

Time Commenced – 5.00pm
Time Finished – 7.18pm

Executive Scrutiny Board

6 December 2022

Present: Councillor Repton (Chair)
Councillors Care, Carr, Dhindsa, M Holmes, Jennings, Martin,
Prosser, Roulstone, Whitby

In attendance: Pauline Anderson – Director of Learning, Inclusion and Skills
Louise Brown – Housing Development and HRA Team Leader
Ian Fullagar – Head of Strategic Housing
Heather Greenan – Director of Policy, Insight and
Communications
Alex Hough – Head of Democracy
Steven Mason – Democratic Services Officer
Gurmail Nizzer – Director of Integrated CYP Commissioning
Rachel North – Strategic Director of Communities and Place
Simon Riley – Strategic Director of Corporate Resources

47/22 Apologies for Absence

There were none.

48/22 Late Items

- Exempt addendum to the Compliance with Contact and Financial Procedure Rules Report

This was considered as part of 54/22 – Council Cabinet Agenda.

49/22 Declarations of Interest

There were none.

50/22 Minutes of the meeting held on 15 November 2022.

The minutes of the meeting held on 15 November 2022 were agreed as a correct record.

51/22 Forward Plan

The Board considered the contents of the Forward Plan published on 8 November 2022.

No items were added to the future work programme.

Resolved to note the Forward Plan.

52/22 Council Cabinet Responses to Scrutiny Recommendations

The Board considered a report of the Strategic Director of Corporate Resources which allowed the Scrutiny Board to receive responses from Council Cabinet on recommendations made at the previous Board meeting on 15 November 2022.

The Board resolved to note the report.

53/22 Devolution Deal – Draft Proposal for an East Midlands Combined County Authority

The Board considered a report of the Chief Executive on Devolution Deal – Draft Proposal for an East Midlands Combined County Authority.

It was reported that at its meeting on 13 September 2022, Executive Scrutiny Board resolved to agree that a report on the Combined Authority proposals be brought at the earliest opportunity to a future meeting of the Board.

Members noted that on 2 November 2022, Derby City Council agreed to formally consult upon the draft Proposal to create an East Midlands Combined County Authority (EMCCA).

It was reported that the public consultation on the draft EMCCA Proposal was launched on 14 November with the residents and other stakeholders of Derby and the wider EMCCA area, in partnership with Derbyshire County Council, Nottinghamshire County Council and Nottingham City Council and that the consultation would run until 9 January 2023.

The Board received a presentation from the Strategic Director of Communities and Place.

It was reported that the Government was offering devolution arrangements to areas that wanted them to give them more funding and powers to make local decisions on transport, skills training, housing, economic growth and other areas.

Members noted that it would create a new locally-led combined county authority for the area, led by a new regional mayor, including representatives from existing local councils.

It was also reported that as well as a new guaranteed £1.14 billion funding stream over 30 years, devolution also offered £17 million for new homes on brownfield land and £9 million for local low carbon projects and £9 million for housing projects.

It was noted that new powers would include a fully devolved adult skills budget, powers to buy land and houses and powers to create a new integrated transport plan.

It was reported that devolution would mean that we could do a number of things, such as working more effectively towards Carbon Reduction/Net Zero, cleaner air, and build on our region's knowledge and expertise in green technology.

Members noted that as one of the largest combined authorities - about 2.2 million people - we would have a much greater influence at the highest levels to deliver a better quality of life for local people.

It was also reported that rather than being constrained by 'one size fits all' national rules, we could make sure that the best use is made of funding so it would meet the needs of our region and communities.

The Board considered the draft Proposal to create an East Midlands Combined County Authority (EMCCA) for the areas of Derbyshire County, Derby City, Nottinghamshire County and Nottingham City (attached at Appendix 1 of the report).

The Chair asked whether we would get better control over housing to supply the sort of housing that both local people and local councillors wanted in the city. The Chair specifically asked whether we would be able to control the unwanted numbers of HMO's in the city. The Chair also raised the issue of land banking by developers and asked whether we would have extra powers, such as compulsory purchase. The Strategic Director of Communities and Place reported that the proposals would not take away any of the local planning authority powers or the local housing authority powers and that there wouldn't be any new powers to tackle the issues raised but that it would enable us to work much more closely with our partners across the region to raise the profile of some of those issues and lobby more effectively to try and solve some of those problems.

Councillor Whitby stated that the investment fund of £38 million per annum over the next 30 years would be worth less in real terms in the future and asked whether there would be an opportunity to renegotiate at some point. It was reported that there would be opportunities to negotiate a new deal and that there would be a recognition that the Public Sector required additional funding. It was also reported that every future spending review would reappraise requirements.

Councillor Care stated that she also felt sceptical about the funding and that it was something that we should be thinking about. She also felt that this was a closed consultation, in that the question being asked was, "this is what has been negotiated and do you like it or not" rather than people being asking what they would like it to do. The Director of Policy, Insight and Communications reported that the four authorities had commissioned Ipsos MORI to undertake the consultation. And that the Council had worked with Ipsos MORI to shape the consultation and the questionnaire. Members noted

that there was an open comments box where people could feed back any opinions about any aspect of the devolution deal.

