



Council Meeting  
Wednesday 20 September 2023

Public and Councillor Questions  
and Responses



Derby City Council



**COUNCIL – 20 September 2023**  
**PUBLIC AND MEMBER QUESTIONS**

	<b>Questioner</b>	<b>Respondent</b>	<b>Subject</b>
<b>Public Questions</b>			
<b>A</b>	Tony Mott (x2)	Cllr Swan	A6 Cycle Path
<b>B</b>	Lucy Giuliano Jane Hardstaff Clare Wood Pauline Inwood Mair Bain (x2) Adrian Howlett (x2)	Cllr Swan	Questions related to the A38 junction improvement scheme
<b>C</b>	Sophie Beck	Cllr Swan	Double-yellow line enforcement
<b>D</b>	Vanessa Boon	Cllr Shanker	Use of bailiffs
<b>E</b>	James Lampert	Cllr Swan	Climate Emergency - plant based eating
<b>F</b>	Ruth Coates	Cllr Swan	Bus Service Improvement Plan (BSIP)
<b>G</b>	Simon Bacon	Cllr Shanker	Sinfin Waste Treatment Facility – Inter-Authority Agreement
<b>H</b>	Emma Jones	Cllr Hezelgrave	City of Sanctuary
<b>I</b>	Lucy Giuliano	Cllr A Holmes	40 Arthur Street Licensing Application
<b>J</b>	Vanessa Boon	Cllr Hezelgrave	Socio-Economic Duty - community engagement
<b>K</b>	Jane Hardstaff	Cllr Swan	Public transport links to Royal Derby Hospital
<b>L</b>	Clare Wood	Cllr Swan	Climate Emergency - website information
<b>M</b>	Pauline Inwood	Cllr Swan	Climate Emergency - Sustainability Board
<b>N</b>	Ruth Coates	Cllr Swan	Climate Emergency - car reduction
<b>O</b>	Simon Bacon	Cllr Shanker	Sinfin Waste Treatment Facility - legal settlement
<b>P</b>	Emma Jones	Cllr Peatfield	Artistic and cultural identity
<b>Councillor Questions</b>			
<b>Q</b>	Cllr Smale	Cllr Shanker	Sinfin Waste Treatment Facility - soft market testing
<b>R</b>	Cllr Eyre	Cllr Dhindsa	Traveller encampments
<b>S</b>	Cllr Hassall	Cllr Shanker	Loans and expenditure

<b>T</b>	Cllr Prosser	Cllr Hezelgrave	Customer contact
<b>U</b>	Cllr Poulter	Cllr Swan	Darley Abbey Bridge - communication with residents
<b>V</b>	Cllr M Holmes	Cllr Shanker	Sinfin Waste Treatment Facility - non-disclosure agreement
<b>W</b>	Cllr Pattison	Cllr Swan	Pelican crossing costs
<b>X</b>	Cllr Care	Cllr Dhindsa	Maintaining hedgerows
<b>Y</b>	Cllr Smale	Cllr Shanker	Pay award
<b>Z</b>	Cllr Eyre	Cllr Peatfield	Festive Derby
<b>AA</b>	Cllr Hassall	Cllr Shanker	Chief Executive
<b>BB</b>	Cllr Prosser	Cllr Hezelgrave	Financial hardship
<b>CC</b>	Cllr Care	Cllr Swan	Highways maintenance publicity
<b>DD</b>	Cllr Smale	Cllr Whitby	EHCP waiting time
<b>EE</b>	Cllr Eyre	Cllr Dhindsa	Brown bin waste
<b>FF</b>	Cllr Care	Cllr Whitby	Capacity of maintained nursery schools
<b>GG</b>	Cllr Eyre	Cllr Peatfield	Cycling events in Derby
<b>HH</b>	Cllr Smale	Cllr S Khan	Dangerous dogs
<b>II</b>	Cllr Care	Cllr Dhindsa	'No Mow May'
<b>JJ</b>	Cllr Smale	Cllr Swan	Darley Abbey Bridge - structural condition report

# Public Questions



**A) Questions from Tony Mott to Cllr Swan:**

- (i) Do you think the cycle lane on Duffield Road around the entrance to St Benedict School is safe to use for pupils during the start and end of the school day, given that cars park in it for 50m either side of the school entrance, forcing cyclists into the line of traffic?**
  
- (ii) If there is no funding for the relocation of the cycle path that I suggested, as a much cheaper option, could the drivers please be stopped from parking in the cycle lane by enforcing the restrictions of double-yellow lines in the cycle lane?**

**Alternatively, a 'no loading' TRO for school hours could be implemented to enable instant enforcement of anyone stopping. It would cost a few thousand for the order (paint and signs) – the fines would pay for it, I suspect.**

I have two questions relating to the same location and cycling facilities: I'm going to address both.

I do think Duffield Road is safe, but I am keen to see what improvements can be made for a good and sustainable scheme. I provided an outline of this in my answer to a question in July.

In relation to the second question and changing the TRO, I am aware that you have raised questions previously and have had a detailed response (including written answers) explaining the legal and enforcement position in respect of school drop off and pick up. As you know, the definition of vulnerability is wide ranging and there is not set rule of what is a reasonable time. A ban on loading and unloading is not a simple answer or straightforward to implement and similar enforcement issues would be likely to remain.

