

ELECTED MEMBER QUESTIONS TO COUNCIL – 30 NOVEMBER 2022

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

“Will the Cabinet Member commit to ensuring that all new bus shelters will be pollinator friendly with living roofs and further commit to ensuring that old bus shelters are replaced with pollinator friendly bus stops when they reach the end of their life cycle?”

Councillor Athwal was unable to attend the Council meeting. Councillor Fordham was emailed this written response:

“Derbyshire County Council owns just 13 of the 1,730 bus shelters provided around the county. The vast majority are owned, managed and maintained by the relevant local authority (District, Borough, and mainly Town or Parish Council). In addition, a small number are the responsibility of commercial providers, usually via agreements with the relevant local council.

There are benefits to “pollinator friendly” roofs in supporting biodiversity. However, they also have drawbacks, such as the loss of a glazed clear roof which can provide a less welcoming space for waiting passengers. We therefore focus our biodiversity efforts on other activity, such as the maintenance of highways verges which are attractive to wildlife and flowers – and provide more beneficial wildlife corridors through our County.”

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

“As winter approaches, what new or additional measures has the Council introduced to minimise the need for short term and repeated repairs on cold weather damage, such as potholes, on the roads of Derbyshire?”

Councillor Athwal was unable to attend the Council meeting. Councillor Fordham was emailed this written response:

“The Council is investing £120m in the Highways Capital Programme over the three-year period 2020-2024. Using our asset management policy, we have undertaken a large programme of resurfacing, surface dressing and micro-asphalting with the aim of extending the lives of our roads and reducing the need for reactive repairs. During the summer, this resulted in the lowest number of outstanding defects on our roads that we have ever recorded.

The Highways Service has recently embarked on a research project that will focus on reactive maintenance. The research project will review existing techniques, materials and the processes that underpin the reactive maintenance function. The project will identify any improvements that can be

made to ensure that our operations is as efficient and effective as possible. This is a key component of the Derbyshire Highways transformation programme.”

3. Question from Councillor E Fordham to Councillor C Renwick, Cabinet Member for Infrastructure and Environment

“How many tonnes of waste has Derbyshire County Council handled over the five years that has gone to landfill and recycling respectively?”

Response:

“Thank you, Councillor Fordham. For the five years from 2017-18 to 2020-21-22, 370,051 tonnes of waste sent to landfill; 922,039 tonnes recycled.”

Supplementary question:

“Thank you, Councillor Renwick, much appreciated. I just wonder whether there is a conversation to be had about the waste that the county picks up and the waste that the Boroughs pick up and whether or not with stronger joint working on some of these topics we could actually increase the percentage going to recycling?”

Living in Chesterfield where the recycling rate for the Borough Council is dismally low this is an interest of some considerable concern so I would be grateful if you would give an undertaking to perhaps have a conversation with the Boroughs specifically with the aim of not only increasing our own ambitions and success but helping drive success in the Borough Councils as well?”

Response:

“Thank you, Councillor Fordham. Actually the recycling rates have pretty much plateaued nationally over the last five years. However, Derbyshire recycling record is at 47% as opposed to 45% nationally. Of course all the waste we have just reported in those figures is actually all from the Districts and Boroughs and recycling also includes all our HWRCs.

I am pleased to say in terms of the latest contracts that we have just been awarded over the summer there are much tougher penalties in terms of these going to landfill. I expect to see a significant change in the amount of landfill and also an increase in our recycling. However, we need to point out at the moment Derbyshire County Council as a Waste Authority is responsible. In terms of the waste hierarchy as you will appreciate the top of the hierarchy is about prevention. We have very limited levers in terms of the prevention argument and actually what I am pleased to see is that the Environment Act is now looking at more extended produced responsibility coming in in 2024 which I think will help significantly for our residents to make better choices about recycling.”

4. Question from Councillor J Woolley to Councillor J Patten, Cabinet Member for Childrens Services and Safeguarding

"Would the cabinet member update me on the recent focussed visit to the council's children's social care services by Ofsted and the outcome of their visit?"

Response:

"Thank you, Councillor Woolley, for your question. Children's Services were subject to a focus visit by Her Majesty's Inspectors on the 21 September this year. The focus of the visit was to inspect the local authority's arrangements for children in need or who were subject to a Child Protection Plan.

