

ELECTED MEMBER QUESTIONS TO COUNCIL – 15 SEPTEMBER 2021

a) Question from Councillor B Bingham to Councillor K Athwal, Cabinet Member for Highways Assets and Transport

Thank you to the Council for the removal of the lamppost in Works Road, when will the dropped kerb be installed and how many other concrete lampposts remain across the County? Can they be checked if they are compliant for full pavement access for those in wheelchairs and buggies?

Response:

I am pleased to inform you that the work to complete the installation of the dropped kerbstones is scheduled for this week. The Council maintains approximately 12,000 concrete lighting columns, this is about 13% of our street lighting assets, and wherever possible street lighting columns are installed at the rear of the footway in accordance with recommendations in the British Standards. A 1.2 metre clearance from any street furniture is desirable for wheelchair and pushchair users. However, where an existing footpath is less than 1.2 metres then that is not practicable.

We do not have any plans to undertake a comprehensive check of the available footway clearances to street furniture across Derbyshire. However, if there are instances brought to our attention where clearances are an issue then we will investigate these on a case-by-case basis. Thank you.

Supplementary question:

I do need to stress on this one that residents from Barrow Hill, where this dropped kerb needs dropping it is at Hollingwood near the clock tower. What is happening is the actual width of that pavement at that point is 600 millimetres or 24 inches if you want it in old money. The thing is residents from Barrow Hill that is the only access they can get to the Chesterfield Canal along Works Road and also people with buggies, as stated, they are having to step out into a busy carriageway, which is dangerous. That is why I was asking if this dropped kerb could be dropped at that point at the end. It is only one kerbstone or at most one-and-a-half kerbstones and that would allow the buggies to turn left at that point and get on to a standard width pavement a bit further along, but at the moment it is preventing such people from being able to access the Hollingwood Hub. I am sorry but I do think it is a bit unfair that these people with mobility problems cannot access a vital amenity within our location. Thank you.

Response:

The construction of the dropped kerb on Works Road was completed on Friday 24 September 2021 and will be fully compliant for full pavement access for those in wheelchairs and buggies.

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

Of the many miles of footways/pavements in our towns and villages for which DCC is responsible, how do we assess and evaluate which footways take priority, bearing in mind that footfall can be very different, footway widths vary and are not always on both sides of the road, and the majority of the users may be older people and/or school children etc?

Response:

Cllr Burfoot thank you for your question. Derbyshire has over 4,000 kilometres of footways, ranging from busy town centres to rural sites with minimal usage. Our footway and pavement assets are assessed, and action is prioritised in three ways:

1. Preventative: Use of micro-asphalt to seal existing asphalt footways against the ingress of water and oxygen. This prolongs the service life and also gives a uniform appearance. It is a cost-effective treatment with proven service benefits.
2. Reactive: Ad-hoc safety repairs in accordance with the Highway Infrastructure Asset Management Plan.
3. Resurfacing and Reconstruction - Where a site has gone beyond prevention and a more major intervention is required then sites are prioritised for inclusion in the Capital Programme as follows:
 - Highways inspections identify locations for treatment. These are put forward for consideration.
 - A centralised team then assesses each location in comparison with others and compiles an annual capital submission bid.
 - And the sites are prioritised according to:
 - Existing Condition
 - Hierarchy based on usage
 - Type of usage (children or elderly people)
 - Location (outside public buildings, schools, shops, routes to work).

The list is then submitted and approved by the Council through its formal processes, dependant on the level of funding available. Thank you.

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

The controlling Conservative group have declared that they intend to work with residents to tackle road safety issues throughout Derbyshire, recognising the need for speed reduction measures in our towns and villages. In order to be more innovative and forward thinking, is the Cabinet member for Highways willing to ask officers to review the criteria contained within the Speed Management Plan protocol agreed at Cabinet in 2017, which seems to be based, to a large extent upon the number of personal injury collisions, but is at odds with the evidence of the Stockholm Declaration 2020, which recommends 20mph speed limits wherever vulnerable road users and vehicles mix?

