

ELECTED MEMBER QUESTIONS TO COUNCIL – 23 MARCH 2022

a) Question from Councillor G Kinsella to Councillor C Renwick, Cabinet Member for Infrastructure and Environment

“The Derbyshire Cycling Plan 2016-30 states its aim is to double the number of people cycling regularly by 2030. What progress has been made on this and what spend has been allocated in the 2022/23 budget for cycling per head to help deliver this aim?”

Response:

“The Derbyshire Cycling Plan 2016 was developed and signed up to by a range of stakeholders, including Derbyshire County Council, the Derby City Councils, the Peak District National Park Authority, all local District and Borough Councils, the National Forest, the University of Derby, Sustrans and British Cycling. The Plan is actually currently being refreshed following the pandemic and this work is now being led by Active Derbyshire.

In terms of progress, data taken for 2016/17 showed 88,700 over-16s cycling regularly and by 2020/21 this had increased to 120,000 (although I would caution that this takes into account the increased levels during the pandemic). It is the Active Lives’ data set that will now be used to monitor this going forward and new targets will be assessed and agreed as part of the refresh.

For information this County Council has also introduced three new cycling targets as part of our Key Performance Indicators to help inform progress. These are firstly:

- 1 The number of kilometres of the Key Cycle and Local Cycle Networks that will increase annually.
- 2 The number of schemes planned in terms of preparation and design for the next financial year.
- 3 The number of people walking, cycling, horse riding on certain sections of three specific popular routes which includes the White Peak Loop, the Clowne Greenway and the Pennine Bridleway National Trail.

The first set of data for all these new targets will be reported at the end of the current financial year which will be available via Apex in April 2022.

In terms of the spend allocated for cycling I can confirm that approximately £2.2m has been approved through the Highways Capital Programme and the Challenge Fund. That goes towards drainage and resurfacing on both the existing KCN/LCN routes but also the development, design and feasibility of

work on future routes and also some signage on the Key Cycle Network. A further £207,000 has been invested for the Pennine Bridleway and we also now employ a full-time dedicated officer.

In addition, the Council was also successful in its £1.6m application to the Department for Transport's Active Travel Fund, Tranche 2. That was for the Chesterfield East-West Cycle Route. Added to that we have actually got a further application for £3.4m for Tranche 3 funding has also been submitted and if we are successful that would be used to develop the sections of the White Peak Loop and the Little Eaton Branch Line. The Council expects to hear the outcome of this application later this year. So we have many examples of popular and well cycled routes across Derbyshire. If you look at the significant investment £3.4m already, and if we do receive the funding for Tranche 3 it would take it to 7.3. All this will help improve, invest and deliver more Key Cycle Networks and linkages. I look forward to being able to announce these going forward and the refreshed Cycle Plan in due course. Thank you."

b) Question from Councillor S Burfoot to Councillor K Athwal, Cabinet Member for Highways, Assets & Transport

"It is becoming increasingly common for roads and public open spaces on new housing developments not to be adopted by the Local Authority, resulting in new homeowners being legally responsible for the maintenance and repair of roads, footways, street lighting etc on all new developments. Such repairs and maintenance on these unadopted estates are paid for by residents by way of management charges.

Decisions by many developers not to enter into an agreement with the Local Authority can, and has resulted nationally and locally in problems including lower specification street lighting or no street lighting at all, lower specification road construction etc and of course ongoing and often increasing management charges without a reduction in Council Tax to homeowners.

Does Councillor Athwal agree that this is an ongoing and often problematic situation which for many householders can be an intolerable burden? Would he commit to lobbying the government to change the law to make it mandatory for all developers to build their roads and other highway infrastructure to adoptable standards so that LA's take over their maintenance, thus alleviating the current problems?"

Response:

"A large number of new roads within Derbyshire ultimately become adopted roads and therefore are publicly maintainable by the County Council. Some new roads in Derbyshire are not adopted. Exceptions are normally for minor developments of ten dwellings or less or a stage where the developer does not

wish their road should receive adoption into the highway to be maintained at public expense.