**B) Questions from Lucy Giuliano (i), Jane Hardstaff (ii), Clare Wood (iii), Pauline Inwood (iv), Mair Bain (v) (vi), and Adrian Howlett (vii) (viii) to Cllr Swan:**

- (i) In light of the reissued Development Consent Order by the Government on 17 August and the lack of response from this council, may I please ask what your position is on the A38 road expansion – are you in support of or against it going ahead?**
- (ii) The planned Derby A38 expansion project will increase polluting emissions, destroy natural habitats, and is facing a legal challenge from unhappy residents – how does this plan possibly deliver on Derby City’s transport plan which states that ‘Improving health and quality of life for everyone who lives, works and visits Derby is important [...] Improving safety, air quality and the level of satisfaction with the city’s transport services?’**
- (iii) Does the fact that the A38 expansion will increase carbon emissions, air pollution and noise, as well as encouraging even more cars on the road – cutting down thousands of trees and destroying precious wildlife habitats – and having the equivalent of a motorway alongside one of Derby’s most popular parks give the Council enough reasons to oppose this dreadful, damaging road scheme?**
- (iv) For the second time, the Government has given National Highways a Development Consent Order to carry out major works on our ring road, the A38. This will destroy many mature trees and wildlife habitats. It will also have many detrimental impacts on our residents, during the four years of construction and afterwards, from the increased and fast paced traffic in our city.**

**Thanks to efforts from many local residents, the DCO was quashed the first time through a crowd-funded legal challenge. On that occasion, the road expansion was supported by the Conservative-controlled Council. Now the Council is controlled by Labour, please can you tell us how you will respond to this renewed threat to our environment and residents?**

- (v) Breadsall Parish Council have officially stated they oppose the A38 expansion and support the residents legal challenge against it because of the climate emergency, the loss of trees, and the**



**impact on residents in Breadsall. Will Derby City Council oppose the scheme on the same grounds?**

- (vi) Does the Council have any plans to reduce and avoid further congestion in and around the A38 area by providing more bus services, safer active travel infrastructure, encouraging car sharing, and requiring housing developers to invest in sustainable transport links?**
  
- (vii) Noting that another Development Consent Order (DCO) has been issued for the expansion of the A38 through Derby, and noting that the last one was successfully stopped when local residents identified illegalities in the decision-making process, and noting that the latest DCO appears to also exhibit illegalities in the decision-making process. Also noting that the road expansion will have an extremely high impact on residents of the city as the scheme in effect delivers a motorway-style road cutting through the city with the acknowledged increase in air and noise pollution, and with beloved parks (such as Markeaton) losing the screening of mature woodland from the (motorway-style) road. The character of this park clearly being destroyed. Also noting the profound seriousness of the climate and biodiversity emergencies, where we must not recklessly increase carbon pollution, where we have a moral duty to take action to reduce harm.**

**The final decision on this scheme will be through central government (and the courts where the government has disregarded laws passed by Parliament), however Derby City Council is the representative body of the citizenry of the city and is our voice.**

**Will the council publicly declare itself in opposition to the scheme, stating the harm that will be caused to residents, and current and future generations?**

- (viii) Will the Council share with the people of Derby details of the road expansion plans, including the expected impacts on air and noise pollution, on disruption during the construction phase, and prewarn the people of Derby for the shock of the destruction of mature trees in Markeaton Park and the destruction of the character of this beloved park?**

## **Questions (i) – (vii)**

Labour's policies and vision is for a greener future which includes an efficient, integrated, and affordable transport system that reduces carbon emissions and drives economic growth across our country.

The A38 expansion scheme is a national infrastructure scheme, approved through the National Planning Inspectorate and led by National Highways. This project highlights the intricate dance between national priorities and local implications, wherein Derby City and our administration has no control over this decision. I would ask "why in Derby and why now"?

Following a previous challenge, the subsequent judgement required redetermination and the Secretary of State has now approved the Development Control Order for the A38 three junction scheme.

The stated aim of the scheme is to reduce traffic delays, improve journey time reliability and improve safety for all road users through the separation of traffic using the A38 and local traffic.

We do have concerns about the construction period and the proposed completed scheme and the impact of the carbon footprint on our city and our people. However, we believe that we can best address these issues and ensure local benefits across the city are maximised, through challenge and dialogue with National Highways over the course of the project. The issue for the Council, is not whether it goes ahead or not. It is however what can we achieve together to use this opportunity to leverage financial opportunities to be able to enhance our city and provide for future greener sustainable transport infrastructure, to include new and connected cycle routes and the increasing and replanting of lost habitat.

## **Question (viii)**

This is really a question for National Highways, who need to provide an update on air, noise, and trees.

Specific plans in relation to noise, air quality and construction management are a requirement of the national process and the development and delivery of a scheme of this scale.

How many and which trees will be impacted, and any proposals for reducing tree loss, and how many trees will be re-planted also need to be specified by the National Highways. However, we will work hard to influence the reshaping of our city.

The plans for air, noise and trees were in development before the scheme was halted. Following the Secretary of State deciding to sign the Development Consent Order, it is expected that work will start to review these plans and demonstrate the impacts and mitigations.

I will be making it clear to National Highways that this information needs to be available and clearly communicated to Derby residents.

**C) Question from Sophie Beck to Cllr Swan:**

**What is the Council's policy on enforcement of double-yellow lines?**

The Council has powers to enforce the contravention of double-yellow lines. It has been using these powers since 2006 when they were acquired as part of the de-criminalisation of some categories of road traffic offences.

The policy is to enforce double-yellow lines to comply with the requirements of the legislation. The Traffic Regulation Orders, under which yellow lines markings are enforced, have a set of exemptions. Before enforcement takes place, a Civil Enforcement Officer must be satisfied, on the evidence available to them, that one of those exemptions does not apply to the vehicle.

**D) Question from Vanessa Boon to Cllr Shanker:**

**What is the picture of bailiff use to collect Council debts in Derby in each of the last 3 years regarding:**

- a) the number of bailiff visits and number of households affected?**
- b) the number of such households identified as including residents with vulnerability risk factors e.g., relating to mental health, domestic abuse, poverty, risk of eviction and so on?**
- c) Equality Impact Assessment findings and/or monitoring data revealing any disproportionate impact of bailiff use across protected characteristics under the Equality Act 2010?**
- d) the success rate of debt collected through bailiff use?**
- e) the cost to the public purse of this bailiff use?**
- f) consideration of alternative ethical approaches to debt reduction?**

We do not have the information to be able to provide answers to all aspects of this question.