Response:

The commitment made by this Administration represents an important opportunity to test and review policy on 20mph zones.

We currently take a multi-disciplinary approach to road safety, working with partners in the Derbyshire and Derby Road Safety Partnership including all our Emergency Services, Health Authorities and Derby City Council. We will therefore be developing the review with them, which will take time to co-ordinate and launch, alongside a range of other highways and road safety priorities.

I have asked the Council's Road Safety team to work up a plan, the delivery of which I hope will commence in 2022. As soon as that plan is prepared and agreed with partners, I will bring this back to the Council Members. Thank you.

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

I am aware, Chair, that there have been lots of questions put to Council today so with your permission I will just ask one question and I would ask for a written response on my other questions. So my question is:

The Cabinet Member for Highways and the Controlling Group have agreed two trial areas in the county for 20 mph zones but we are yet to be informed where these are located. My suggestion has been the stretch of road in Matlock between Willersley Lane through Starkholmes to Matlock Green where speeding traffic and road safety issues have been a longstanding issue for more than 20 years, given the width of the road and bends in places, the pinch

points, the properties which are literally on the road edge and narrow or indeed no footways, so does the Cabinet Member agree that this would be an ideal location for a trial 20 mph zone?

Response:

Councillor Burfoot I am happy to provide you with written answers for questions (b) and (c). For your question (d) this administration is committed to trialling two 20 mph zones as part of the development of green towns. Whilst a number of suggestions have been proposed and discussed, ensuring these are selected and managed properly is critical to an effective trial. We will bring forward shortly a final proposal for location based on clear criterion such as evidence of need and ability to implement. We will also look at the potential to combine this initiative with other programmes, for example the Town Deal and Future High Streets, but importantly any proposal will only be agreed following discussion with the relevant local authorities. As I am sure you are aware already there is a 20 mph speed limit in place along the A615 through the centre of Matlock but I thank yourselves for your additional suggestions and will ensure that these are considered as part of the planning process. Thank you.

Supplementary question:

So I would be interested to know if Councillor Athwal can tell me when we are going to be informed? I realise there has to be a procedure but my question was I would actually like to know - and I realise he is not going to be able to actually do it today - but tell me what criteria is being used to assess which areas have been chosen and why are there only two when it seems to me that there is a huge need in the whole of the county not just two?

Response:

In deciding where to site the trial 20mph zones we will consider the criteria as follows:

- Strategic Fit with the Council's policies and objective (e.g traffic safety requirements, public health and air quality)
- Value for money (e.g. where can this be implemented in a way which provides the most benefit for the expenditure, connection with existing initiatives)
- Deliverability (e.g. willingness of local partners, ability to engineer solutions,).

We will bring forward the proposals this year and look to implement in the next financial year (from April 2022). Two trial sites, when combined with other

evidence, will give us the basis to implement policy more broadly once the trials are evaluated.

e) Question from Councillor P Niblock to Councillor K Athwal, Cabinet Member for Highways Assets and Transport

Chesterfield's arterial roads are blighted with heavy traffic which is now moving onto smaller side roads or "rat runs" to avoid the inevitable town centre congestion. To reduce air and noise pollution and the general nuisance of heavy vehicles will the Council consider piloting an Ultra Low Emission Zone around Chesterfield which can then be evaluated for other towns and communities in Derbyshire.

Response:

The Council works closely with local environmental health authorities such as Chesterfield Borough Council. Where traffic is identified as contributory to identified problems it can also consider the introduction of environmental weight limits or other Traffic Regulation Orders where traffic is using what are deemed to be inappropriate routes. These issues will be under review through the production of a renewed Derbyshire Local Transport Plan but there are no current proposals to introduce area wide measures. Thank you.

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

When were Malson Way, Cross Street and Highfield Lane, all in Chesterfield, last resurfaced, how much did that work cost, and when is any resurfacing for them next scheduled for?