There is currently no legal obligation for a developer to enter into a Section 38 agreement under the Highways Act and therefore the County Council cannot force a developer to enter into an agreement. Where a developer chooses not to enter into this agreement, or where the process of adoption is slow, we do understand that this can lead to ongoing challenges for residents over many years. It can sometimes be difficult to hold the owner of the estates to account. In these circumstances we have every sympathy with the affected residents.

We are already working closely with the Government to address a range of issues which impact on our ability to deliver our duties as the Highways Authority from lack of funding to lack of control of the planning process. As part of this we will absolutely seek to put this issue on the Government's agenda and seek their assurance that it will be addressed as soon as possible. Thank you."

c) Question from Councillor E Fordham to Councillor K Athwal, Cabinet Member for Highways, Assets & Transport

"The recent storms Dudley and Eunice led to considerable pressure on infrastructure and highlighted again concerns over flooding and drainage. What measures has the Council taken in the light of these two storms to step up with regards to gutter and gully clearing and will the Portfolio Holder share the details with members of the adjusted plans in order to tackle this specific issue?"

Response:

"Storms Eunice and Dudley were both significant rainfall events which caused flooding to the highway at numerous locations across the county. Post event teams have been working hard to clear the highway drainage systems and gulleys in the areas that were flooded. To ensure that they are fully operational DCC also continue to operate the cyclical gulley cleansing service across the county but unfortunately, as I am sure you are aware, the original infrastructure in place was not built for the current climate.

Moving forwards this Council will continue to provide a proactive gulley cleansing service and the newly formed Highways Drainage Team will be ensuring that the service is delivered to a high standard.

A one-off recovery remedy budget of £1.3m along with a base budget of just over £1m making a total of £2.37m has been allocated for the 2022-23 season to deal with the backlog of blocked defective gulleys, highway drainage systems which the new Drainage Team will utilise to maintain the highway drainage assets.

Highways are also introducing a new asset management system this year which will improve the way the highways and drainage systems are managed and maintained, therefore maximising the resources we have more effectively and efficiently.

This Council has also embarked on a programme of capital works to reduce the flood risk on the highway which is focusing on the highway flooding hotspots along with capital funding for these works which have been significantly increased for 2021-22 and 2022-23 compared to previous years. Also with the considerable investment we are planning to install Smart technology in the drainage gulleys along the A6 this spring from Matlock Bath to Whatstandwell to monitor issues of blockage, to target areas, to clear areas prone to blocking.

Mr Chairman, unfortunately flooding to some other areas of the highways will still happen but this Council will continue to strive to ensure that the risk to both road users and properties is minimised as much as possible. Thank you.”

Supplementary question:

“I wonder, Chairman, whether the portfolio holder might consider working with residents directly? While there are crisis situations such as Dudley and Eunice I am assuming that the highway staff will be fully engaged in tackling those problems when in fact I wonder if he might work with me and with residents on Tapton View Road and Tennyson Road where we actually put covers over the gulleys in order to stop the leaf fall and the flooding getting worse and actually kept the gulleys clear. It is something I think residents could do proactively rather than just relying on pressured staff to do it all the time.”

Response:

“Yes, Councillor Fordham, we will work with residents. We are working with residents and all stakeholders to look at all options to keep our flooding to a minimum. We will endeavour to explore all possibilities to try and mitigate the issue of flooding within our great county. Thank you.”

d) Question from Councillor E Fordham to Councillor N Hoy, Cabinet Member for Adult Care

“In the local elections the Conservative candidate for Clowne stood on a ticket which expressed concern over the proposed plans for Care Home in particular for the Adult Care Home in Clowne. Given they are now the Portfolio Holder for Adult Care does she understand why residents, users and staff feel a tad betrayed that the current plans revisit that closure threat. Given many of them have written to her and have not had a reply, does she understand why the way this has been handled is rousing considerable resentment?”

Response:

"I understand this is a very difficult time for everybody affected. I have detailed knowledge and greater understanding of the Homes and the potential risks they pose.