The timing was challenging following the summer and annual leave commitments leaving a very short time for colleagues to prepare for the visit and I must pay tribute and give thanks to all those involved who pulled out all the stops but, more than that, had confidence in our practice.

The inspection was a focus visit and therefore did not result in a final grading. However, Ofsted did publish a letter on their findings. Inspectors looked at the local authority's arrangements for children in need or subject to a Child Protection Plan. They found out that children in need or subject to a Protection Plan in Derbyshire now benefit from a stronger and more consistent service response.

Children and their families are well supported by committed social workers and managers who know them well; have sound understanding of their needs and what should happen to improve their lives. They work tirelessly with families alongside partner agencies to ensure that the right support and services are made available for children in their families and network. As a result many families have been empowered to make positive changes and adjustments enabling their children to make good progress.

The report also highlights that social workers and their managers have a strong grip of complex family dynamics and support in place for individual families illustrates the understanding of domestic abuse, substance abuse and neglect, and the impact on children. Social work interventions have for many families produced positive outcomes resulting in greater children's safety and improved family relationships. Risks to children are well understood by social workers and managers.

The strategy meetings which take place beyond Starting Point are well attended by the right professionals for the family. Complexity of need and harm within a Specialist Disabled Team was also highlighted and the holistic family approach taken.

The report also noted strong leadership within Children's Services and effective quality assurance systems ensure that leaders have oversight of practice and that quality is routinely checked. Strong corporate and political support for Children's Services was also identified and a whole Council support for

improving the experiences of vulnerable children. We are expecting a full Ofsted inspection in the new year, Chair, and we feel we are in a very good place moving forward.”

5. Question from Councillor M Foster to Councillor C Renwick, Cabinet Member for Infrastructure and Environment

“Can the Cabinet Member comment on the recent announcement that the moratorium on fracking has been reintroduced by the Prime Minister and what this means for Derbyshire?”

Response:

“Thank you, Councillor Foster. The Government’s position on hydraulic fracturing was confirmed by the Secretary of State for Business, Energy and Industrial Strategy in a written statement which states that the Government will only support shale gas exploration if it can be done in a way that is sustainable and protects local communities.

The Minister of State also refers to the British Geological Survey report which is commissioned by the Government and looks at the scientific advances in hydraulic fracturing since 2019. This report concluded that forecasts of the occurrence of large earthquakes and their expected magnitude remains a challenge with significant uncertainty. In the light of these findings the Government therefore adopted a precautionary approach and presumption against issuing further hydraulic fracturing consent.

Just to add that Derbyshire County Council is jointly preparing a new Minerals Local Plan with Derby City Council for the period to 2038. Preparation of the Plan involves several stages of public engagement and indeed the last public consultation which lasted for eight weeks was between March and April this year, so the Council is currently taking into account all those comments received - the many thousands received - in terms of developing the next iteration of the Plan which will be subject to further consultation before being submitted to the examination by the independent inspector.”

6. Question from Councillor P Smith to Councillor N Hoy, Cabinet Member for Adult Care

“Looking at the long-term future of the Newhall Day Centre and the Blooming Marvels Garden (which are situated in my Division), would the Cabinet Member for Adult Care consider this important community asset becoming a Community Hub if there were sufficient local interest and, can the Cabinet Member also confirm that the Bungalow will remain open for the foreseeable future?”

Response:

“Councillors may be aware that Newhall Day Centre has a main building and a separate garden centre on the site. There is a commitment from Derbyshire

County Council to work with established local community groups who are interested in working with us to create a viable community space. We are focused and exploring all options to create an inclusive and accessible to all Community Garden Centre at Newhall with the commitment of local community groups. I will keep Councillor Smith updated.

As for the Bungalow I am aware of the unwanted fake news which has been circulating regarding the future of the Bungalow and I can confirm the Bungalow short stay and respite Residential Unit will remain open.”

Supplementary question:

“Thank you, Councillor Hoy, for your reply. Can I ask that you please pass on my thanks to everyone for the professional way they dealt with this very sensitive issue and the way they dealt with some of the terrible rumours, specifically the way they have dealt with the fictitious rumours that have been spread by some in what was a very difficult time and caused much upset and stress to those who were using the site and its neighbours.”