Response:

The Council has not resurfaced Malson Way and Cross Street since 2002. This is the limit of our historical records. Unfortunately we don't have any other information prior to that.

We have no proposals currently for Malson Way based on the evaluation and prioritisation by our asset management system. We do have plans, however, to resurface a substantial section of Cross Street. Although this is currently only in the early stages of design it is hoped this can be carried out next year to tie in with school holidays if possible.

Highfield Lane was surface dressed last month by an external contractor and the original estimates for the scheme were approximately £47,000. Thank you.

Supplementary question:

Malson Way I think has 126 potholes currently on it. Cross Street was half resurfaced last year and that resurfacing which you did has subsequently had 17 potholes redone on that resurfacing which you did, which appears not to be in your report.

As you say Highfield Lane at a cost of £47,000 was done last month leading to 16 of these notices being required on the road and the police issuing a warning notice that it was dangerous for the school children in Highfield Lane. When are you going to do the work properly?

I am holding up a notice by the way, Councillor Athwal. You may not be able to see it. It is your sign saying "Maximum 10 mph skid risk". It might be useful to Councillor Burfoot in Matlock.

Response:

Asset management surveys have identified that Malson Way would benefit from a full surface treatment and the prioritisation process has placed it in the forward programme however when this will be carried out is dependent on the annual capital allocation from central government. Based on assumptions that the settlement will be similar to previous years it is likely that Malson Way may form part of the 2022/23 or 2023/24 capital programmes which are approved at Cabinet annually. In the meantime reactive repairs, such as filling potholes, will continue to be carried out as part of the council's duty to keep the network safe.

Cross Street – Resurfacing is planned for early 2022 which will deal with the areas that have been reactively patched previously.

Highfield Lane was surface dressed in its entirety this summer which should mean no patching nor reactive repairs are required for the foreseeable future.

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

How much has it cost the Council, or been charged, to repair the potholes of Wardgate Way, Holme Hall, and Cross Street, Chesterfield, either by pothole or by task, for the two interventions first in April/May and then again in June/July?

Response:

Councillor Fordham, planned patching was carried out to repair Wardgate Way in July this year at an estimated cost of £21,000. Cross Street received reactive pothole repairs in March this year. This type of work involves gangs potentially attending many jobs over a short period of time and the individual costs are not recorded per street. Funds for pothole repairs are often provided by Central Government, especially for these purposes. Thank you.

Supplementary question:

I will simply start with pointing out that in the first question I asked you said there were no pothole repairs in Cross Street and now he tells me in March there were and they are uncoded, so an interesting cross-over of information there.

The issue, Chair, is that when we reported the 47 potholes 17 were repaired rather bizarrely quite literally next to each other, the skimmed ones done badly and the deep ones ignored. When I subsequently complained, again the entire road of Wardgate Way was covered not with skid risk gritting but with a full and thorough road repair.

I ask you, Councillor Athwal, you may wish to provide this in writing and therefore all members will see it: when are you going to get a grip on the quality of the work being done in your name and our name as a County Council? It is a shambles and a disgrace and if the police are issuing speed notices because of the poor quality of the work you might want to consider your answers a little more carefully.

Response:

The County Council has a £40m annual programme to maintain and improve our highways network. We attempt to deliver a high quality and efficient service through a mix of our directly employed teams and via outsourced contracts. However, managing the 3500 miles of road, 2800 miles of footways and nearly 5000 bridges and footbridges used daily by heavy traffic and subject to seasonal weather is a constant challenge.

We have set out on a programme the 'Future Highways Model' to improve the service we provide, which was approved by Cabinet in March 2021. Over time, this will lead to significantly higher quality and better value for money works.

In the meantime we appreciate the c. 90,000 reports raised by members of the public and Councillors on their behalf which draw attention to defects and improvements required in our highways network. Based on these reports and

our proactive highways inspection, we identify, design and deliver many hundreds of projects each year to address defects and make improvements. These are prioritised on an objective basis and carried out within the resources available.

