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PUBLIC QUESTIONS TO COUNCIL – 22 May 2024

1) Question from David Ingham to Councillor A Dale, Cabinet Member for Education

“Given the response to the question asked by Councillor Dixon regarding senior management positions within the Pay Report at Full Council on 27-03-24, the subsequent Derbyshire Times article regarding paying £565,000 for two consultants for “strategic” help on children, schools and learning has obviously drawn my attention. The companies involved being THJH Limited and Populate Consulting Ltd. Apparently “The costs are within the council budgets”.

I’m unclear how this Council has ended up paying somebody more than their own Head of Paid of Service, indeed more than the majority of any Council Chief Executive within the country and consider that’s right just because it’s within budget – one reliant though on delivered savings and reserve draw down.

Given these procurements, as per Financial Regulations, haven’t been included within the Childrens Services Department Service Plan, precisely why are these contracts operating and furthermore receiving the level of payment, especially Populate?”

Councillor Dale’s response:

“Like many other Councils across the country we use a range of external support to help us to improve our services. Utilising external support allows us to bring in subject matter experts, expand resources to fill capacity gaps as well as bringing in an independent perspective.

During 2022 we contracted two consultancy firms to undertake work to support Children’s Services due to the pressures the department was under, especially around the increasing demand in SEND as well as increasing demand and costs across wider Children’s Services’ functions such as children in care placements. This work was commissioned to specifically look at our High Needs Block within the Dedicated Schools Grant and the wider Children’s Strategy, including the development of early intervention and prevention strategy across the partnership.

This work is also crucial to ensure we have a strong, medium and long-term strategic plan for Children’s Services that allows us to meet the increasing demands and the financial pressures we are facing. By using expert external consultants we can accelerate the work without diverting crucial resources from within the Service.

The funding for this work has been met by a variety of sources from within our existing budget, including holding vacant posts while the strategic direction of

the Department was developed, as well as from grant funding. This additional resource has allowed us to move at pace, especially in areas such as SEND where we have significantly improved the timeliness of education, health and care assessments in the course of the past year and where we continue to seek to drive forward with further improvements.

Finally, in relation to Populate this contract covers a number of areas of work with multiple team members from the organisation working with us rather than a single individual. Therefore any comparison with the pay of any individual member of DCC staff is not valid.”

Supplementary question from Mr Ingham:

“I am also just trying to navigate between executive function and a non-executive function so there will be questions which I will want to ask of officers at Scrutiny, but in terms of to Councillor Dale the question I have as a supplementary I consider to be an executive function. I will obviously let you decide in terms of the Cabinet Member being able to respond to it because I appreciate there are lots of officer things within it, but my question is:

Given the consultant strategy partner or perhaps its lead, not quite sure, for Schools and Learning receiving £100,000 per annum, up to £45,000 more than Strategy leads within Children’s were actually employees, given if the consultant strategy partner for Children’s Services is receiving £276,000 a year was an actual post and appointed to on an employee basis it would have had to have had full Council approval retrospectively. Given how tiny these companies actually are comprising of only three directors and employees between them, given these companies were already providing consultancy services for Children’s Services from at least April 2022 before the contractors highlighted in the *Derbyshire Times* commenced, they have already received at least £80,000 between them, can the Cabinet Member inform me if he was aware that these companies had already been providing consultancy services prior to these new contracts and has he or Cabinet been involved in any contract decisions?”

Councillor Dale’s response:

“In relation to the contracts no, as a Cabinet Member I am not involved in any way in terms of awarding contracts in that respect. I think you were touching on the person’s job role if you like. I understand that person the official title we use is Strategic Lead for Schools and Learning so I am not familiar with the terminology you are using.”

Mr Ingham was requested to write to Councillor Dale with his full question.

2) Question from Rebecca Guy to Councillor C Cupit, Cabinet Member for Highways Assets and Transport

“Re: on-going closure of Chinley Footpath No.1 High Peak - this footpath, previously in constant use, has been closed over 3 years. In view of the following:

1. The "landslip" is very minor and had the landowner not contacted the Council, users would have merely moved in a couple of metres for approximately 15 metres, as is usual when PROW are flooded in wet weather. This would have no material impact on the landowner;
2. The landowner is responsible for the maintenance of riverbanks on his property;
3. For 3 years the Council have been considering a range of costly and intrusive repairs which have each been abandoned due to objections from either the Environment Agency or the landowner; and
4. The Council has a statutory duty to keep open PROW.

when can we expect the Council to enforce a minor re-route, as in its power, and reopen this PROW?

Councillor Cupit's response:

“I appreciate the concern and frustration here. I know this is a beautiful footpath and area of the county so I can completely understand, but I understand the damage to about 20 metres of the embankment on Footpath 1 was related to the release of water around the Toddbrook Dam emergency and because of the quite significant damage, which is what we consider, the footpath does remain temporarily closed for safety reasons.

Having discussed this issue and the concerns and questions and points you have raised with our Rights of Way Team I understand we have been working to try to find a solution to this but unfortunately a couple of previous options we have put forward to carry out repairs, as you have noted in the question, have been refused by the Environment Agency and we need to work with them because of the river proximity and the surrounding wildlife, which hopefully we all agree on. However, we will continue to work with both the landowners and the Environment Agency and I can confirm that all options are currently being considered to reinstate the footpath and, as a final point, and I know you will understand but just for the purposes of the Chamber, it is important for users to keep to registered rights of way which is why this does sadly have to remain closed until we get that alternative solution in place and I would urge everyone to observe that. I know there is access as far as we can from Station Road to the point of the closure which we are trying to maintain.

I can't give a timeframe but I can confirm that it is something we are working on in terms of all options. I have not got your contact details as I don't think you have contacted me previously but if you want to drop me an email or a call I am happy to keep you updated, if that would be helpful.”

Supplementary question from Ms Guy:

“In view of the fact that all my previous enquiries have been ignored by the Council officers and that the duty of candour appears to be absent (I had a Freedom of Information which was completely redacted also) I made an official complaint, I was supposed to receive a reply to this complaint within 28 days. Today is the 28th day. When can I expect a reply?”

Councillor Cupit’s response:

“I don’t deal with complaints but I am sure we can take that away and as I say if you want to email me or we have a note of that I am sure our Legal Team can take that away and provide you with an update with your complaint.”