As the portfolio holder for Adult Care my priority is the safety and welfare of all the residents, their families and the staff who work and live within these Homes. We have had to consult because doing nothing is not an option. These dated buildings are in need of major refurbishment works and should major works be undertaken we would need to relocate residents and redeploy staff for 40 weeks. We cannot have staff and residents living and working on live construction sites so it was only right that we consulted. I can also confirm I have responded to everybody who has contacted myself directly."

Supplementary question:

"On the 11 February this year I attended the funeral of Eva Baxter. She was 84. Chesterfield were disposing of her under the Prevention of Diseases Act and the Disposal of Bodies 1948 because Eva Baxter died without any next of kin. She had lived in The Spinney for three years. She had not had a single visitor. I was the sole person at her funeral. I had never met her. I didn't know her. I attend these funerals because I think someone should never depart from this planet on their own. The only other people present were the three care home workers who had cared for her for three years. Their staff, they say they have not had a reply. Can I ask the portfolio holder to check whether staff are getting replies beyond acknowledgements?"

Response:

"I can confirm that everybody who has contact with us would have received a response. We have contacted everybody who has responded as part of the consultation process."

e) Question from Councillor E Fordham to Councillor N Hoy, Cabinet Member for Adult Care

"Hundreds of residents across Derbyshire have attended consultation meetings, written letters and filled in the consultation forms on the future provision of Adult Care. Many of them report that they have not had a reply and are concerned that they are not being listened to. Given it is that the overwhelming mood is against closure – could the Portfolio Holder save the Council a lot of time, effort and bureaucracy by removing the closure threat from the Consultation – or will she give a commitment to personally write back to each and every respondent explaining why their plea against closing homes is still being ignored by the Council?"

Response:

“As you will appreciate it is really important for us to get the views of the people of Derbyshire to support our decision making and whilst we are yet to receive the feedback from the consultation and are so not clear on the number of people who have taken part, I am pleased to hear you believe there has been a good level of engagement in this process. We are confident that we have responded to all the comments and queries that we have received.

Anyone who has sent in comments via an email will have received an automated response confirming receipt advising that their views will have been included for analysis and those who have raised specific queries have then been responded to separately. All letters that have been received have also been responded to either to confirm that comments have been received or to address queries. We have received no complaints or concerns from people indicating that they have not been provided with a response.

At this stage having not yet received the report outlining the feedback from the consultation we are not clear on what the totality of the views of those who have taken part is so it would not be appropriate to change or remove any option that had been consulted upon at this point. When we receive the consultation feedback we will consider it fully as part of the decision making process.”

Supplementary question:

“I didn’t attend many of the consultation meetings I had other events, other excuses, and some of my excuses are pretty lame I just wasn’t there. Did the portfolio holder attend all the consultation meetings herself?”

Response:

“I have been in direct communication with officers who have attended these meetings. It would be inappropriate for me as the Cabinet Member to sit in the background of these consultation processes.”

f) Question from Councillor E Fordham to Councillor N Hoy, Cabinet Member for Adult Care

“Will the Portfolio Holder for Adult Care provide in specific detail the dates and times of her visits to each of the 27 Cares Homes that are part of the Consultation on the Future of Adult Care provision in Derbyshire since she was appointed to the Cabinet?”

This question was withdrawn.

g) Question from Councillor R George to Councillor N Hoy, Cabinet Member for Adult Care

“In the proposed transformation of Learning Disability services, will the Council guarantee that a place at a Derbyshire County Council Day Centre will be available to every former service user who requests one, that if service users agree to try a different service, but feel that the alternative service is not meeting their needs, that they are then able to access a place at a DCC Day Centre again, and that transport to DCC Day Centres will continue to be available to all service users whose family struggle to provide transport.”

Response:

“We recognise that for some people with complex needs a more traditional building base service may need to form part of their care support. However, for others it may not be the best way to support them to lead fulfilling lives. This would be determined through a person centred, outcome focused assessment or review.

It is proposed as part of the new model that Derbyshire County Council would provide transport to anyone where the Derbyshire County Council Day Opportunity Service is relocated as part of the proposals should they wish to continue to access it. If Councillor George had taken the time to read the report she would have seen that it was clearly outlined within the report.”

h) Question from Councillor B Bingham to Councillor K Athwal, Cabinet Member for Highways, Assets & Transport (to be read out by the Chair)

“I would like to take the opportunity to thank the Lead Member and Director of Place for the roll out programme of resurfacing the Class C and unclassified roads in my division in the near future, as confirmed.