All council services are governed by the debt collection policy, and within the contracts the Council has with Enforcement Agents, there are strict guidelines relating to vulnerable debtors and a case-by-case, individualistic approach is taken when such cases are identified to ensure any action is proportionate.

The Council will only ever instruct Enforcement Agents when *all* other avenues to engage with the debtor have been exhausted. This includes – depending on the type of debt – issue of bills, reminders, final notices, and summonses.

There are a number of support options available to debtors; it is important to note that they are always advised to contact the Council at the earliest opportunity where financial hardship is being experienced – we would then provide advice and arrange affordable payment plans.

However appropriate action has to be taken if there is insufficient payment made or no contact from customers.

In the case of Council Tax, after all of these stages have been undertaken, and once a Liability Order has been obtained at Court, Council Tax customers are obliged to provide information to aid enforcement of the outstanding debt, such as whether they are employed or receiving Benefits and the amount of income they receive. In this case Attachment of Earnings Orders or Deductions from

Benefits are used where appropriate. Payment plans are also an option at this late stage for both Council Tax and Business Rates debts.

Enforcement Agents are only used to collect the debt if there is still no response from the customer after these stages.

Council Tax and Business rates are recognised as priority debts for the council, as well as parking debts.

Typical recovery rates nationally for cases sent to Enforcement Agents for parking fines sits at around 35%, and recovery rates for Council Tax and Business Rates are 44.5% and 49% respectively.

There is no cost to the public purse as a result of these contracts.

It is also worth noting that throughout the pandemic the Local Government Association circulated the approach Derby City Council was taking towards recovery of parking debt as a best practice approach in terms of proportionality and engagement with debtors, such that many other Councils are seeking to replicate our approach.

**E) Question from James Lampert to Cllr Swan:**

**Derby prides itself on being one of the more forward-thinking cities in the UK and have put climate considerations at the heart of governance, declaring a Climate Emergency in 2019. The Council's Climate Change Action Plan has an objective to achieve net zero by 2035.**

**However, this awareness needs to include every aspect of council activities, including the provision of food, which is currently omitted from the action plan. The science is clear that meat and dairy are major contributors to the climate and ecological emergencies. Other councils, for example Oxfordshire County Council, Oxford City, Cambridge City, Exeter City, and the London Borough of Lewisham are ensuring that all food provided at events is plant-based, and I'd like Derby City Council to do the same.**

**This is the logical and necessary next step after having declared a climate emergency. It will help normalise plant-based eating, which, according to an Oxford University study, is the single most effective thing an individual can do to reduce their environmental impact.**

**There have been substantial evidence-based recommendations calling for a move away from meat and dairy. The review of the National Food Strategy, led by Henry Dimbleby in 2021, recommended a reduction in meat and dairy of 30% within ten years, and that food provided in the public sector should be plant-based by default. If we are to achieve even this modest target, we need public organisations to lead the way. The Government failed to implement these recommendations and is now facing a legal challenge with lawyers arguing that its failure to adopt measures to reduce meat and dairy production and consumption is unlawful. A new Oxford University study published in July 2023 shows that the environmental impact of a meat-diet is far higher than one which is plant-based.**

**We are currently in a cost-of-living crisis. Meat and dairy products are almost always the most expensive part of a meal – whole food plant-based meals are considerably cheaper. By doing the right thing for the planet, and promoting eating for good health, the council can also save money by serving more plant-based foods. We can and must move away from meat and dairy, towards climate-friendly eating, and I believe councils can lead the way with this.**

**Therefore, given the Climate and Ecological Emergency and Derby's stated aim to reduce their emissions, will Derby City Council ensure that all food and drink provided at internal events is plant-based by default, as other councils have done? Even if this only applies to refreshments at a very small number of events per year, it will be a small step that sends a powerful message.**

**This will be a positive and forward-thinking step, bringing our food policy into line with other climate-aware policies. Thank you.**

Thank you for the question and the research you have undertaken about the positive environmental impact of plant based eating.

Derby City Council does not have a centralised catering team and services make their own arrangements when they host events where refreshments are provided. Nevertheless, I am happy to work via the Climate Action Plan to ensure colleagues are encouraged to use catering services with the lowest possible environmental impact to include plant based options.



## **F) Question from Ruth Coates to Cllr Swan:**

**Under the previous Conservative Council, we have seen our bus services decimated, despite the enhanced partnership between the Council and the private companies running them. In the manifesto published prior to the Council elections, one of the long-term pledges in conjunction with a Labour government was to bring the buses into council control. But the general election is still a long way off so what is the short-term plan for the buses? Do we yet know what the restrictions are as to how the £7m BSIP funding can be used?**

The process of establishing the Enhanced Partnership was concluded formally in February this year, which finally released the 'indicative' funding of £7m. This funding is approximately £5m Capital and £2m Revenue. Since the original award of funding, there has been a slight change on the conditions of use.

At the end of August, the Partnership submitted some additional data to government. This data was from the initial technical study of bus routes and services. Based on this, the Partnership is identifying where there may be quick wins to use the limited funding to improve bus frequencies and expand the timetables on some routes so that buses start earlier and finish later. The Partnership has also been developing some initiatives on fares, however the national £2 (and future £2.50) fare has required a change to some of the original local proposals.

There will be some good news in the next few weeks on a targeted fare scheme, the details of this are just being finalised.