Response:

“I will certainly do that and it will be very much welcomed, thank you.”

7. Question from Councillor W Major to Councillor B Lewis, Leader of the Council

“Using a hotel at a motorway junction to house asylum seekers isn't an ideal location, particularly as it's away from key services as well as the groups and charities that would be able to offer support. It is one thing using hotels in cities like Glasgow, Manchester, etc but placing a large number on the edges of small towns has the potential to cause significant issues of community cohesion.

Could the leader highlight the concerns this Council has about the choice of location and how those concerns were communicated to the Home Office?”

Response:

“Thank you, Councillor Major, for your question. We have extremely serious concerns surrounding the location of asylum contingency hotels in the area referenced following the recent addition of a second hotel bringing the total to some 400 people. We fully appreciate the need for local authorities to play their part in supporting people genuinely seeking asylum and, indeed, we are already supporting through our services three existing contingency hotels which have been stood up in the county, but when the Government notified us it was to open a second hotel in Erewash to people seeking asylum we sent a joint letter to the Home Office from the County Council, Erewash Borough Council and local NHS representative for GPs to express our concerns about the disproportionate pressure this would place on public services locally.

As a Council we do not have a say in either numbers of those seeking asylum housed nor where they are accommodated in hotels, a situation that is apparently nationally costing the Government £6m or more every single day and it is a growing bill. The Home Office makes this decision. Nor do we have any say in how long they will be staying. This impacts on our ability to make provision; identify those at risk (such as incorrectly age assessed children) to deal with public health issues and manage community concerns. We have already seen cases of diphtheria locally as a consequence on top of what have already been quite challenging other public health issues.

When those hotels are in locations that are far from appropriate services, as these are, they pose challenges around those at risk of safeguarding such as children being inappropriately placed due to wrong age assessments; those at risk of flight; potential criminal behaviours, or just basic integration into a local area and those local amenities. It should be noted that the unilateral actions of Serco and the Home Office have led to job losses locally as well as impacted on local businesses and tourism. In other parts of the UK these impacts have been even more profound but they are more than profound enough here in Derbyshire.

One of the main issues that has arisen from asylum contingency hotels, amongst others which impact on our service, is a substantial number of children who are clearly unaccompanied asylum seeking children, you ask, with cases referred to us for age assessment and care because they were wrongly identified. The agency social workers being used by the Home Office to provide age assessments have failed to carry out many of these correctly which put children at risk, not to mention the significant pressure on local GP practices at a time when they are at their limits, or beyond.

In Derbyshire we have an excellent track record of welcoming refugees. We are currently supporting 1200 refugees from the Ukraine and we have also helped to resettle those fleeing conflict in Afghanistan and Syria in recent years, and, as long ago as the 1990s we welcomed refugees from war torn Kosovo. However, the current system for asylum contingency hotels is failing. It is both failing those genuinely seeking asylum and it is failing local communities. It is unacceptable that local authorities have no say in where these asylum hotels are located and very often no notice of hotels being used for this purpose. We are given no funding to provide these additional services and this is creating real pressure on already stretched services. It is creating community tensions and community cohesion issues.

We have also raised this issue with our local MPs and are continuing to push for the Home Office to consult with local Councils and health partners who know best the pressure on public services in their areas before decisions, over which we have no control, are taken. More recently we have also seen an indication that people with extreme views may seek to use these challenges for their own ends. All these issues are placing an unacceptable burden on the County Council, the affected District and Borough Councils, on Derbyshire Constabulary and on our local health systems.

Local communities are worried. They are anxious and concerned yet fearful of being labelled as 'racist' by some which has created a void in the sensible debate on such importantly held local issues that has been filled by Right-wing Groups with extreme views raising the temperature locally. It is a salutary lesson on the damage that can be done by those who try to thwart free speech by their warped assessment that only their views should be held freely, expressed or held."