I would like to ask the Lead Member for Place to confirm when the footways around my division are going to be resurfaced, in regard to the condition of which Virgin Media have left them in. Along with the footways which have Mares Tail growing through them, causing the surface to break-up down to base level, due to this pernicious weed and others where the surface is beginning to crumble, becoming uneven affecting elderly residents with mobility issues.”

Response:

“Within the next Highways capital programme there are no footway schemes currently programmed for the Staveley North and Whittington Ward. However, all footways in the area will be subject to routine inspections to monitor condition and if reactive work is required this will be undertaken based on asset management policy and principles.

With regard to the previous Virgin Media works the Highways Authority monitors utility reinstatements in accordance with the powers available to us under the relevant legislation. We ensure compliance with national specifications which

includes a two year guarantee during which Virgin Media are required to rectify any defects. If the specific locations of concern could be provided, officers within the Highways Division will assess and feed back to Councillor Bingham.

As regards the reference to Mare's tail, weed killing is carried out in urban areas by the District Councils, in this case by Chesterfield Borough on our behalf as part of the agency agreement. In addition, when we become aware of invasive weeds such as Mare's tail we do target them for specific treatments, so again understanding specific locations would be appreciated so appropriate action can be taken. Thank you."

Supplementary question:

"I reported a pothole recently that was quite a large one near the mini roundabout at Woodmere Drive at Old Whittington in Chesterfield. I do have to say that the response in filling it in was superb. I didn't expect anyone to come and fill it in as quickly as they did. That was excellent from that perspective. However, the actual repair lasted approximately, at the very most, five days in which it has all come out and the loose tarmac has ended up in the gulleys and over the road. I just wonder if at some point a more substantial repair could be done please? Thank you."

Response:

"Thank you Councillor Bingham for your kind comments regarding the response. I am sorry if there has been faulty work that dissipated in the quickness of time but we will ensure our officers will look at the quality of the repair. If you can email me or get somebody to email me the specific location in the area I will make sure you get a timely response. Thank you."

i) Question from Councillor A Clarke to Councillor B Lewis, Cabinet Member for Strategic Leadership, Culture, Tourism and Climate Change

"Whilst I note Cllr Lewis' promise that no libraries will be closing if not transferred to community use, the report of the Executive Director of Place sent to the Improvement and Scrutiny meeting last month stated in paragraph 2.9 that if there was a lack of support for the proposals there would need to be a service review of provision. That 'this could result in some libraries being open for less than one day a week with few, or no new books or resources being added to stock'. Although this is not closure, it cannot be an acceptable alternative.

Could you explain what steps are being taken to ensure that this does not happen and will you promise that the limited library opening hours we have at present, at libraries such as Hayfield, will not further decrease?"

Response:

"I am afraid it is a sad fact that footfall to libraries over the years has declined quite considerably. People nowadays get their information via various different sources, online and so on, get their books in different places as well like Amazon and all sorts of other places, through Kindles and electronic devices. That has had an impact on more particularly our smaller libraries not just in Derbyshire but right across the country.

I do agree with the line that you have in your question about books, resources and so on saying that "Although this is not closure it cannot be an acceptable alternative." I have to say we do have an alternative. Community management libraries is something that before the pandemic we were pushing quite hard. It has been more of a challenge during the Covid-19 pandemic and we have seen interest decline quite considerably during that period. However, we have seen interest renewed since the pandemic has diminished somewhat and we are seeing a return of that interest in our community managed approach.

Very recently Woodville Library down in South Derbyshire has been taken on very successfully by a group there. They are looking to expand their activities within that library and thus give the potential for increased opening hours as well in the future. More strength to their elbow I say.

They are a good way forward community managed libraries and can see an increase in the hours that libraries are open for and they can also live very much at the heart of the community as well. In the community managed library approach we would put in a package of support such as materials and stock and so on and they would be part of Derbyshire statutory library offer. That package of support makes them more sustainable as well in the longer term giving support to those groups for all the time they wish to keep working with us.