The Council has also been trialling some small community bus schemes which have been funded from an additional limited government fund. These have offered free trips to passengers and the first four schemes are now being assessed to see which may have the potential to operate commercially.

The partnership will be continuing the detailed work on the network and service coverage in more detail, and this may show other routes which could be reinstated or expanded. However, there is finite funding available and £2m may sound a lot, but the annual cost of supporting services very quickly swallows this amount, so there needs to be some caution and a business/VFM case for where services are supported.

**G) Question from Simon Bacon for Cllr Shanker:**

**Has Derby City Council signed version three of the Inter-Authority Agreement with Derbyshire County Council in relation to the Derby and Derbyshire waste treatment facility on Sinfin Lane, Derby - known locally as the 'Sinfin Incinerator?'**

No, the Council has not yet signed Inter-Authority Agreement 3.

**H) Question from Emma Jones for Cllr Hezelgrave:**

**Has the city committed to and acted upon its membership in the Sanctuary City Scheme?**

Derby City Council is a committed member of the Derby City of Sanctuary. The group works to create a climate of welcome for refugees and asylum seekers in Derby and supports the network of refugee and asylum seeker organisations in the city. Derby celebrated 10 years of being a City of Sanctuary in June this year.

We meet regularly as partners to discuss and plan responses to longstanding and emerging issues and plan for events. Derby City of Sanctuary plans and supports a number of events to celebrate refugees and asylum seekers, including Refugee Week, various cultural events, and memorial events (such as Holocaust Memorial Day).

Later in this civic year, we will be entering into discussions with the wider City of Sanctuary movement to ensure that we are aware of good practice on this, as evidenced in other cities and communities around the UK.

**I) Question from Lucy Giuliano for Cllr A. Holmes:**

**My neighbours and I are hugely disappointed by the decision of the planning committee to refuse the application for a premises licence for 40 Arthur Street on the grounds of alcohol sale despite close proximity to the Five Lamps Pub, and other similar successful and undisruptive venues such as The Creaky Floorboard and Little Chester Green Ale House.**

**It would have boosted the local community and instead a boarded-up shop will remain in its place. As many of us were not aware of how to support the application, or that we could attend the hearing, may I please ask how we can appeal this decision?**

The application for a premises licence for 40 Arthur Street was heard by the Licensing Committee, not the Planning Committee.

Each application for a premises licence is dealt with on its own merits and other premises that operate within the surrounding area cannot be taken into consideration when making a decision about 40 Arthur Street.

The website provides details of licensing applications received with email details and a phone number of how to contact the licensing team. Please note contact details for licensing can be found on every page of the website for licensing matters.

There is also a page on our website that gives advice and further information of what constitutes a representation in that it can be made in support or against the application.

A blue notice was displayed at the premises for 28 days from receipt of the application, including contact details for the licensing team.

An advert was also published in the Derby Telegraph on 27 June 2023 providing details of the application with the same details on display at the premises, including contact details for the licensing team.

The final report and accompanying documentation are also published on our website by Democratic Services. The agenda stipulates that the hearing is in the public domain unless sensitive information is required to be discussed in a closed hearing.

Link to the agenda and minutes of the meeting: [Meetings and events  
\(derby.gov.uk\)](https://www.derby.gov.uk/Meetings-and-events)

If anyone from the local community contacted the licensing team during the application process, advice would have been given about how to submit a representation in support of the application allowing them an opportunity to speak at the hearing. If no representation is received then members of the public can attend the hearing, but they do not have permission to speak.

The only parties that can appeal to the Magistrates Court within 21 days of the decision are the applicants and those that made representations.

**J) Question from Vanessa Boon for Cllr Hezelgrave:**

**Following the Socio-Economic Duty motion passed in May 2022, when will this Council progress the motion and activate point 3 to invite the named local community groups to be consulted on the strategy to tackle socio-economic disadvantage and cost-of-living crisis hardship in our city?**

**A reminder of the motion's three commitments:**

- 1. *Formally adopt the Socio-Economic Duty***
- 2. *'Poverty-check' decisions and policies for socio-economic impact, and how this interacts with other types of inequalities (protected characteristics e.g., race, disability, sex) including within EIAs (Equality Impact Assessments)***
- 3. *Urgently develop a proactive strategy, taking meaningful action to alleviate the effects of the cost of living crisis and reduce socio-economic disadvantage, drawing upon good practice examples from other cities and consultation with diverse local community groups, unions, activists, Derby People's Assembly, Derby United Against Poverty, Derby Poverty Commission, and residents subjected to inequality by circumstance in Derby.***

The Socio-Economic Duty (SED) has been voluntarily adopted by the Council: at present, this is not a statutory requirement. This has meant officers needed to understand the process and work with other local authorities to identify how they have adopted the SED. A significant amount of research has been undertaken to look at good practice models, and officers from the council have joined an SED network with the Equality and Human Rights Commission to understand and ensure the process for Derby is fit for purpose.

After consideration and undertaking the research, it is proposed to update the Equality Impact Assessment (EIA) to include the SED as an additional characteristic to ensure that decisions made consider any effects of the cost of living crisis. The process of undertaking these assessments will then be undertaken in the usual manner and where it is appropriate assessing the impact by convening members from community groups together.

All officers compiling reports to the council meetings, must consider the SED impact along with all other equality impacts.

We will continue to work with the Equality and Human Rights Commission and our counterparts from other organisations who have adopted the SED to ensure this meets the requirements of the duty.

There is also an active Cost of Living partnership group which I chair as Cabinet Member, supported by a Cost of Living strategy and action plan with accompanying EIA. Engagement has been undertaken through the City Partnership Board, Poverty Commission and Community Action Derby (including the Warm Welcome Hub network). We welcome feedback from all interested groups as we review the action plan and EIA, and we will share details as to how people can get involved.

