

## **Cabinet – 1 October 2019**

### **Questions from Members**

#### **Question 1**

##### **Question from Cllr Nick Ireland**

From May 2017 until April 2019, I was honoured to represent the Linden Lea Division of Dorset County Council. This represented a population of circa 9000.

Since May 2019 I have represented the new Crossways Ward of Dorset Council which has approximately 3800 residents, and in this short time I have received more complaints regarding the service provided by Dorset Waste Partnership than during the entire two preceding years.

The feedback I have received from my fellow LibDem councillors has reinforced the fact that there has been a dramatic reduction in service quality in recent months.

Having communicated with officers regarding the situation at the depot serving my community (Wareham), the problems there stem from a shortage of serviceable vehicles combined with a chronic lack of qualified drivers.

DWP recently advertised for three permanent driver positions. At the closing date (15th September), the only applications received were from two existing people who were already covering for vacancies, one of whom can't cover all the necessary shifts. There were NO new applicants.

It appears that the major reason for this situation is that DWP don't pay enough. They have lost permanent employees to other, more lucrative roles and the agencies who supply DWP have stated that they can't source drivers at the rates payable. In a detailed document to Dorset Council from an agency supplier back in May, no other local employer of the many quoted paid less than DWP, the average starting hourly rate for them was £10.67/hour and DWP currently pay £9.03/hour. In addition, DWP's overtime and Bank Holiday rates are significantly inferior.

Can the Cabinet member responsible please explain what urgent action is being taken to address this issue affecting our residents and provide a committed timescale for resolution?

## Response from the Portfolio Holder for Customer, Community and Regulatory Services

There have been a number of vehicle breakdowns and issues with driver recruitment at the Dorset Waste Partnership's Wareham depot in recent months which have led to service disruptions in some areas of Purbeck.

Wareham depot does not have any workshop facilities and is reliant on available technicians travelling from the Weymouth depot. There are also licence restrictions on the number of vehicles we can operate, so it is not currently possible to keep sufficient spare vehicles to cover breakdowns.

There is also a national shortage of LGV drivers and, while this is having an impact on recruitment across Dorset generally, the Dorset Waste Partnership's operations across the Purbeck area have been affected more significantly than others.

Upon investigation, we have concluded that Dorset Council currently pays the DWP's LGV drivers less than neighbouring authorities and comparable companies.

Therefore, we are reviewing Dorset Council's pay rates for DWP drivers. Officers are working closely with HR colleagues to explore all options on pay and grading, including the option of a market supplement being applied to DWP driver posts.

In the meantime, drivers from other depots will continue to assist on the collection rounds in the Wareham area and we are also conducting in-house training for loaders to become drivers. While taking on temporary staff has been necessary, we should point out that we are not currently exceeding DWP staffing or hire vehicle budgets.

The Dorset Waste Partnership would like to apologise to any Purbeck residents that have recently experienced delays to their bin collection service. Rest assured, we are working hard to resolve the issues as quickly as we can.

## Question 2

### Question from Cllr N Ireland

On the 11th September I was asked to raise with the relevant officers that an obviously abandoned vehicle was on Dorset Council land partially blocking the cycle path between Weymouth and Dorchester; both Dorset Council and Dorset Police had deigned to get involved when approached by the public.

I highlighted the fact that the last vehicle left near there was torched and sent a photograph of the current situation to aid resolution.

Despite this, the responses I received from several officers indicated that no immediate action would be taken and there was no risk.

To no-one's surprise other than apparently Dorset Council, by the end of the weekend a burnt hulk was completely blocking the cycle path, the fire had damaged the path surface and oil and glass abounded.

The wreckage was finally removed, after numerous interventions to get someone to take ownership of the problem, at 4pm Friday 20th September with surface repair to follow at a later date.

I'm sure if the vehicle had been abandoned on the Weymouth relief road, it would have been removed with haste yet it seems cyclists are once again treated as a lower class of citizen, whilst the arson and subsequent cost to the taxpayer could have been completely avoided.

Can the Cabinet member for Highways, Travel & Environment please detail what measures are being implemented to prevent this fiasco happening again?

## Response from the Portfolio Holder Highways, Travel and Environment

Dorset Council's Parking Services Team investigated the status of the vehicle as soon as it was reported to us. However, because it was taxed, insured and had not been reported as stolen, neither the council nor Dorset Police had a legal mandate to remove the vehicle.

Parking Services then contacted the owner, who was making their own arrangements to have the vehicle removed. We also contacted Dorset & Wilshire Fire & Rescue Service, who concluded that the vehicle wasn't a risk and therefore would not get involved.

Unfortunately, the vehicle was burnt out before the owner could retrieve it. Subsequently the remains have been taken away and we have started clearing up the area.

While the local councillor was kept up-to-date with the case, a review of our internal procedures will now take place to make sure that unnecessary delays do not occur in the future.

While we are committed to finding a one-stop solution for customers reporting abandoned vehicles, we are bound by the legal criteria for what is considered an

'abandoned vehicle' and can only take action in specific circumstances which weren't applicable in this instance.

### Question 3

#### Question from Cllr Jon Andrews

Please can you advise me why we are considering adopting the MSANP when at the Northern area planning committee it was quite clearly ignored, even though the referendum result of the people who took part was 90% in favour and maximum weighting should be given to the Neighbourhood plan. This decision was quite clearly based on the advice of both the legal and planning officers and ignored the voice of the local people.

The value of the local neighbourhood plan in my opinion has just been extinguished and I would advise any parish that is considering embarking on one to not waste two or three years constructing a plan as the authority will take no notice or be frightened of the legal cost of an appeal.

#### Response from the Portfolio Holder for Planning

Once a referendum has received a majority vote in favour of a draft neighbourhood plan, the local authority has a statutory duty to adopt the plan within eight weeks. There are some exceptions to this rule. These are where it considers the making of the neighbourhood plan would breach, or be incompatible with, any EU or human rights obligations. In this case, no such circumstances apply.

Consequently, any decisions taken by an area planning committee on planning applications within a draft or adopted neighbourhood plan area can have no bearing upon the Local Authority's statutory duties.

When considering an application in relation to a residential development at Huntley Down, the planning committee was made aware of the status of the neighbourhood plan, both in the officer's report and presentation. Committee members gave this full consideration in a debate that followed. The officer's report stated that:

*'The emerging MSANP is also a material consideration. MSANP, which has allocated land for housing growth, has been through examination and referendum, and full weight can be given to these policies. However, as set out [in the officer's report], it is considered that this proposal, on its merits, does not conflict with the aims and objectives of the MSANP.'*

The advice to members took account of a recent appeal decision for a slightly larger housing proposal on the same site, which the inspector, whilst dismissing the appeal, did not consider conflicted with the neighbourhood plan. This was a matter of principle that was directly relevant to the planning application considered by the Northern Area Planning Committee on 17 September. In his report the inspector noted that:

*'NP policy MSA1 allows for the release of unallocated greenfield sites for open market housing where, as in this instance, there is a shortfall in supply. As noted by the NP Examiner, planning applications for development on land not allocated in the NP need to be considered on their merits and having regard to the broad presumption in favour of sustainable development. The proposal would not harm the character of the local landscape or undermine the NP'.*

The committee debated the proposal objectively and fairly on its merits, having due regard to the neighbourhood plan, and resolved to grant planning permission (subject to a Section 106 Planning Obligation) following a vote. In reaching this decision, significant discussion about the neighbourhood plan took place.

Furthermore, the closeness of the vote indicated the fine balance of consideration in this complex case.