I would say, Councillor Clarke, that councillors have a key role to play in working with those groups to facilitate those relationships and help build the community managed library approach in Derbyshire. They work well in other parts of the country. There is absolutely no reason why they can't work here particularly with that support offer that we have put in place. However, it is a sad fact that some councillors have been ideologically opposed to this approach and have, anecdotally I might add, potentially torpedoed some of these approaches from community groups in their communities which is a great shame.

As I say if councillors can work with the groups that would be great. When they work they are very successful and can add value to our communities and enrich them as well. I do have to say, however, if we don't manage to achieve success in the community managed libraries approach, whether that be in one library or more, then I am afraid we will see diminished hours and we will see diminished stocks. We have departmental savings to achieve of £1.6m and half a million of that saving needs to be achieved from libraries. Thank you."

j) Question from Councillor R George to Councillor K Athwal, Cabinet Member for Highways, Assets & Transport

“In the resurfacing work planned for this summer, will the Council be reviewing the specification of the resurfacing contract last summer that left millions of loose chippings on all affected roads for months on end, creating problems for residents?”

Response:

“In the current year this administration is successfully delivering a highways capital programme of around £40m as part of our commitment to invest £120m over three years. This has resulted in a significant increase in the amount of work undertaken on our highways, including on resurfacing and surface dressing.

Mr Chairman, as you would expect we have undertaken a full lessons’ learnt review of the surface dressing works undertaken this year including with our prime contractor. This has enabled us to take remedial action where necessary at no additional cost to this Authority or the taxpayer and to better plan works for the future. As a result these specifications for surface dressing works have been amended for the next financial year to address a number of issues experienced last year.

Mr Chairman, we look forward to delivering an even bigger highways current programme for the coming year, a total of £58m in the highways capital programme. We are confident that this will provide better quality, more durable and safer highways for residents across Derbyshire and I invite Councillor George to welcome this historic level of investment and join me in complimenting the work of our Highways Team in organising the comprehensive capital works programme. Thank you.”

k) Question from Councillor R George to Councillor K Athwal, Cabinet Member for Highways, Assets & Transport

“When will the Council take action on the large tree roots growing out of the supporting wall for the A5004 above Canal Street in Whaley Bridge?”

Response:

“Thank you to Councillor George for bringing this issue to my attention, actually twice in a matter of only a few days. I am led to understand that these tree roots in this wall have been monitored over the last ten years and no issues have been identified that impact on the safety or integrity of the wall but I would imagine she knew this already.

Periodically the trees have been treated to remove and prevent fresh growth. The last time this was undertaken was less than two years ago. A further inspection will be carried out over the next few weeks and any resulting works to the tree roots will be carried out across the summer months. It is hoped the work required will be minimal as anything substantial would take longer to resolve. Thank you.”

l) Question from Councillor R George to Councillor K Athwal, Cabinet Member for Highways, Assets & Transport

“Will the Council take action to protect the residents of George Street in Whaley Bridge from flooding from the unregistered land above their homes?”

Response:

“The culvert inlet which is located in an area of scrubland, the unregistered land at the end of George Street has been an issue for many years mainly down to being blocked during storm conditions which increases the flood risk to nearby properties.

The Flood Team have attended this site and spoken to residents regarding this issue in the past and we are aware that both residents and the Flood Warden Group do try and keep the culvert stream clear. However, during Storm Eunice in February part of the retaining wall of the culvert stream collapsed which blocked the stream. DCC’s Highways Team did attend the site and removed the blockage at that time.

The DCC Flood Team has committed to investigate what are the potential solutions to reduce the flood risk in this area but until such time as the retaining wall has been repaired it is difficult to try and move forward with any potential solution. Once a full investigation has been carried out by the DCC Flood Team we will be able to update all concerned as to what potential options there are to resolve this flooding issue. Thank you.”

m) Question from Councillor C Dale to Councillor N Hoy, Cabinet Member for Adult Care

“When I used to live in Nottingham my neighbour Brian was the Senior Registrar at the Queens Medical Centre in charge of the fracture unit and he told me he dreaded this time of year because of the number of elderly persons he treated for fractured limbs as a result of climbing ladders during their spring cleaning sessions. He could never understand why they climbed ladders but said it was an annual recurring event.