**K) Question from Jane Hardstaff for Cllr Swan:**

**Given that the Council's justification of the planned A38 expansion is to reduce traffic flow, why does Derby City have no public transport linking its largest hospital directly with the north-west of the city (Allestree, Mackworth, Little Eaton), giving sustainable access to the thousands of staff and patients who travel there every day?**

This is a good question, given the importance of the hospital as a trip generator and a destination.

Like many cities, the bus network in Derby operates with services from suburbs and surrounding areas linking to the City Centre, with connections then being available to key destinations, such as the hospital.

There have been trials of more direct service links, but these have failed commercially, and the Council has not had funding available to provide direct subsidies.

Since taking office and subsequently becoming chair of the Enhanced Partnership Board, I have had direct discussions with the hospital and obtained agreement from the EP Board for the hospital to join the Board. I have also been clear in my aspiration to achieve substantial improvements for connecting the hospital, this may start with small steps on frequency of services in the near future, but I am also keen to work with all of the partners on further improvements.



**L) Question from Clare Wood for Cllr Swan:**

**It is recognised by the United Nations and scientific community that there is a threat of catastrophic climate breakdown which requires drastic actions to be taken by government and society in general. In 2019, this Council declared a climate emergency, but a Council webpage called 'The Climate Emergency' has been removed and there is now a new page, 'Let's Talk Climate', but this does not reflect the urgency of the situation. What will the Council do to update the website to inform people about how serious climate breakdown is?**

'Let's Talk Climate' is part of the Council's 'Let's Talk Derby' engagement and consultation platform. It is still in development and has not been officially launched. Its purpose is to host relevant consultations and invite engagement on selected themes and topics.

'Let's Talk Climate' complements the City Council's website pages, which raises awareness of the impact of climate change. It provides information that informs and enables communities to understand how working together we can achieve positive outcomes. This does not negate or replace what this Council is doing to reach its own net zero target by 2035.

These pages are and will be continually reviewed and updated. Following conversations with external groups, information on the Climate Emergency has been updated accordingly.

**M) Question for Pauline Inwood for Cllr Swan:**

**Last year, there was a cross-city climate commission tasked with looking at the climate emergency and the city's emissions. The commission was disbanded and was going to be replaced by a new sustainability board, involving a number of key players in the city. When is this going to meet?**

The first meeting of the Derby Sustainability Board will take place on Thursday 5 October.

**N) Question for Ruth Coates for Cllr Swan:**

**This year, we have seen unprecedented levels of environmental disasters, heatwaves, fires, and floods. The consequences of our overuse of fossil fuels are becoming more and more terrifying. Both national and local governments have dragged their feet on taking action because it is expensive or unpopular or vote-losing, but this is too serious for political games. The time has come for drastic action and radical solutions – not just tinkering around the edges. We have a new council, new opportunities to make bold decisions.**

**The previous council was overwhelmingly concerned with protecting the rights of car users above any other road users, pedestrians, or the environment. What steps is this council planning to take to reduce the number of cars on the road?**

**Would the council consider banning private cars from the city centre for example? It has successfully been done in several cities in other countries and, despite an initial outcry, has proved to be very popular and successful in reducing pollution and improving the quality of life for residents.**

Our Ambition document for the city centre articulates the issues around cars and the City Centre and proposed the move towards a centre where the focus moves away from the car. This was most clearly demonstrated through the concept of 'taming the ring road' by making sections permeable for people movements, rather than vehicles.

I believe the city has made a positive start. Schemes such as the traffic restrictions on Corporation Street have created an area which not only means buses now have better access into the bus station, but the whole area is a much more pleasant space to linger in. The on-going works being delivered through the Transforming Cities Fund, such as that being completed now around the Spot, is also making a difference: restricting private vehicles; while improving the flow for public transport; creating segregated cycleways; smoothing levels on footways; and moving bus stops to give pedestrians greater dominance in our centre.

**O) Question from Simon Bacon for Cllr Shanker:**

**Resource Recovery Solutions (RRS) Derbyshire, Ltd. put forward through a tender process their plan to build the incinerator plant that is now mothballed on Sinfin Lane in the city. This plant was their design to deal with Derby and Derbyshire residual waste. However, Resource Recovery Solutions Derbyshire, Ltd. did not meet contractually agreed completion dates, agreed recycling rates, or other levels of efficiency. The Councils legitimately terminated the contract with the company due to these failures. Considering Resource Recovery Solutions Derbyshire, Ltd. failed to meet the requirements of the contract, leading to that termination. Why have the Councils now paid them £93.5 million, of which the city has paid £36.57 million?**

RRS and the Councils were contractually required to go through an Adjusted Estimated Fair Value (AEFV) process to determine the Adjusted Estimated Fair Value of the contract.

The AEFV is the sum due as compensation (to either RRS or the Councils) following the termination of the contract and is designed to reflect the future value of the long-term waste management contract.

If a sum had not been agreed through negotiation, the dispute would have been resolved through the courts, and formal litigation – a lengthy process with unknown outcomes and additional costs. Throughout the process, the Councils were advised by a team of financial, technical and legal experts, including King's Counsel.

This agreement, as advised by the legal team, was the best way to protect council taxpayers from the risk of further significant costs.

With this settlement, litigation ends, and RRS has no further involvement.

**P) Question from Emma Jones for Cllr Peatfield:**

**What actions are being taken to preserve the city's artistic and cultural identity with news that our only theatre is to be closed down as part of the market redevelopment?**

**Cultural Identity:**

- Our City Centre Ambition is very clear and details that any regeneration in the city centre will have culture at its heart. Derby is a city of making, innovation and revolution.
- We have many wonderful, nationally recognised cultural organisations within the city, including a number of “National Portfolio Organisations” supported by the Arts Council.
- Derby Feste, held in September, attracts around 30,000 visitors to the city and celebrates the best of local, national and international outdoor performance.
- Our City of Culture bid, coming out of nowhere to reach the final shortlist, was testament to the talent, creativity and partnership that Derby is home to, and we are determined to harness the energy and progress made through that bid as we move towards a new Culture Derby organisation.

