



Derby City Council

**Council Meeting
Wednesday 5 March 2014**

**Public and Member Questions
and Responses**

**COUNCIL – 5 March 2014
PUBLIC QUESTIONS**

Questioner	Respondent	Subject
-------------------	-------------------	----------------

Public Questions

A	Dorothy Skrytek	Councillor Afzal	Planning Conditions
B	Stephen Fowke	Councillor Russell	Council Resources and Political Literature
C	William Wright	Councillor Banwait	New Communities Strategy Funding
D	Steve Hassall	Councillor Afzal	Flood Defence Funding
E	Simon Bacon	Councillor Banwait	Brown Bin Collection Costs
F	Steve Hassall	Councillor Afzal	Our City, Our River
G	Simon Bacon	Councillor Banwait	DEFRA Recycling Tonnage

Derbyshire Fire and Rescue Service Questions

H	Councillor Poulter	Councillor Bayliss	Level of Precept for 2014/15
----------	--------------------	--------------------	------------------------------

Councillor Questions

I	Councillor Ashburner	Councillor Russell	Zero Hours Contracts
J	Councillor Skelton	Councillor Afzal	Derby Local Plan Public Open Space Policy
K	Councillor Holmes	Councillor Afzal	Our City Our River Funding Reduction
L	Councillor Ashburner	Councillor Russell	Consultancy Contracts
M	Councillor Skelton	Councillor Repton	Library Opening Hours
N	Councillor Holmes	Councillor Afzal	External Funding and Planning Decisions

a. Question from Dorothy Skrytek to Councillor Afzal

On the Sinfin Lane incineration plant site, RRS/Shanks have ignored the planning conditions imposed on them to carry out a) a detailed site investigation, b) conditions imposed regarding the habitat for the rare common lizard.

In answer to public questions at the council meeting of 29 January it was also stated that a detailed remediation plan had to be approved by the council before any work commenced. In answers to SSAIN it was revealed that the city and county council have no budget set aside for environmental liabilities – these including birth defects from dioxin being breathed in by pregnant women and pollution to the aquifer under the site.

A few days ago a bulldozer cleared undergrowth at the back of the terraced houses and the tree was cut down. The ground is already being disturbed, contamination (including dioxin) spread and lizards probably killed.

Is it the council's new policy to allow developers to ignore planning conditions?

On 27th January 2014 ground clearance work began on site. This is in connection with the Lizard Management Strategy (condition 8 on the planning decision notice) which has been agreed and discharged. Part of the mitigation strategy is to have an ecologist on site during these operations. The grassland is being cleared in advance of lizard trapping in the spring. This has to take place before any works begin on site and is to ensure the lizards are safe during the construction period.

b. Question from Stephen Fowke to Councillor Russell

Is sending political literature such as Labour Party Christmas cards through the Council postage system (Council resources) a breach of the Councillors code of conduct?

If a councillor was to use council resources to send political literature then it would be a breach of the Members' Code of Conduct.

The question is likely to refer to an incident before Christmas when Christmas cards were inserted into an existing and legitimate mailing. That decision was not made by a councillor but by a council officer, who understandably reached the conclusion that as the insertion would not cost the authority any additional money then it was reasonable.

I agree that the decision was wrong and, while there was no cost whatsoever to the taxpayer, it sent a confusing message about use of council resources.

There was no breach of the Members' Code of Conduct in that instance as no member was involved.

c. Question from William Wright to Councillor Banwait

With 350 more staff being made redundant and cuts to the care for the elderly and vulnerable children budgets because of reductions in council funding, can you explain why £118,000 was allocated to an employment agency to find unemployed Eastern Europeans a job through your New Communities Strategy?

The simple response is that we are required to spend this money on this specific issue as it was part of a bid that the Council made to the European Social Fund. The money is therefore from Europe and was ring-fenced for this purpose.

d. Question from Steve Hassall to Councillor Afzal

Whilst Darley Ward thankfully escaped the recent catastrophic flooding seen elsewhere in the country, will the Cabinet Member detail what funding has been secured from government for the delivery of flood defences in Derby City?