In view of the rising costs now occurring for those elderly on low incomes do you think it was a wise decision to abandon the practical side of the handy man service. Many elderly people can’t afford the services of a trusted trader to carry

out simple tasks for example removing and replacing curtains or light fittings during spring cleaning. Naturally they will resort to doing the job themselves at the risk of falling off ladders. Have you considered and researched the cost of a preventative handyman service against the costs to the NHS in dealing with treating fractures and its complications caused by falls in the elderly as a consequence of carrying out these tasks themselves?”

Response:

“Supporting Derbyshire residents to live independent fulfilled lives is a priority of the County Council and partners and we are always looking at ways we can do this more effectively.

Since 2016 the Handyman Scheme has run as a partnership between County Council and Derbyshire Fire & Rescue Services, DFRS. As part of this joint working the DFRS supports and maintains the fleet of eight handy vans. We have jointly reviewed the scheme and as the vans are now at the end of their lifespan we would need a lot of investment to replace. Both partners have agreed they can no longer support the scheme in this current form.

The DFRS has found other ways of delivering its home fire safety checks which were part of the scheme and we are also looking at new and better ways to deliver services to ensure we can continue to support those who need our help the most.

Our review has highlighted that across Derbyshire 17% of all work delivered by the scheme has been practical tasks such as changing light bulbs. More than 40% of the work delivered has been safe and well checked with the DFRS and the DFRS will continue to deliver this. Approximately 40% has been the fitting and maintenance of community alarms which we have contracted with a company to deliver. There are other options being considered for the handyman type services, some of which are already delivered by our local CBS partners and information on these will be available shortly. We will always continue to work to support Derbyshire residents.”

Supplementary question:

I understand the service finishes at the end of March. What was the democratic process followed for closing the Handyman Service, I have not seen any public consultation or anything? Can you explain to me please?

Response:

“Because this was a partnership it was unfortunate that we could not go out to consult on this. As we have said this was partnership work with Derbyshire Fire & Rescue Service which unfortunately prevented that.”

n) Question from Councillor Anne Hayes to Councillor N Hoy, Cabinet Member for Adult Care

“I would like to ask the Cabinet Member for Adult Care, whether the NHS Retention Fund payment allowing bonuses to be paid to homecare workers, has yet been issued to care providers in the county? If so, how much of the allocation has been spent, how much went to the private sector and how much went to Derbyshire County Council’s own staff?”

Response:

“The retention payments for homecare workers were paid out at the end of February 2022. The vast majority of staff received these in their March pay.

3,750 independent sector carers were able to benefit from this scheme receiving an amount of between £350 to £500. A total of just over £1.7m was spent on this initiative and Derbyshire County Council has invoiced the Clinical Commissioning Group for this amount.

The first question I asked when receiving these monies was why aren’t we giving these monies to our directly employed staff? I was disappointed to learn that a one-off retention payment is prohibited under the Council’s pay policy statement which outlines that the performance related pay and bonuses, including lease cars, are not part of the number of packages within the Council. The retention payment would constitute a bonus payment and is therefore prohibited and could open Derbyshire County Council to legal challenge across the wider organisation. The majority of County Council employees are employed within the Council’s Derbyshire package terms and conditions and associated policies and a retention scheme policy is not currently part of these terms and conditions. Therefore it has not been possible to make any such payments to our homecare workers.

The Council hugely values the contribution of all its employees and as such Cabinet approved the People Strategy in July 2021. The strategy has five clear People priorities and aims to develop our culture, focusing and ensuring we are clear about what we offer and what we expect for our people through our employee value proposition. This is a complex work and includes a consideration to our total reward package.

We highly value our staff within Adult Care and the wider organisation. As I have mentioned above, work is in action and papers will be brought forward in due course but we also have to protect the Authority from any legal challenge.”

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