



Council Meeting
Wednesday 25 November 2015

Public and Member Questions
and Responses



Derby City Council

COUNCIL – 25 September 2015
PUBLIC AND MEMBER QUESTIONS

Questioner	Respondent	Subject
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Public Questions

A	Dorothy Skrytek	Councillor Shanker	Air Quality
B	Rob Cooper	Councillor Rawson	Mackworth District Centre Renewal
C	Simon Bacon	Councillor Afzal	Recycling Rates
D	David Adams	Councillor Banwait	Council Tax Referendum
E	Ian Liddle	Councillor Eldret	Zero Hours Contracts
F	John Evans	Councillor Afzal	Neighbourhood Board Resources
G	Susan Stacey	Councillor Banwait	Harmonisation of Terms and Conditions
H	Fran Hurley	Councillor Banwait	Hay Scoring for Teaching Assistants
I	Peter Robinson	Councillor Banwait	Fossil Fuel Divestment
J	Marie Clifford	Councillor Banwait	Teaching Assistant Morale
K	Dorothy Skrytek	Councillor Shanker	Air Quality Monitoring
L	Rob Cooper	Councillor Afzal	Mackworth Neighbourhood Forums
M	Simon Bacon	Councillor Afzal	Plastic Film Recycling
N	David Adams	Councillor Banwait	Standards Complaints
O	John Evans	Councillor Bolton	G4S Children's Unit
P	Susan Stacey	Councillor Banwait	Job Evaluation Schools Working Party
Q	Fran Hurley	Councillor Banwait	Pay and Reward Appeals Procedure

Councillor Questions

R	Councillor Graves	Councillor Rawson	Parking on Alvaston Park
S	Councillor Grimadell	Councillor Rawson	Pantomime Costs
T	Councillor M Holmes	Councillor Rawson	Assembly Rooms Assessment
U	Councillor Care	Councillor Banwait	Heatherton Section 106 Meeting
V	Councillor Ashburner	Councillor Afzal	CCTV Live Monitoring
W	Councillor Keith	Councillor Afzal	Bin Hire Charges
X	Councillor M Holmes	Councillor Banwait	Job Evaluation Costs
Y	Councillor M Holmes	Councillor Banwait	Hay Methodology Consultation
Z	Councillor M Holmes	Councillor Banwait	Job Evaluation Investigations
AA	Councillor M Holmes	Councillor Rawson	South Derbyshire Planning Application

Public Questions

a. Question from Dorothy Skrytek to Councillor Shanker

Is air quality a material consideration for the city council?

Yes, air quality is a material consideration for the council. In terms of planning decisions, Air Quality is one of many material considerations that the decision maker has to apply appropriate weight to and arrive at a balanced decision. In terms of Air Quality Management, the council continues to monitor local air quality and work closely with DEFRA and other agencies to deliver improvements.

Both the council and the Environment Agency continue to undertake their inspection and permitting roles for specified industrial processes within the city, to ensure that they operate within approved emission levels.

b. Question from Rob Cooper to Councillor Rawson

Why was the funding for the next phase of the Prince Charles Avenue district centre changed from £1,000,000+ to £800,000 as reported?

The total budget currently allocated to the Mackworth District Centre improvement scheme is £1.294m. I believe that the £800,000 may relate to historical estimates of previous planned stages of the improvements.

What I can confirm is that the next phase of works to improve the district centre, subject to planning permission, will be the delivery of additional car parking spaces. The provisional estimate for these works is £500,000.

c. Question from Simon Bacon to Councillor Afzal

Quarter 2 recycling results shown on the council score card put forward for the recent cabinet meeting suggests a council recycling rate of 32 to 34 per cent.

When operational the Sinfin waste plant will extract less than 8 per cent recyclables from the mixed waste, equating to a circa 40 to 42 per cent recycling rate.

Considering the council has a target recycling rate of 55 per cent by 2020 how will the Council meet this target?