As Cabinet Member responsible I am committed not only to delivering the current service, but improving on it and to responding in a timely way to Councillors and residents. If Councillors wish to raise issues on behalf of their residents, I would urge them to report via 'Do it now' on the County Council's website as requested via email already. In that way we can manage the process efficiently and concentrate our resources effectively.

In response to the specific issues raised:

Wardgate Way – Asset management surveys have identified that this road would benefit from a full surface treatment and the prioritisation process has placed it in the forward programme. However when this will be carried out is dependent on the annual capital allocation from central government. Based on assumptions that the settlement will be similar to previous years it is likely that Wardgate Way may form part of the 2022/23 or 2023/24 capital programmes which are approved at Cabinet annually. In the meantime reactive repairs, such as filling potholes, will continue to be carried out as part of the council's duty to keep the network safe.

Cross Street - Resurfacing is planned for early 2022 as per question f) above.

h) Question from Councillor K Gillott to Councillor A Dale, Cabinet Member for Education

What plans does the Cabinet Member for Schools have to expand Sharley Park Community Primary School to meet the increased demand for primary school places in Clay Cross caused by the additional house building that is scheduled to take place in that village?

Response:

Thank you, Councillor Gillott for your question. While no formal or final decisions have yet been taken, the site at Sharley Park Primary School is not considered large enough to accommodate expansion and therefore the Council has been forming an alternative strategy to create the places required as a result of the housing growth in the area. Thank you.

Supplementary question:

There are rumours circulating that part of those plans include the new school that is scheduled to be on the Avenue site and in terms of making the numbers

stack up for that school, and the funding that then goes with it, the parents from Clay Cross will have to send their children to that school. Is there any truth in that rumour?

Response:

Thank you, Councillor Gillott. I regret to say that yes, unfortunately there is some truth in that scenario. The reality is that Sharley Park Primary School currently has a site capacity of around 1,500 sq.m which is only just big enough for the two form entry school that it is. We would need close to 23,000 sq.m for expansion to a three form entry school which is what we require from the additional growth, primarily from the Biwaters site to the north of Clay Cross.

You may say that the Infant School site opposite could provide that additional land but that is clearly not desirable for a number of reasons, mainly that it would involve large numbers of children crossing a very busy road in Clay Cross regularly through the day. That would create some significant issues, not least road safety. I note we have quite a few questions on the agenda today around road safety so I hope you would agree that is fairly impractical.

When looking therefore at the alternatives, effectively the option that is being considered at the moment is that Biwaters will have to feed into the new Avenue School. It is not to justify the Avenue School, as he suggests, but the discussions we are having are around whether the Avenue School could be a two form entry.

I do want to address the issue though of what the reason behind all of this is and ultimately the cause of this is that actually when Councillor Gillott's own Labour colleagues were running North East Derbyshire District Council back in 2017 they approved the Avenue site which is close to a 1,000 home development without any provision for a primary school or any funding to contribute towards it. This is absolutely classic of Labour in North East Derbyshire and the way they have operated. They allowed to be approved thousands of homes in the south of the District, thousands upon thousands of homes without any thought to the infrastructure that is required and as usual it is Labour politicians making a mess and unfortunately Conservative politicians having to tidy it up. Thank you.

i) Question from Councillor M Yates to Councillor K Athwal, Cabinet Member for Highways Assets and Transport

In 2017 Derbyshire County Council recognised that large freight vehicles avoiding the low railway bridge at Darfoulds on the A619 were having a severe adverse impact on the residents living in Whitwell, as the vehicles divert through the very narrow roads in the village to avoid the bridge. To address

this issue, as part of the 2017/18 Highways and Transport Capital Programme, DCC allocated £370,000 for the Darfoulds Bridge improvements, including an A619 sign review to reduce journey times for freight vehicles and to remove the negative effects of freight vehicles travelling through local communities.