A revised business case was presented to the Environmental Agency's Large Project Review Group in London on the 12th February with the aim of securing approximately £36m to help fund the first package of works stretching from Alfreton Road Industrial Estate to Sowter Road. The meeting went very well with a number of minor requests made for further information to support the business case. A decision regarding this will be made in the next 2-3 weeks.

e. Question from Simon Bacon to Councillor Banwait

Russel Sexton, principal accountant for Neighbourhoods stated to me in an email dated 6 September 2013 that brown bin waste for the year 2012/13 cost £981,451.63 to process via Vital Earth. It has been previously stated at full council that a bin round and crew costs £110,000 and Malcom Price at the council has previously confirmed eight crews carried out the previous brown bin collection – costing £880,000 giving a total of £1,861,451.63.

Using the principal that there are 100,000 brown bins pre service removal this shows a brown bin collection charge for a full year including food waste of £18.61 – why have the council decided to charge £40 for a part year service with no food collection?

It is not meaningful to compare the unit cost of emptying an individual brown bin as part of providing a city-wide service with the unit cost of collecting a bin as part of a paid for service provided to a smaller number of households. We will not be able to make a valid comparison of the unit cost of collection until the number of bins and their location across the city is confirmed.

We are encouraging households to sign up by 22 March 2014 to take advantage of the full number of collections for the year. This will also help us to plan the service and deliver it as effectively as possible.

The charge set has been designed to achieve £1.2 million of savings annually to the Council which will protect other valuable services that the Council provides.

f. Question from Steve Hassall to Councillor Afzal

What assurances can the Cabinet Member give me that residents in Darley, whose properties are currently at risk from a one in one hundred year flood event, will be protected via the first phase of defences forming part of the 'Our City Our River' plan?

The programme of works to complete the Our City Our River regeneration/flood alleviation scheme has been divided into three interrelated but separate packages starting upstream of the City. The first package of works includes maintenance and flood defence improvements within Darley Ward stretching from Alfreton Road Industrial Estate to Sowter Road. Following the confirmation of funding this work will be undertaken from 2014 to 2017/18 and will significantly improve the flood resilience of Darley Ward protecting both people and property. More detailed information about the project along with the latest plans for Darley can be found on the Our City Our River website - www.ourcityourriver.co.uk

g. Question from Simon Bacon to Councillor Banwait

My FOI request 4881 highlights that of the 17,625.86 tonnes of waste handled at the Raynesway HWRC site in 2012/13, 4455.57 was residual and so sent to landfill and 2,870.79 tonnes was made up of rubble, chemicals and asbestos – considered non-household. This left 10,309.5 tonnes of waste which your contractor RRS processed. How much of the 10,309.5 tonnes was notified to DEFRA as being recycled and reused? Please give me the answer in tonnes.

17,625.86 tonnes of materials were processed through the Raynesway Household Waste and Recycling Centre during 2012-13.

10,030.73 tonnes of household waste was recycled, recovered or reused during 2012-13.

280.46 tonnes of non-household gypsum plasterboard was recycled during 2012-13.

1,166.25 tonnes of non-household rubble was recycled during 2012-13.

h. Question from Councillor Poulter to Derbyshire Fire and Rescue Authority

How does the Fire Authority justify the maximum possible precept increase for 2014/15 (without triggering a referendum) when there is a substantial underspend showing on current budget outturns and taking into account the substantial reserves held by the Authority?

The Fire Authority considered all aspects of the budget report in reaching their decision to increase the precept by 1.9%. The Treasurer highlighted in the budget report and previous budget working group meetings the need to consider reserves and the projected budget surplus when making the decision on whether to precept or not. He also highlighted that some uncertainty still remains about how long any council tax freeze grant would be built into the base funding and likely cost of conducting a referendum based on research. It was after considering these factors, that the Authority decided that precepting gave the Authority more certainty over its future funding.