We will continue to work with residents and our contractors to maximise our recycling rate. We have a number of on-going projects and initiatives which include:

- School presentations
- Waste Not News to all Key stage 2 pupils
- Promotional roadside boards
- Love food hate waste campaigns
- Working with the British Heart Foundation
- Bin stickers
- Promotion of the Garden waste service
- The councils website and social media

We are also working in partnership with the County Council on the Joint municipal waste strategy. Our latest recycling figure for the HWRC Raynesway is currently 72.9% with a combined figure of 97.4% for recycling, composting and diversion.

d. Question from David Adams to Councillor Banwait

Last September it was reported in the Derby Telegraph that a delegation from Derby City Council met a Government Minister to ask for a package of measures to deal with the Council debt of £240 Million. This included removing the cap on Council Tax so no referendum is required. As I understand it, this has not been agreed to.

In light of this and the urgent need to reduce debt but meet people's expectations, do the Council intend to hold a referendum to increase Council Tax beyond the 2 per cent along with local election this forthcoming May, this being at a time when it is economic to do so?

If this is the case what percentage will the council be asking for?

The Council is not planning a Council Tax increase beyond the referendum limit for the 2016/17 budget.

e. Question from Ian Liddle to Councillor Eldret

How many staff do the Council presently employ on zero hours contracts?

I can confirm that there are currently 430 workers employed by the council in just zero hours positions.

f. Question from John Evans to Councillor Afzal

I have noticed recently over several months in Alvaston, council staff and resources are being used to deliver many various printed/copied letters around Alvaston Ward signed by the Chairman of the Alvaston Neighbourhood Board.

As this Chairman is also up for Alvaston Local Councillor Election next year, would you agree that this is 'electioneering' or is this a good use of Council resources and staff time?

Neighbourhood Boards across the city engage and communicate with local residents in a number of ways, one of which is by letter. It is important that the work of the board, which is made up of the three ward councillors, residents, council officers and partner agencies, is communicated to local people, encouraging wider community participation. This is a priority for some Neighbourhood Boards and newsletters are seen as a cost-effective way of engaging local residents and businesses, and therefore a good use of resources and staff time.

Correspondence and communications from a Neighbourhood Board normally comes from the Chair of that Board on behalf of all fellow ward councillors. All Board Chairs are ward members appointed by the council and some may be in seats affected by forthcoming elections. This does not mean that newsletters sent by the Board to local people constitute 'electioneering'.

g. Question from Susan Stacey to Councillor Banwait

If harmonisation of terms and conditions is an objective of the pay and reward project, then why can teaching assistants not have the freedom to take our holiday entitlement at our own discretion in line with other council workers?

The council operates to provide a range of services to Derby. How and when employees work is specified so that the requirements of the service they provide can be delivered - for example some of our operations need to be available outside traditional daily hours, at weekends or at specific times of the year.

Staff working in schools are normally required to be available for work when the children are in the school and as a result most schools employees are required to take their annual leave during school holidays.

h. Question from Fran Hurley to Councillor Banwait

Could the Cabinet Member please state whether they have sufficient faith in the Hay job evaluation system to confirm that a job at Derby City Council would score the same as an identical job at Derbyshire County Council?

Job evaluation involves a panel of fully trained evaluators systematically scoring a role, based on the information provided about that role, followed by a process of quality assurance to ensure the resultant score is within the range expected.

As with any system involving human judgement there can be an element of subjectivity, but the process is designed to minimise any variation arising. It is highly unlikely that two organisations will have identical jobs and therefore such a comparison as stated in the question is rarely valid. What can happen is people not well versed in job evaluation look at similar or even identical job titles and wrongly assume they are the same jobs.

With these provisos, yes, we would expect two identical jobs to score within an accepted range of each other.

i. Question from Peter Robinson to Councillor Banwait

Considering that 80 per cent of all known fossil fuels must stay in the ground to avoid warming by more than two degrees, as well as the need to ensure pension funds are not left in these potentially stranded assets, will the Council recommend that the Derbyshire County Council Pension Fund:

- **Immediately freeze any new investments in fossil fuels?**
- **Divest from direct ownership and any commingled funds that include fossil fuel public equities and corporate bonds within 5 years?**

Note: Background information has been included on the Derby Climate Coalition website (See: <http://derbyclimate.org.uk/?p=627>).