The residents in Whitwell were delighted and thought the problem would soon be resolved, but 4 years later they still have very large HGV's driving through the village to avoid the low bridge. What is the reason for the delay to the project, and is this capital project still being progressed?

Response:

Thank you, Councillor Yates, for your question. The scheme to lower the road surface under Darfoulds Bridge to increase the height available for high sided vehicles is still in the capital programme. Part of the reason for the delay is that Network Rail, as owners of the bridge, were not convinced that a scheme to lower the road surface would work due to lack of abutment and foundation details the Authority provided initially, but further ground investigation works have recently taken place and more are planned in the next few months to ascertain the foundations. The findings will be assessed and if a scheme to lower the road surface can be achieved then this will be discussed with Network Rail for their approval. If you require any further technical questions, any details, then Mr Simon Tranter would be happy to provide them for you. Thank you.

Supplementary question:

It is good to hear that it is still going ahead and it is Network Rail that is causing the delay. Is there a schedule of planned date for completion? You know is there anything, even if it is estimated?

We have Derbyshire Refugee Solidarity and North Derbyshire Refugee Support Group. They are both volunteer groups who work within our area. They have been supporting Syrian families who live in our area now and they continue to do that.

Derbyshire County Council need to ensure that these volunteer groups are not only properly funded but also consulted when we are faced with the next crisis, which is obviously going to be Afghanistan. We are all too aware of the scenes that have been happening in Afghanistan over the past few weeks with people desperate to get out of that country.

I would like to say that Saddam Hussein in 1979 took power in Iraq. One of my close friends her father was working for the Opposition at the time. He had a phone call that he was on the death list and he had three hours to get out of the country or he would be terminated. My friend said the only thing she

remembered about that night is they just rushed out of the house and she was crying the whole time because she forgot to pick up her favourite doll. That individual lost family and friends who did not heed the warning to get out of the country at that time. She fortunately enough has had a life. She grew up in England and she has not only positively contributed to our society in many ways but she has been a good role model so we do need to do more and as much as we can. Thank you.

Response:

Thank you, Councillor Ramsey. I would just say in response that we do all we can at Derbyshire to aid our young people that are coming through on these schemes and there are some very distressing circumstances and background. I would also say that we are always willing to work with our partner agencies to do the best we can for the children who come into our care.

The timetable for the Darfoulds Bridge improvements is unknown at this stage until we receive an outcome to the investigatory works to establish the depth of the foundations to the bridge. Should this information prove favourable then detailed design work can be carried out to determine whether the estimated budgetary figure produced several years ago is still sufficient to undertake any works necessary to lower the road under the bridge. These detailed design works could not have been undertaken until this vital information is received.

After that a formal design process will be undertaken which needs to be programmed, procured and integrated into future works programmes, assuming the budgets already set aside are still sufficient to undertake the works. It is anticipated any detailed design work would be undertaken during the financial year 2022 / 2023. Thank you.

j) Question from Councillor K Gillott to Councillor K Athwal, Cabinet Member for Highways Assets and Transport

The Cabinet Member recently turned down the request of my constituents in Woolley Moor, Temperance Hill and Handley to introduce a series of measures to reduce speed limits and improve road safety in those communities. How would he suggest that I respond to a resident who said: "The speed on our street is terrible and it's only a matter of time before someone is seriously injured or killed"?

Response:

Councillor Gillott, we as an administration are mindful of public safety on our roads/streets and are looking at different ways of mitigating this.

I am in discussion with the current PCC, Angelique Foster, to consider various options to increase public safety measures and I am hopeful of bringing forward some ideas soon, but as you are a very experienced councillor, and a previous Assistant Police and Crime Commissioner, I don't think I need to tell you how to answer that question but I am sure you will provide an appropriate answer to the concerned resident. Thank you.

Supplementary question:

I haven't spoken to everybody in those communities but I have spoken to one or two who are clearly disappointed by it. Since it is your decision, Councillor Athwal, would you be willing to come out to those communities and meet them in person and tell them personally why you have turned their request down?