Supplementary question:

"Thank you, Barry. I don't just ask this supplementary on my own behalf but I ask it on behalf of Councillor Hickton as well who, like me, is facing a significant amount of local correspondence about this. We are trying very hard to keep temperatures low and keep focused dealing with a lot of misinformation, but there is a real sense of community frustration both locally and nationally. The problem is that the issue is out of the Council's control and it is the communities who are paying the price, the impact that they experience and their views are being ignored."

Response:

"Thank you, Councillor Major, for your supplementary. My view is the Government needs to get a grip on this issue. It has lost control of it. It hasn't got the answers that our communities need. There is a sense that the Civil Service in Whitehall and the Home Office are thwarting Government. I can't say if that is true or not but ultimately the Government is responsible. They are responsible for national policies that could change this; that could strengthen our border; that could tackle the cross-Channel routes and tackle criminals; illegal traffickers. At the end of the day it is Government's responsibility to steer the Home Office and Whitehall machinery to find workable, better resourced and sensible solutions to working with local authorities on the ground in this crisis, for crisis is what it is. They need to speed up processing claims and get on with making hard decisions about how to deal with this issue and stop pandering to those on the Left of the argument and getting mired in endless and fruitless debates.

Our communities deserve better and so do those in genuine need of asylum so I would make a plea to the Prime Minister, this is on your shoulders now to solve and the grip on this issue needs to be taken from the very top. We will not accept anything less than a deliverable strategy and rapid action. Nebulous targets that are never met is not good enough. This requires action to choke off the criminal gangs and the exploitation of vulnerable people to ensure the safety and processing of real refugees who are already safely on continental European soil, we can then work with our friends in Europe to ensure a fair system of dispersal to do this properly as it should have been done by successive governments.

A further action, one that could immediately be enacted, would be to ban asylum applications from Albania, a country clearly not in conflict and a country that is very much on the path to EU accession. I think it is fair to say that my Group and this administration, and therefore this Council demands urgent action, and I will be writing to the Prime Minister and the Home Office Minister making this clear. Thank you very much indeed.”

8. Question from Councillor N Gourlay to Councillor K Athwal, Cabinet Member for Highways, Assets and Transport

“What progress has been made in repairing the A57 Snake Road in Hope Woodlands after the landslips of February 2022?”

Councillor Athwal was unable to attend the Council meeting. Councillor Gourlay was emailed this written response:

“The first stage when dealing with landslips is to find out why they happened and options available for repair. Following a period of monitoring to assess for any further slippage, we undertook an extensive ground investigation at the Alport landslip site (the most recent failure) in September and October this year. This involved drilling boreholes on the road and slope below. A similar exercise has been carried out for the two landslip sites either side of the Alport failure.

The information gathered from these ground investigations is being analysed and feasibility reports will be produced next year which will outline possible remedial solutions.

Given the combined scale of the three landslip sites, the investigation work is vital to identify what full remedial solutions may be feasible, including likely cost.”

9. Question from Councillor G Kinsella to Councillor K Athwal, Cabinet Member for Highways, Assets and Transport

“The Welsh Government has just agreed to introduce new 20 mph zones. Research from the Transport Research Institute (TRI) at Edinburgh Napier University shows that 20 mph default speed limit in Wales will save £100m in the first year, as deaths and injuries are reduced. This adds to the growing weight of evidence that 20 mph zones:

- Reduce accidents
- Reduce pollution
- Stimulate active travel
- Increase health and well-being

Against this, the Council’s reliance on an aging DfT study and the solitary Padfield trail look increasingly unreliable.

In the past Cllr Athwal response to questions has focused purely on safety issues, but what weighting does he give to the other benefits and when will he agree to the widespread introduction of 20 mph zones where there is strong community support?"

Councillor Athwal was unable to attend the Council meeting. Councillor Kinsella was emailed this written response:

"The Council agrees that lower travelling speeds can often have significant health and well-being benefits. However, in general, reductions in speeds to 20mph are achieved through the use of engineering measures such as traffic calming. These measures are not widely affordable within the limited budgets for highways maintenance and we can only consider these where absolutely necessary for safety reasons.

In line with our Manifesto commitment, we are therefore trialling the use of sign-only 20mph zones as part of our approach to Green Towns to understand if there are ways in which we can reduce speeds in town centres and produce benefits in ways which are not cost prohibitive. This policy will be brought to Cabinet in the new year prior to implementation.