**Derby Theatre:**

- The planning consent granted for redevelopment of the area around the Derbion Centre represents exciting vision and ambition for the city, however there are no plans to close Derby Theatre.
- We have a strong partnership with Derbion and Derby Theatre and will continue to work with them to ensure the theatre can continue to grow and thrive in Derby.



# Member Questions





**Q) Question from Cllr Smale to Cllr Shanker:**

**During the Council Cabinet meeting on 12 September 2023, the Quarter 1 monitoring papers revealed that a project director was appointed in line with the cabinet paper that was passed in February of this year, and soft market testing for the Sinfin Waste Facility is currently underway. Could the Cabinet please provide an update on any early results from the soft market testing?**

Soft market testing is underway but there are no results to share at this stage.

**R) Question from Cllr Eyre to Cllr Dhindsa:**

**Can the Cabinet Member confirm the total costs of the unauthorised encampment at Springwood Leisure Centre in July 2023, and the unauthorised encampment at Rainbow Park, Fieldsway Drive, in July/August 2023?**

Springwood Leisure Centre:

- Loss of income: £1,389
- Cost of security: £660
- Cost of clean-up: £315.60

Rainbow Park:

- Cost of facilities: £600
- Cost of clean-up: £1287.88

**S) Question from Cllr Hassall to Cllr Shanker:**

**Can you detail the total amount of additional spend and loans committed to by the Cabinet since taking over administration of the Council?**

Any additional spends and loans committed to by the Cabinet since taking over administration of the Council have been duly and constitutionally approved by cabinet and are a matter of public record.

**T) Question from Cllr Prosser to Cllr Hezelgrave:**

**With the cancellation of the last two Leader's meetings due to nothing to report and the deafening silence from the Labour Party for the last 12 weeks, can you now report:**

- **The length of time it currently takes for a resident to obtain a Blue Badge?**
- **The number of unanswered calls to the Council House last week?**
- **The size of the backlog in Council Tax queries?**

The meeting you refer to is actually convened by the Chief Executive Officer and invitations are issued to all Group Leaders.

In addition to that, as a Group Leader, you are invited to contribute at Council Cabinet meetings. However, from my recollection, you rarely, if ever, scrutinise or challenge by asking questions or raising points at such meetings.

The Blue Badge team is currently working on applications submitted in May and June 2023 which means there is approximately a 20 week wait time. We expect these wait times to soon reduce with the redeployment of council staff from other areas to support with the backlog.

All calls to the council services in Derby Direct and Derby Homes are answered by Darcie or Ali; however, if the Digital Assistant is unable to answer the customer's enquiry, the call is transferred to one of the lines into Derby Direct or the main Derby Homes Enquiry line. The number of calls that 'started' with Darcie/Ali for Week 37 (w/c 11 Sept) was 9384. Of those, an answer was found by the Digital Assistants for 3494. Those calls where an answer wasn't found, or the caller asked to be transferred through to Derby Direct, totalled 3772. Of those, the number of abandoned calls was 1534.

Council Tax backlog comprises of 4096 work items with dates for

- Returned bills date back 6 weeks.
- Returned warrants go back 7.5 weeks.
- The high turnover docs, such as the change of circumstances, date back to just over a month.

**U) Question from Cllr Poulter to Cllr Swan:**

**A decision was made at Derby City Council Cabinet meeting on 12 September 2023 regarding the purchasing of the temporary bridge at Darley Abbey. The contribution by Cllr Martin at the Cabinet meeting was considered, by the residents most affected by the physical and visual impact of the bridge, as “misleading at the very least!” Councillor Martin stated she had had emails of support from one of the leaders of a Darley Abbey Community Association. She went on to say that there had been engagement with residents including residents’ meetings; again, intimidating communication had been foremost in the minds of decision makers.**

**Can the Council inform residents how the Darley Abbey residents and other parties, such as The East Midlands Canoe Club, were informed in advance of this proposal and latter decision to purchase the temporary structure, and when did any communication occur (including the reactions from the so-called ‘Community Group’ mentioned by the Councillor in her address to Cabinet which intimated that a group of residents were involved in this decision)?**

Thank you for this question, which has already been raised directly with Cllr Martin by residents. There was no intention to mislead, and Cllr Martin responded to the residents on this matter at the end of last week. We look forward to working with our ward residents on matters relating to the bridge.

**V) Question from Cllr M Holmes to Cllr Shanker:**

**Can the Leader of the Council explain why a Non-Disclosure Agreement (NDA) was agreed as part of the termination of the Sinfin Waste Facility contract, and when was he briefed on the NDA being proposed as part of the settlement?**

**What specific information does the NDA relate to and what was the justification?**

**Was the need for local government transparency and the public interest (e.g., Public Interest Disclosure Act 1998 / Freedom of Information Act 2000) considered when agreeing the NDA and what was / is the council(s) legal advice regarding this?**

**In relation to the above, is the disclosure of all or some of that information covered by the NDA legally enforceable?**

**What is the term (length of time) agreed for the NDA to be in place for?**

The Long-Term Waste Management Agreement was terminated in August 2019; no Non-Disclosure Agreements were entered into as part of the termination process, which you must recall as you were the Deputy Leader at the time.

Agreement was reached to settle the ongoing litigation arising out of that termination in summer 2023, at which point the Councils and Resource Recovery Solutions (Derbyshire) Ltd entered into a settlement agreement. The settlement agreement contained strict confidentiality provisions, save for an agreed press statement, pending payment of the settlement sum.