Response:

I will consider a request thank you, yes.

k) Question from Councillor C Dale to Councillor K Athwal, Cabinet Member for Highways Assets and Transport

A constituent has approached me recently raising concerns about a County Contractors lorry carrying a load which was not safely secured whilst transporting materials in connection with road resurfacing in Shirebrook. Sadly her husband was killed last year when a lump of concrete fell on his car from a lorry transporting an unsecured load while he was driving. He died at the scene of the accident with his grandchildren present. He was taking them to a fruit picking farm during the summer holidays.

What provision has County in place for monitoring Contractors to ensure that their vehicles and the loads they are carrying comply with all Health and Safety Regulations and are not putting members of the public at risk?

Response:

Thank you, Councillor Dale. I am really sorry to hear of this death that occurred but all drivers of commercial vehicles carrying goods have a legal responsibility to ensure the load is secure to the vehicle. Even when a driver collects a preloaded vehicle they are responsible for making sure the load is secure. It is not down to this Authority to police that in any way. I hope this clarifies the situation. Thank you.

Supplementary question:

What my constituent has noticed is – she has the support of the police – when she has approached the lorry drivers with the insecure loads she has found that a number of them don't know about the safety regulations.

Now my concern is this Authority has vicarious liability to its contractors. In fact there was a recent Ombudsman case a few weeks ago from one of the local authorities and they made it quite clear that when the contractors are negligent in any way then it is the vicarious liability, the Authority can be taken in as a third party when the people are suing for compensation.

What I would like to know is when they are procuring work for contractors, our local authority, are they mindful of questioning and ensuring that the contractors are complying with regulations and that the drivers have full knowledge of the safety aspects because we could insist that they train with the regulations, they are quite short, the Government has plenty of videos, so when they are actually signing up to a contract with County can we find a way of insisting that we are aware that they are safety knowledgeable because obviously vicarious liability for the Authority comes into it? Thank you.

Response:

The Council expects all contractors to adhere to all applicable legislation relevant to their industry in respect of both drivers and vehicles. If operating O Licence vehicles, it is expected that Vehicle Operators have a qualified Transport Manager and that the relevant Transport Manager Declaration requirements are fulfilled. The Council regularly reviews its contracts to ensure they encompass all up to date legislation standards and changes.

The Council can undertake spot checks on contractors to audit and support compliance using our own Fleet Services' Quality Enforcement Officer and/or Workplace Health and Safety inspections.
Thank you.

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

The drain on Yeadsley Lane in Furness Vale overflows in heavy rain, pooling on Charlesworth Road and flooding into neighbouring homes and gardens, flowing down the lane and pooling on the A6 as I have witnessed several times. The local flood team requested work to enlarge the drain 2 years ago, but this has not been done so the flooding still occurs. When will this work be undertaken so that local residents can feel safe from flooding?

Response:

Councillor George, I am pleased to let you know that a scheme has already been designed and we are hoping to start work shortly to sort this issue of flooding. It does involve installing a significant amount of pipework and the construction industry does have severe problems with material supply at present. We are therefore holding back from informing residents and other interested parties of these proposals until we have confirmation that the materials have been delivered and we can then commit to a start date on site. I will ensure that the officers inform yourselves when a start date is about to happen. Thank you.

Supplementary question:

I thank the councillor very much for that response which will be excellent news for my constituents and residents of that street. Could I ask: it sounds as if the road Yeadsley Lane is going to be unusable for some time while that major work is undertaken. What provision is being put in place for an alternative highway route for vehicles up to the 200 or so houses that are currently only served by that lane considering that the public path, Coachman's Lane, was recently refused to be upgraded to highways standard? Thank you.

Response:

Councillor George, as in most significant work when there are road closures or street closures diversions are put in place and I am sure in this case it will be the same again. I am sure officers will inform local residents of the diversionary routes which are being proposed at that time. Thank you.