Derbyshire Pension Fund is a member of the Local Authority Pension Fund Forum (LAPFF) which promotes, through engagement, high standards of corporate governance and corporate responsibility amongst the companies in which Local Government pension funds invest. A strategy of engagement with companies is compatible with the Administering Authority's fiduciary duty to maximise investment returns for the benefit of Scheme members, and supports responsible investment. The Fund supports engagement with fossil fuel companies to help accelerate the transition to a low carbon economy.

j. Question from Marie Clifford to Councillor Banwait

I have been a part time Teaching Assistant at the same school for the past 8 years and I enjoy what I do as I work in a great school where staff have always worked well together and felt proud of our achievements.

Our school motto is 'to provide a caring and stimulating environment where everyone is valued and every child achieves their potential'.

What is Derby City Council's motto for its employees? Does the Cabinet Member agree that we want our children to be in an environment where adults feel valued too?

Will the Cabinet Member remind me why I should continue to feel motivated in my job with a 20 per cent pay cut? Why should I continue to work for Derby City Council at a time when I feel de-valued and staff morale is at an all-time low?

In answer to the initial question, yes, we want the best possible environment for our children and for all of our employees; however we do work under a number of constraints not least a very tight budget.

The council has no alternative but to carry out this Equal Pay project as part of a national agreement made by local authorities and trade unions in 1997, known as the Single Status Agreement. The aim of the project is to ensure that the council meets its legal requirement that all employees receive equal pay for work of equal value and common terms and conditions wherever they work in the council. Derby City Council entered into a contract with Hay Group to complete the job evaluation process for council employees and for support staff in our schools and working with Hay Group ensures a consistent approach.

One aspect of the Equal Pay approach is that we are required to harmonise payments for the number of hours worked each week and weeks worked each year for all employees. We have however issued joint guidance, from myself and our three Trade Unions, to each school on options to address these issues. We are offering on-going support and help to individual schools on how to best manage the situation for both the employees concerned and for each school. The recently announced new implementation date of 1 June 2016 gives more valuable time to explore the options and opportunities available.

While I can't promise that we can solve every issue for every member of staff, we are advising employees to keep talking to their Head Teachers and to explore as many options as possible.

I trust a satisfactory way forward can be found in discussion with your school's leadership team.

k. Question from Dorothy Skrytek to Councillor Shanker

The city council found that air quality would be worsened by the Derbyshire incineration plant and associated traffic, in the AQMA (Air Quality Management Areas) in Osmaston and Sinfen, forcing people to breathe substandard air.

Shanks/Energos 'representatives' at the planning inquiry, admitted under cross-examination that Continuous Emissions Monitoring Systems (CEMS) can be switched off and no-one will know, not even the Environment Agency.

Why doesn't the council tell Shanks to build an air quality monitoring station (for nitrogen dioxide, sulphur dioxide, dioxin, radioactive elements etc.) on Sinfen Lane which can be monitored independently?

The plant will operate under a permit issued by the Environment Agency, a process that happens throughout Derby and indeed the whole Country.

The permit stipulates the amount and type of pollutants the plant is allowed to produce. These will have been set by the Environment Agency following a number of relevant technical guidance notes. As part of the permit process, the plant operators will need to comply with stringent monitoring obligations set out by the Environment Agency which they will monitor to ensure this is done.

The introduction of any off-site monitoring station would not be able to differentiate between emissions from the plant and those from elsewhere (e.g. from road traffic, bonfires etc.).

I. Question from Rob Cooper to Councillor Afzal

After the recent success of the Mackworth residents meeting will the council reintroduce the Neighbourhood Forums in Mackworth?

The recent Mackworth resident meeting was not a council supported or sanctioned meeting, but one I understand that was organised by Mr Cooper. Council officers did not attend.

The question Mr Cooper poses is not one for consideration by Council. Whilst Derby City Council is fully committed to supporting and engaging residents, it is for local communities to decide what local meetings are appropriate for them. In Mackworth, the local Neighbourhood Board, which has a strong track record of engaging local people and delivering on their priorities, has decided that a Neighbourhood Forum is not the most effective way of engaging the community in Mackworth and that they are using more innovative ways of engaging, such as Councillors on Patrol.

m. Question from Simon Bacon to Councillor Afzal

The city council does not accept plastic film in the kerbside recycling scheme unlike some other councils in the UK. Plastic film needs to be recycled to keep it out of landfill or incineration.