The Council is of course also supportive of the Government's Active Travel Agenda and the need to promote cycling and walking and were successful in securing funding to support this."

10. Question from Councillor J Dixon to Councillor K Athwal, Cabinet Member for Highways, Assets and Transport

"Many people use the Fix My Street app to report pot holes, lights out, blocked drains etc. It is an easy app to use, automatically identifying which council is responsible for the problem, it uses GPS to identify the precise location of the problem and allows people to take photographs and also enables them to follow up the issue. I've used it on many occasions and have promoted to members of the public. However, a resident contacted me recently to say that DCC is no longer accepting reports from third party apps such as Fix My Street. Can you confirm if this is the case and, if so, why?"

Councillor Athwal was unable to attend the Council meeting. Councillor Dixon was emailed this written response:

"I can confirm that the highways service has withdrawn the option to use Fix My Street for the reasons stated below and as circulated in a members update on the 1st November 2022.

At the end of September this year, after careful consideration, we removed the option to use the Fix My Street app to report any fault relating to the highway including a public right of way, pothole, streetlight or pavement defect.

Experience of using the Fix My Street app and feedback from our customers revealed a number of issues, including:

- difficulty pinpointing the precise location and type of fault, delaying action by our teams to carry out repairs due to insufficient information.
- confusion about which organisation was responsible for carrying out the repair causing frustration for our customers as we had to manually redirect fault reports to other organisations including local district councils or National Highways. Our online reporting system only accepts reports that are the responsibility of Derbyshire County Council with links to direct customers to other organisations where it is not our responsibility.
- no option to provide updates to customers about the status of the fault, increasing time spent on emails and telephone calls for our team.
- manually inputting fault reports from Fix My Street to our existing online reporting system, required additional staff time, leading to longer response times for our customers.

Our decision is in line with a number of other local authorities in the local area including Nottinghamshire, Staffordshire, Lancashire, Chester and Cheshire West as well as those further afield like Kent, Cambridgeshire, Devon and Worcestershire due to the issues highlighted. We are working to improve our existing reporting service as part of the Derbyshire Highways transformation programme.”

11. Question from Councillor J Dixon to Councillor K Athwal, Cabinet Member for Highways, Assets and Transport

“There is currently a new housing development on Marlpit Lane in Bolsover. To facilitate the development, this main route into the town has been closed for months, not just for cars but more recently for pedestrians too, for whom there is no safe alternative route. Many residents feel that the time given to the developer to do the necessary works required has been excessive. What pressure has been brought to bear on the developer to ensure works are done in a more timely manner, rather than at a speed that suits them?”

Councillor Athwal was unable to attend the Council meeting. Councillor Dixon was emailed this written response:

“The County Council has worked closely with the developer and agreed that the road would be closed from 14th September to 16th December. During this period, all utilities to the development are being installed, minimising future, intermittent disruption to the highways network. Should the developer miss the agreed deadline, the County Council has the power to issue overrun charges.

The County Council understands that this closure has caused frustrations within the local walking community and ordinarily, provisions would be made to ensure that pedestrian routes are maintained as much as possible - however, the situation along Marlpit Lane is exacerbated by the fact there is no footway beyond Welbeck Gardens.”

12. Question from Councillor P Rose to Councillor J Patten, Cabinet Member for Children’s Service and Safeguarding

“Following recent publication of the Report of the Independent Inquiry into Child Sexual Abuse led by Alexis Jay, what lessons has this Council learned from the Report and, how will policy and actions reflect those lessons learned? Bearing in mind, as the Report states:

‘Within statutory agencies with direct responsibility for child protection there was too little emphasis on the complex and highly skilled work of child protection; decisions about children were not unequivocally based on the paramount interests of the child; multi-agency arrangements still lack focus on child protection; There is still not enough support available to both child and adult victims and survivors; that child sexual abuse is not a problem consigned to the past and, the devastation and harm caused by sexual abuse cannot be overstated – the impact of child sexual abuse, often lifelong, is such that everyone should do all they can to protect children.’”

Response:

“Thank you, Councillor Rose, for your question. Following the independent inquiry and the Government’s response any recommendations are expected to be published within six months, which is likely to be Spring 2023.