Now that the settlement sum has been paid and the litigation has now formally come to an end, the Council will be disclosing the settlement agreement and cabinet report shortly.

**W) Question from Cllr Pattison to Cllr Swan:**

**Could the Cabinet Member detail the estimated/approximate annual maintenance and energy costs of a new Pelican crossing for the first three years following installation?**

Much of the cost will depend on the individual location and the equipment required. Not all pedestrian crossings are the same, however a typical 'simple' crossing will cost approximately £15-£25k per year for each of the first three years.

This is made up of fixed costs, the largest element being energy, which at current rates, and even with ultra-low voltage equipment, is between £10k and £15k. The rest is made up of typical small fault fixing, remote monitoring, and the cost of meeting inspection requirements.

It is important to understand that this cost is revenue, which every Councillor should by now be aware is where the critical pressures are.

Following the first three years, the costs may increase annually up to between 10 to 15 years, when full refurbishment is probably required.

**X) Question from Cllr Care to Cllr Dhindsa:**

**This is the time of year when people can cut their bushes and hedges back to keep paths clear – without disturbing nesting birds. Please will the Council use its publicity resources to do this, as if people are reminded it should reduce the burden on other staff?**

I will raise with the Council's Communications team about how we may best use our publicity resources to encourage people to cut their hedges at an appropriate time of year to benefit wildlife.



**Y) Question from Cllr Smale to Cllr Shanker:**

**This year's council pay award is rumoured to cost us an additional £7 million in pressures to the Medium-Term Financial Plan (MTFP). Can the Cabinet Member for Finance share any details regarding this year's potential pay award?**

The budget for the Financial Year 2023/24 included a pay award provision of £3.499m, which equated to a 3% increase to the base budget. The current employer offer, which has yet to be accepted, will add a further pressure of £3.410m resulting in a total cost of £6.909m.

You may recall that I questioned if your provision for the pay award at the budget setting meeting was sufficient.

**Z) Question from Cllr Eyre to Cllr Peatfield:**

**Can the Cabinet Member provide an update on how the arrangements for Festive Derby 2023 are progressing?**

Festive Derby is one of the highlights of Derby's annual events programme, and we're proud to work alongside a range of other cultural partners to present and promote festive activity to the city.

This year, the Council's festive offer will see the return of the hugely successful Cathedral Quarter Ice Rink; the Babbling Vagabonds and Lost Boys with theatre shows at Derby Museum and Art Gallery on the Wardwick; Family Festivities at Markeaton Park; plus of course the annual panto at Derby Arena, which this year is Mother Goose starring Corrie baddie Todd Boyce. There will also be a range of street entertainment and some other exciting additions to this year's Festive Derby offer, soon to be announced.

All this along with the fantastic offer from our partners, will provide reasons to stay and enjoy the city and support the wider business community and retail sector.

Festive Derby is led through partnerships with venues, artists and promoters, and will be publicised at [festivederby.co.uk](http://festivederby.co.uk) and in the Festive Derby guide, delivered in partnership with the Business Improvement Districts.

**AA) Question from Cllr Hassall to Cllr Shanker:**

**Does the Council's Chief Executive Officer have the full confidence and support of the Leader and his Cabinet?**

A verbal response will be given.

**BB) Question from Cllr Prosser to Cllr Hezelgrave:**

**I am receiving many requests over the last 12 months from residents who are struggling with Council Tax payments and rent payments. The most common theme is that they cannot get through to talk about their situation to anyone on the phone.**

**These are desperate times for a growing number of people.**

**I find I am being used as the conduit to accessing fundamental Council services almost on a daily basis. Once I contact the correct Council Officers, they excel in helping those in need and should be commended. However, the pain of desperation these people go through initially could easily be overcome by providing a dedicated support line.**

**Could you consider this?**

**In your answer could you also outline what the current process is for people that desperately need to contact the Council about such matters is?**

This Labour Administration fully understands many residents' struggles to cope with increasing demands on their diminishing disposable income.

For that reason, the Cost of Living crisis is dealt with at the heart of Cabinet by the appointment of a Cabinet member with direct responsibility for this. The Council has a Cost of Living Board, chaired by that Cabinet member and the membership of this Board has been widened to include key partners outside the Council who similarly grapple with the pressures individuals and families are currently experiencing. Notable examples of new Board members include Community Action Derby and the DWP.

In recognition of the increasing demand from residents for support, this Administration has lengthened the time during the day during which residents can visit the Council House and speak to officers in person about their concerns.

The Council and Derby Homes also implemented advanced artificial intelligence technology that will answer telephone enquires 24/7, but still retains the ability for citizens to talk to a human officer if they prefer to do so.

Currently, this technology is answering 42% of all enquiries from the public automatically and immediately with no waiting time, with the remainder

transferred to human operators where the queuing system will apply, depending on demand.

New services have been put in place in collaboration with our city partners, in relation to supporting people experiencing challenges with the cost of living with the launch of the [Community Action Derby website](#), and telephone line 01332 346266 between 9:30 - 16:00 Monday – Friday.

These arrangements have of course been widely communicated within the city.

**CC) Question from Cllr Care to Cllr Swan:**

**People are more tolerant of road disruption if they know why a road is closed or there are temporary lights. Some utilities already do this, but can we encourage them all to include notices about this, and follow this practice ourselves too? It doesn't need to be detailed, simply 'improving the road drainage' or 'repairing an electricity fault' is enough.**

We can raise this with the utility companies and suggest it as an idea; however, we cannot enforce this. In terms of our own works, we do put information boards for the larger works, but less so things like reactive pothole repairs and minor work. We will look into this to see what is possible.