Can the public recycle plastic film types of plastic at the Raynesway HWRC site?

No, the public cannot recycle plastic film types at Raynesway The material is of very low value, is usually in small pieces and contaminated with food waste. This type of material can also lead to maintenance problems at the materials recovery facility (where materials are sorted and processed); the film becomes entangled in the belts and rollers leading to breakdowns on the processing lines.

n. Question from David Adams to Councillor Banwait

In recent months I understand that more than 17 complaints have been made about various councillors but none have been referred to the Standards Board by the Monitoring Officer.

The rules state that the Monitoring Officer in conjunction with an independent person decides if a complaint should be investigated. Some of the criteria in the code of conduct which the Monitoring Officer and the Independent Person use to decide whether there as been a breach are subjective.

Is this the reason why in some cases they have not been deemed worthy of being passed to the Standards Board?

The Standards Code of Conduct and associated complaints procedure were agreed by Full Council in July 2012 and are fully adhered to.

All complaints made in respect of Standards are reported to the Standards Committee at their formal meetings.

o. Question from John Evans to Councillor Bolton

What assurances, if any, can the council provide that the children allocated to the new G4S Children's Unit on Shardlow Road in Alvaston will not cause problems with local residents or further afield in Derby?

G4S are already a registered provider on the East Midlands Regional Children's Framework, which is the route by which Local Authorities in the region source placements for children in care within children's homes. This means that this G4S provision will be regularly monitored by a central team at Northamptonshire County Council, on behalf of Derby City Council, who will ensure that procedures are adhered to, for example risk assessments, staffing levels, and appropriate training including management controls.

G4S will have had to complete a registration with Ofsted for the new home, and Ofsted routinely monitor homes to ensure the best possible outcomes for children in care.

The Local Authority will maintain regular communication with the Registered Manager of this home to ensure that the children and young people placed there by Derby City Council are looked after in accordance with their individual care plan. Monitoring visits, whether via the regional team or the Local Authority, will ensure that local protocols are in place and appropriately implemented.

During the last four years of managing the East Midlands Framework, Northamptonshire County Council report that this provider is one of the market leaders in terms of performance and outcomes.

Derby City Council take very seriously their role as 'corporate parent' for the children and young people in our care, and aim to offer the best of the available opportunities for care and support, which includes living within the community in a placement which meets the child or young person's individual needs. There are not currently any children or young people in this children's home who are looked after by Derby City Council.

p. Question from Susan Stacey to Councillor Banwait

Please confirm which school Headteachers were involved in the job evaluation working party and the compilation of job information questionnaires (JIQs)?

There has not been a job evaluation working party involving Headteachers, however an Equal Pay Schools Review Group was formed and last met in early 2014.

The group comprised of four Headteachers from Derby schools as of February 2014. They were:

Ash Venkatesh, Head teacher – Littleover Community School
Carmel McKenna – Head teacher – St Clare's

The remaining two Headteachers have requested that their details are not published under the Data Protection Act 1998.

In 2013 and 2014 all Headteachers were provided with template JIQs which they either adopted or amended to reflect the roles in their schools. Employees were also involved in the completion of JIQs. A former Headteacher worked alongside the project team developing JIQs.

q. Question from Fran Hurley to Councillor Banwait

**Why is the appeals procedure in relation to job evaluation likely to change?
Should the criteria for appeals have been agreed before the job evaluation process began?**

During our long and protracted discussion to try to bring these changes in by way of a joint agreement, always our preferred method of introducing these changes, we offered to involve our Trade Unions in the appeals process, which would have incurred additional costs and require a complex administrative arrangement.

Unfortunately, we have been unable to reach a joint agreement and, as we do not have an agreement with the Unions to support this process, it did not seem sensible or appropriate to involve them in reviewing the results of the exercise. We therefore reverted to our original appeals mechanism.

The criteria for appeals were agreed before the current process began and reflect the criteria proposed for the 2014 implementation.