By taking proactive action to deliver sustainable 'on-going cashable savings', the Authority has delivered on-going savings and has deliberately increased reserves to mitigate the effects of reduced budgets. This strategy has given the Authority some protection to having to meet the funding deficit this year and enables the Service to reduce in size, and therefore reduce costs, through natural turnover of staff rather than through redundancies.

i. Question from Councillor Ashburner to Councillor Russell

How many zero hours contracts are in place with Derby City Council, including a list of job titles and locations?

As at 31/01/14, the Council had 1201 zero hour contracts.

For 564 of these, this is the only work arrangement they have with the Council.

239 of these are for specific sessional work (eg. Adult tutors) or for one-off activities (eg. Electoral support).

The remaining 398 have at least one other work arrangement with the Council, which could include a permanent contract.

A summary of job titles and directorate locations for each category is attached.

j. Question from Councillor Skelton to Councillor Afzal

As part of the Derby City Local Plan process, the Council undertook a consultation on Public Open Space (dated February 2012). Three possible approaches were set out as to the Council's future Public Open Space policies. Which one of them (or combination of them) has the Council chosen and why?

The three approaches consulted on were:

Approach 1: Continue to use the City of Derby Local Plan Review policies

Approach 2: Allow greater flexibility for the development of existing public open space

Approach 3: Reduce the overall amount of new open space identified as part of new development and at the same time seek more financial contributions to improving the quality of existing public open space

No final decision has yet been taken. Cabinet and Full Council will shortly be considering policies for inclusion in the formal publication plan. This will be consulted on later on this year prior to submission for independent examination.

k. Question from Councillor Holmes to Councillor Afzal

Can the Cabinet Member confirm that the indicative funding of £36.6 million currently being offered via Government for the City's 'Our City, Our River' scheme has not been reduced?

I can confirm that the Council is currently negotiating with the Environment Agency regarding the business plan for phase 1 of this scheme. However, at this stage the exact final cost is still to be finalised and is dependant of the final designs.

We anticipate that the Council will receive an additional £33.5 million for this scheme on top of the costs of design, ground investigations and archaeological work already undertaken which amount to approximately £3 million.

I. Question from Councillor Ashburner to Councillor Russell

How many consultants have been employed by Derby City Council during the last financial year, including projects which have been worked on or are being worked on and the costs of each contract?

This information is periodically reported to Corporate Joint Committee by the Strategic Director of Resources. The latest report was presented on 30 January 2014. I will send you a copy of this report.

m. Question from Councillor Skelton to Councillor Repton

Are there any ideas or plans (embryonic or well-developed) to cut the opening hours of any of Derby's libraries? If so, which libraries and by how many hours?

Under the previous administration library opening hours were reduced in July 2011 and again in January 2012. The current administration has no ideas or plans (either embryonic or well-developed) to further reduce them. However, I am pleased to point out that in November 2013 opening hours at six libraries* were increased with the help of funding from the Livewell (b-You) project.

*The six libraries are Alvaston, Chaddesden, Chellaston, Mackworth, Pear Tree and Sinfen

n. Question from Councillor Holmes to Councillor Afzal

Is the securing of funding that relies on the approval of a planning application, a material consideration for members of the planning committee to vote in favour?

The Town and Country Planning Act provides that Councils must have regard to the development plan and "material considerations" when dealing with planning applications. The law was changed - or technically it was simply clarified - on 15 January 2014 through amendments made by the Localism Act.

Now, Councils must also have regard to "any local finance considerations, so far as material to the application."

Government advice means that funding can be 'material' to the planning application when it is reinvested in the local areas in which the developments generating the money are to be located, or when it is used for specific projects or infrastructure items which are likely to affect the operation or impacts of those developments.