financial years as follows:**

- 1. Total monetary amount of compensation claims against the Council that resulted in a payment.**
- 2. The ten largest single claims paid out and the nature of those claims.**
- 3. The most common area of compensation claim against the council that resulted in a payment and the overall amount paid.**
- 4. The overall number of compensation claims made.**
- 5. The overall number of compensation claims made that resulted in a payment.**

1. £89,160
2. £83,876 – slips, trips, object falls, infection, and property and equipment damage
3. £35,638 – property damage, trips in carriageway, vehicle damage in carriageway, falling branch
4. 477
5. 28

## **c2. Question from Councillor Graves to Councillor Repton**

**What is the consequential financial budgetary impact and consequence on social services, health services and other parts of the Council by removing all of the Voluntary Sector Grants?**

**Does the Council know that it will be less than £577,000?**

The Council has a long history of funding and working with the voluntary and faith sector in Derby. It is a relationship of which we are proud and that has served the city well.

We have undertaken a full and extensive consultation with the sector about this proposal. Whilst the sector understands the reasons behind our proposals, this will create many difficult challenges for them and their customers, as reflected in the responses to the consultation.

Due to the serious and far reaching budgetary constraints as a result of Government cuts to local authority funding, this authority is faced with the stark situation of having to cut voluntary sector funding in order to protect statutory services, which we are legally obliged to do. This action is one of last resort and something the Cabinet would not otherwise consider.

Officer forecast is that 15-20% of the people who access day care type of voluntary sector services may have eligible social care needs. Some of these needs could be met in other ways, but it is not possible to assess with any accuracy consequential needs without undertaking individual care assessments. We shall be working closely with voluntary sector organisations to refer those people who may have eligible social care needs.

**d2. Question from Councillor Graves to Councillor Banwait**

**Spending on consultants has escalated to over £3m a year. Do you think this is an acceptable figure for the council to be spending?**

Consultancy spend to support major property schemes, which includes buying in professional and technical advice, have remained fairly consistent over the past five years. Specific consultancy for major projects fluctuates annually dependent upon the need. In order to ensure that we secure the necessary advice, which cannot be delivered internally, the use of consultants forms an acceptable strategy for the Council.

**e2. Question from Councillor Graves to Councillor Hussain**

**The handling of the Tesco saga in Allenton has been very poor over the years allowing the area to become semi derelict and vacant for a long time. The council announced some good news after many years of neglect that the houses purchased by Tesco were to be bought by the council to bring them back into use. The council indicated that these houses were empty and, in fact, in need to major refurbishment due to vandalism damage.**

**Imagine my surprise when I receive a call from a tenant in one of those houses. I have written to the Chief Executive, although received a reply from Derby Homes to say that this tenant would have their housing needs assessed.**

**The house has had some modernisation and the tenant has spent a considerable sum making the house nice. Furthermore, one of his children suffers with ADHD and struggles with change. Your actions have resulted in this man and his children receiving an eviction notice despite living there for three years. I have asked for the council to take his tenancy over guaranteeing rental income, council tax income and stability for a hard working family. Unfortunately, the council seems unwilling to accept a sitting tenant.**

**Could I ask the cabinet member to change the mind of the council and allow this man and his children to live in the house he wants and not force him to move elsewhere?**

I can confirm that officers have met with this gentleman and are in the process of completing the housing needs assessment. Officers will be discussing the outcome of this with him over the next few days. It would clearly be inappropriate to detail his individual circumstances in a public meeting.

What I would say is that Council properties are in high demand for families in need and the Council is required to adhere to its own allocations policies which ensure that best use is made of Council Homes. In any event officers will continue to support this gentleman through this situation.

If his circumstances do mean that he is unable to stay in this property then officers will assist him in applying for alternative accommodation through our Homefinder system in line with our policy, or alternatively we will help him find alternative housing in the private sector. We would also work to enable him to

remain in his current property for a reasonable period until a suitable property is identified.