Councillor Questions

r. Question from Councillor Graves to Councillor Rawson

Parking on playing fields on Alvaston Park now seems to be the norm when Derby County have a match and the Arena has an event at the same time.

I appreciate at special times parking on the grass is required and warranted, although in the past this was solely for activities on the park itself such as the Annual Fun Day organised by Alvaston Park Friends, of which I am a member.

The precedent of using valuable playing field space for the inadequacies of car park planning for both Derby County and the more recent Arena is very worrying. It seems that Wilmorton and Alvaston residents, and indeed people that visit the park from further afield, are suffering because of a lack of foresight by the city's planning.

I, and many park users, are now concerned that not only will this space be lost to vehicles at certain times but that the mess and damage will be considerable during the winter period because the ground will be so much softer due to the change in the weather conditions.

Does the Cabinet Member think this is acceptable on such a highly prized city park?

The 'Event Traffic Management Plan' was approved by the planning authority in November 2014 and it identifies additional parking spaces across various sites, providing more than adequate parking spaces for the plans at the Arena and Alvaston Park is part of this plan.

On the occasions where simultaneous events have taken place and Alvaston Park has been used the event planning has always considered the ground condition, local programme and activities in partnership with officers who operate the site.

s. Question from Councillor Grimadell to Councillor Rawson

What is the overall total cost of staging this years Pantomime at Derby Arena?

The overall total cost of staging this year's pantomime at the Derby Arena will not be available until the production has completed its run in early January.

This is because a number of costs, including those of the co-producer Paul Holman Associates, are related to the final box office takings achieved. Advance sales are healthy and it is anticipated that the production will return a significant surplus.

t. Question from Councillor M Holmes to Councillor Rawson

Since the fire that destroyed the plant equipment and led to the closure of the Assembly Rooms, various amounts have been quoted by several Cabinet Members in relation to the cost of reopening the venue. These range from a reported £6million in late 2014 to a figure of £10million more recently.

Please can you provide the in-depth appraisals / assessments that have been carried out in relation to:

- Fire damage assessment
- Building and Fire regulations
- Construction / Refurbishment
- Maintenance / Building Management & Plant
- Any other relevant area to establish an accurate figure to reopen the venue as close to its 'original state' as allows.

and:

details of who those qualified experts are / were that have led to the council being able to quote its figure of £10million?

Fire damage assessment

Building and Fire regulations

- A fire risk assessment was undertaken by a Local Authority Building Control fire risk assessor in April 2014.
- BB7, a specialist fire Safety consultant, was employed and provided a report in January 2015 which identified the need for works to the ventilation ducts and a compartmentation survey of the whole building.

Construction / Refurbishment

Maintenance / Building Management & Plant

- Design work and costs were prepared by Faithfull and Gould with direction from the Council's Property Design and Maintenance Team (PD&M).

Any other relevant area to establish an accurate figure to reopen the venue as close to its 'original state' as allows

- The likely cost of getting the building up and running based on the information we have to date would be £7.4 million. This excludes alterations to the foyer which if added the likely cost is £13 million. These costs are based on information provided by Faithful and Gould with an increase for inflation added by Property Design and Maintenance.
- In order to understand the cost of fire precaution works to the venue we would need to undertake an intrusive survey involving removing ceiling and wall panels to undertake a full assessment of the fire compartmentation. This survey would require the use of access equipment to safely reach ceilings and voids for inspection.

The information and reports mentioned above can be provided if required.

u. Question from Councillor Care to Councillor Banwait

Following publication of the latest Forward Plan, I emailed twice last week asking for times when I and my Littleover ward colleagues might meet with the Leader of the Council to discuss the Section 106 funding for parks near Heatherton, as part of the indicated consultation process, before this issue is considered by Cabinet in early December. What dates and times are you able to offer?

Verbal response to be provided.

v. Question from Councillor Ashburner to Councillor Afzal

In the light of recent terrorist activities, has the council had any discussions with the police or city centre businesses to explore ways to increase CCTV live monitoring rather than just recording?

The Council's budget challenges and the need to find savings across all areas are well documented. Regrettably, this has also had to be applied to CCTV monitoring, which is not a statutory duty.