**DD) Question from Cllr Smale to Cllr Whitby:**

**Could the Cabinet member for Children's Social Care, Learning and Skills please share the current average EHCP waiting time, the number of appeals submitted, and the number of successful appeals for the current financial year to date?**

In the 2023/24 Financial Year to date, the average waiting time for statutory assessment from issue to final plan is 37 weeks (36.6).

In the 2023/24 Financial Year to date, 22 appeals have been received:

- Of these, 9 are ongoing without a decision.
- Of these, 1 was allowed (in favour of LA).
- Of these, 1 were not allowed (in favour of parent).
- Of these, 8 were withdrawn or conceded.
- Of these, 3 were struck out.

**EE) Question from Cllr Eyre to Cllr Dhindsa:**

**What are the Cabinet Member's thoughts on the announcement that a member of the new administration at Erewash Borough Council suggested residents burn brown bin waste in light of their plan to implement a £37 per year charge for Brown Bin Collections in their next budget?**

Derby City Council provides garden waste collection to help residents recycle organic waste and has no influence over other council's policies.



**FF) Question from Cllr Care to Cllr Whitby:**

**What are the school/class capacities and current levels of take up for maintained nursery schools and classes for the city?**

The table below shows the capacity and take up of two and three year old places at Council Maintained Nursery Schools. The take up data shown is as at Summer 2023.

Summer Term * 2023	2 Year Old FTE Capacity	2 Year Old Part Time Capacity	No of Children on roll	Surplus Places	% take up		3&4 Year Old FTE Capacity	3&4 Year Old Part Time Capacity	No of Children accessing part time place	Surplus Places	% take up	Hours of Delivery
Ashgate MNS	12	24	18	6	75%		40	80	69	11	86%	8:00am until 18:00pm
Central MNS	12	24	25	-1	104%		52	104	102	2	98%	7:30am until 18:00pm
Harrington MNS	N/A	N/A	N/A	N/A	N/A		40	80	82	-2	103%	8:45am until 15:45pm
Lord Street MNS	24	48	14	34	29%		52	104	83	21	80%	8:30am until 15:30pm
Stonehill MNS	12	24	27	- 1	113%		40	80	79	1	99%	8:00am until 16:30pm
Walbrook MNS	8	16	14	2	88%		40	80	81	-1	101%	8:30am until 15:30pm
Whitecross MNS	N/A	N/A	N/A	N/A	N/A		52	104	117	- 13	113%	7:30am until 18:00pm

\* Latest actual data available Summer Term collected at 2023

"Part Time Place= 15 hours /38 weeks"

**GG) Question from Cllr Eyre to Cllr Peatfield:**

**Can the Cabinet Member provide any assurances that Derby City Council is still looking to host professional cycling events in the City Centre, including the Women's Tour, Men's Tour, and the Tour Series?**

The Council is always looking for opportunities to collaborate with national partners on large-scale events in the city, and we recognise the relationship Derby has with cycling, operating one of five velodromes in the country.

Conversations with The Tour have taken place, and we are in dialogue around the opportunity to bring in the Women's Tour of Great Britain and the Men's Tour of Great Britain to Derby. Both parties recognise the financial challenges to the Council at this time and are aware of the implications in the short-term, but the relationship is strong, and the ambition is still to forge strong relationships with the Tour for events in Derby and Derbyshire.

**HH) Question from Cllr Smale to Cllr S Khan:**

**In light of the tragic incident in Leicester with the death of a person at the hands of an XL Bully, can the Cabinet Member confirm with me how many licensed breeders we have in the city and what enforcement action has been taken, if any, for breeders who are not licensed?**

There are nine dog breeders in total that are licensed with Derby City Council.

Dog breeders are inspected on a regular basis to ensure that they are compliant with the Animal Licensing legislation. Any complaints and queries are taken up directly with the breeder and then resolved accordingly.

A full investigation would be carried out if an unlicensed dog breeder was identified online or given to us as part of a customer query. Firstly, advice would be given to the breeder about how to apply for a dog breeding licence and failure to comply with the advice would result in prosecution.

No prosecutions have been instigated against any unlicensed breeders.

At present the dog breeders that are licensed do not breed XL Bully dogs.

**II) Question from Cllr Care to Cllr Dhindsa:**

**How is 'No Mow May' going to be managed and publicised next year to keep important visibility splays clear while educating more people about the value of longer grass for wildlife?**

When the mowing season starts in March, we will work with the Communications and Marketing Team to get information out on No Mow May; this will include the reasons and benefits and what people can do in their own gardens to support the initiative. As always, we will ensure that visibility displays at junctions are maintained.

**JJ) Question from Cllr Smale to Cllr Swan:**

**In May 2022, the original bridge at Darley Abbey was closed urgently as it was considered to be dangerous.**

**Since then, local residents who live closest to and opposite the temporary replacement have been very cooperative over the space required, but are extremely worried about the unsightly appearance of the scaffold and plank ramp and the parking issues created. They are fearful that this will not now be resolved in the next five years.**

**They would like an independent body to examine the findings of any condition surveys or reports, that led to the initial closure. They have asked for copies of such reports which have not been supplied.**

**Will the Cabinet Member ensure effective communication with the local residents is restored and supply the relevant reports requested?**

As a Ward Councilor, I am acutely aware of the issues faced by all residents of Darley Abbey resulting from the prefabricated bridge and ramps.

I am actively exploring the possibility of designing alterations to the ramps, subject to costs and disruption, with officers. The inspection and assessment report on Darley Abbey Mills Bridge is publicly available on the Council Website. The inspection and assessment of Darley Abbey Mills Bridge was carried out by a third-party structural expert, commissioned by Derby City Council.

As both a Cabinet and Ward Member, I have been involved in this matter from the beginning and I know that communication with residents and businesses have been ongoing throughout – and I have no doubt they will continue.