We are always looking to ensure that any national lessons that arise from this review are taken seriously and are learnt from in order to strengthen safeguarding for our children. Derbyshire has a robust multi-agency child protection policy and procedures in place which are quality assured and reported on nationally.”

Supplementary question:

“Thank you very much for that answer. This issue is something that does not go away, it is there in the background all the time. I note that there are 20 I think recommendations identified in the report so are you saying you are waiting for the Government to decide which of those are valuable or not? I mean what about the 20 recommendations in the report, have you looked at those?”

Response:

“As I have just said we are waiting for the results of the report. The Derby and Derbyshire Safeguarding Children’s Partnership will be working with local partners and Children’s Services. They will go through all the findings of the report alongside the Government response and we will make changes accordingly in the future.”

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

“What has Derbyshire County Council done to minimise disruption to residents in and around Whaley Bridge caused by repairs to the rail bridge over the A5004 in the town centre and associated road closures?”

Councillor Athwal was unable to attend the Council meeting. Councillor George was emailed this written response:

“Derbyshire County Council has had frequent meetings with Network Rail to try to minimise and mitigate any disruption to residents during these works. We have worked closely with them to develop their traffic management plan, which utilises a mix of traffic signals in the first week, a full closure through to the end of March but allows pedestrians under the bridge in January and March. We have worked with them and the local bus companies to see what can be done to help public transport services that will be disrupted, and how they can facilitate school transport to get children to Chapel High School.

In addition we have an ongoing dialogue with the Town and District Councils and Derbyshire Constabulary to discuss further options for management of the situation to minimise disruption to residents.”

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

“When will work commence to resurface the Shallcross Incline in Whaley Bridge?”

Councillor Athwal was unable to attend the Council meeting. Councillor George was emailed this written response:

“Subject to receiving approval for the final stage in the process to transfer additional funding into the budget for Shallcross Incline, the resurfacing and drainage work is expected to commence around the middle of February 2023.”

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

“When will work commence to repair Footpath 1 in Chinley, Buxworth and Brownside Parish and what is being done to maximise access to the route in the meantime?”

Councillor Athwal was unable to attend the Council meeting. Councillor George was emailed this written response:

“The original intention was to carry out repairs at the end of summer this year however, the nature of the site is such that there are constraints on what we can do and when. These include restricted access for the site, working alongside the river and approval of the scheme proposals by the Environment Agency.

A detailed habitat report was required which has now been carried out and the findings are due to be considered in the next few weeks. Due to bird nesting season and the river being salmonid it is likely works will be restricted to either early spring or late summer. The final design and proposed start date will be finalised in early 2023.

Unfortunately, the riverbank on which the footpath runs has collapsed and/or been undercut in places which means there are no alternatives for access in the meantime. The footpath will need to remain closed in the interest of safety.”

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

“How long on average is it currently taking for Traffic Regulation Order applications to be made and carried out in Derbyshire?”

Councillor Athwal was unable to attend the Council meeting. Councillor George was emailed this written response:

“The Council has recently appointed three additional experts to help accelerate pending Traffic Regulation Orders. The timescales of traffic orders can differ greatly due to their complexity and the number of objections which are received. Some orders may involve independent public inquiries which can take years, whereas others with no or few objections can be completed in less than six months.”

17. Question from Councillor P Rose to Councillor K Athwal, Cabinet Member for Highways, Assets and Transport

“I note the recent decision to prohibit motor and horse drawn vehicles from Crow Lane on the road between Chesterfield and Brimington Common, with the idea of making it a part of the active travel route through Chesterfield to the hospital.

I wonder, has the Cabinet Member for Highways tried cycling up the road? In fact, have any of those involved in making the decision tried either cycling up or down this very, very steep road?”

Councillor Athwal was unable to attend the Council meeting. Councillor Rose was emailed this written response:

“I understand that staff in the Highways Service, including those involved in decision making, have indeed cycled both up and down Crow Lane. This is in addition to assessments undertaken as part of the feasibility study. It is worth noting that Crow Lane will also be available for use by walkers as well as those cycling.

The nearest available route to Crow Lane is the main road alternative of A632 Hady Hill, which is considerably steeper than Crow Lane.”