Never-the-less, we recognise the value of live CCTV monitoring and we are currently in discussion with the Police and other partners to investigate alternative funding options to enable this service to be re-instated. I will advise Members on the outcome of these discussions in due course.

w. Question from Councillor Keith to Councillor Afzal

In 2014, Mickleover community group, 'Our Mickleover' were charged £220 by Derby City Council for the hire and collection of ten Black Bins and ten Blue Bins for the local Christmas Festival. This year the council have quoted £230 for ten Black Bins and five Blue Bins.

As you are aware, the Labour administration chose to cut around 85 per cent of Mickleover's neighbourhood community funding and allocate it instead to wards such as Normanton and Arboretum, that have therefore seen very large increases. This has severely restricted the ability to support these kinds of community events being organised and run by volunteers in Mickleover and any increases in charges makes this situation even more acute.

Can the Cabinet Member explain when the council made the decision to increase its charges by around 40 per cent for community groups this year?

The prices quoted are not for the number of bins supplied. The main costs are made up of:

- the delivery of the bins to Mickleover
- the collection of the bins from Mickleover
- the emptying of the bins
- the processing and disposal of the waste.

The number of black bins supplied is the same for both years and the contents of the black bins is landfilled, which is a lot more expensive than recycling and accounts for the largest proportion of the costs.

The small increase of £10 represents a percentage increase of 4.5 per cent. The increase was applied to the council's fees and charges and covers the increases in processing and disposal.

x. Question from Councillor M Holmes to Councillor Banwait

Costs in relation to Derby City Council's on going Job Evaluation Process have been confirmed as:

2010/11 – £31,146

2011/12 - £62,275

2012/13 – £418,180

2013/14 - £1,031,408

2014/15 - £2,063,482

Can the Cabinet Member please state what the current 2015/16 costs are?

Verbal response to be provided.

y. Question from Councillor M Holmes to Councillor Banwait

The job evaluation process represented one of the most important and critical projects for Derby City Council in recent history. It was therefore vital that the process was carefully and competently managed.

In September 2012 a Cabinet report confirms that the council adopted the 'Hay Job Evaluation Scheme', a change from the previously agreed process.

Did the relevant Cabinet Member / Labour administration consult or enter into discussions with the trade unions leading to and in relation to the decision to use the Hay methodology and, if so, which union(s) were involved?

Verbal response to be provided.

z. Question from Councillor M Holmes to Councillor Banwait

On 6 November 2014 an article in the local press quoted the then Chief Executive as saying that three staff within Derby City Council's Human Resources department, in addition to two senior officers, had been suspended pending further investigations.

Have these investigations now concluded?

Verbal response to be provided.

aa. Question from Councillor M Holmes to Councillor Rawson

A planning application was recently submitted by developers for 252 dwellings to South Derbyshire District Council - Planning Ref 9/2015/0768. A decision has yet to be made, with planning officers in South Derbyshire currently preparing committee reports etc.

The application proposes to break through to two cul-de-sacs off Ladybank Road in Derby City / Mickleover highways land to provide access and would be an urban extension to Mickleover's established community. The land is not currently allocated as a preferred housing site via its emerging local plan by Derby City Council nor has it ever been proposed to be.

Can the Cabinet Member explain why Derby City Council have so far failed to respond and liaise with South Derbyshire District Council despite them raising queries and seeking views as part of the planning process?

Officers are in regular dialogue with their counterparts in South Derbyshire. This site lies in South Derbyshire and cannot be allocated as a preferred housing site by Derby City Council. It lies beyond our jurisdiction. The city council has however made representation to South Derbyshire about this site and their wider site allocation at Newhouse Farm.

In it we raised significant concerns about direct vehicular access from their suggested allocations to the west of Mickleover onto the access roads off Ladybank Road. We believe that their policy should make clear that there will not be any vehicular access onto Ladybank Road, with only pedestrian and cycle linkages. There may be scope for access for buses and emergency vehicles only, but this is a detail that needs to be fully assessed once we have specific layout details beyond those currently in outline form.

In detail on the current application we have written to the developer to ask for additional highway /traffic details but as yet we have had no response.