Councillor Care made the following comments on the four priority areas:

1. Our homes – Councillor Care stated that we already had a duty to co-operate regarding housing and planning and that what this added to that duty, was not entirely clear and that hopefully we were already working with our neighbours in a way that was meaningful.
2. Our skills – Councillor Care felt that skills were really important for the future but stated that we needed to identify what skills were needed. She felt that strategic work was required and that this needed to be done via a regional improvement plan and not local one.
3. Our transport infrastructure – Councillor Care agreed that there was some regional consolidation work required.
4. Our net zero ambition – Councillor Care felt that there was enormous scope to do a lot more and that the majority of council's had set zero carbon targets that they would not be able to deliver. She stated that we should undertake a regional energy network study and that once that had been completed it would make it clear where there was the potential for power from the rivers or wind turbines. She felt sceptical of new forms of clean energy such as fusion as this had been talked about a number of years ago, and stated that we shouldn't assume that fusion would be available in the near future and that we needed to do other things and soon.

Councillor Care made the following comments about a number of the Principles:

- Principle one - Effective leadership – Councillor Care did not think that the best sort of leadership came through elected mayors. She was also sceptical about appropriate accountability coming from the already very busy leaders and deputy leaders and that others should be put into those positions who had more time than those named people. Councillor Care stated that if sensible geography was to be based on counties, she was not sure what affection/contact already existed between authorities.
- Principle 3 Flexibility – Councillor Care reported that the proposal document stated that the deal would recognise the unique needs and ambitions of the area in its governance and programme but stated that she did not understand what flexibility in relation to that was supposed to mean, other than possibilities for the future.
- Principle five - Inclusivity – Councillor Care felt that there was not enough detail contained within the draft proposal.
- Principle six – Subsidiarity – Councillor Care noted that although some powers would be dissolved, other would be going back to Government.

- Principle seven - Commissioning – Councillor Care stated that she would like to have had more detail as it was not clear what the big benefits would be in additional commissioning powers.
- Principle eight – Choice – Councillor Care felt that there was not enough detail contained within the draft proposal.

Councillor Dhindsa asked whether the consultation results could be analysed. The Director of Policy, Insight and Communications reported that it would certainly be possible to analyse through local authority area and also by sector so that we could find out about certain stakeholders, for example residents, businesses and the voluntary and community sector. It was also reported that the council would look at the analysis being undertaken by Ipsos MORI and that the findings would be part of the report that would go to Council in the spring.

Councillor Martin asked officers how confident they were that this process would actually proceed within the timescales given or whether there could be a deferral or a change of Government direction and the funding available. The Strategic Director of Communities and Place could not comment upon confidence in Government doing this other than to say that at the moment it was committed to devolution.

Councillor Prosser felt that the deal had already been signed off by Government and the council and stated that councillors should have been involved much earlier in the process. He also stated that he did not believe that the £38M was new money as this was money coming from Government and we had nothing to compare it to. He also pointed out that Councillor Poulter had stated that this would not cost the council anything and would not be a financial burden upon the council but stated that he didn't agree with this as on page 29 of the proposal document it explained that the CCA would be funded by the four Constituent Councils. The Strategic Director of Communities and Place reported that this was new money as much as it could possibly be confirmed. Members noted that as part of the deal there was also £1M in place for running the combined authority and that the four leaders of the four authorities were very keen on having a thin combined authority.

Councillor Roulstone stated that the reality was that devolution deals were happening all around us and that we didn't want to be an island in the middle. She also stated that within the devolution deal proposal summary it explained that this was the beginning of the journey and that her understanding was that the funding available would be to pay for this facility. She ended by saying that we needed to take control to make decisions in the East Midlands.

The Chair felt that it was right that concerns be raised about a lack of early consultation and stated that it was also right that Members should raise the various concerns that they had. However, the Chair asked all to consider what would happen if we said no to this proposal. He stated that we needed to negotiate hard to get an improved deal for the people of Derby and that we had to be realistic about what would happen if walked away.

Resolved to agree that a minute extract be prepared for submission as part of the consultation process.

54/22 Council Cabinet Agenda

The Board considered a report of the Strategic Director of Corporate Resources on the Council Cabinet Agenda. Members considered the Council Cabinet agenda in its entirety for the meeting scheduled for Wednesday 7 December 2022.

Key Decisions

Approval of the Council Tax Support Scheme (CTS) for 2023/24

The Board received a report of the Strategic Director of Corporate Resources on Approval of Council Tax Support Scheme (CTS) for 2023/24.

The Executive Scrutiny Board resolved to note the report.

Consultation on the Future Viability of Ashgate Nursery School

The Board received a report of the Strategic Director of People Services on Consultation on the Future Viability of Ashgate Nursery School.

The Executive Scrutiny Board resolved to recommend that Council Cabinet include a table of recent pupil numbers for Central Nursery, in a similar manner to Ashgate, and also add the context that birth-rates have been falling across the city recently, in the consultation document.

Update on Tenancy Strategy

The Board received a report of the Strategic Director of Communities and Place on Update on Tenancy Strategy.

The Executive Scrutiny Board resolved to note the report.

Special Educational Needs and Disability (SEND) 'Living My Best Life', Capital Programme in Derby Phase 1a

The Board received a report of the Strategic Director of People Services on Special Educational Needs and Disability (SEND) 'Living my Best Life', Capital Programme in Derby Phase 1a.

The Executive Scrutiny Board resolved to note the report.

Budget and Policy Framework

Medium Term Financial Strategy Summary

The Board received a report of the Director of Financial Services on Medium Term Financial Strategy Summary.

The Executive Scrutiny Board resolved to recommend to Council Cabinet that it immediately raises the concerns with Government that the projection for our finances, services and jobs in this city, like many throughout the country, are dire and that without immediate help and input we could fail in our responsibility to provide vital services over the next few years.

Treasury Management Mid-Year Report 2022/23

The Board received a report of the Strategic Director of Corporate Resources on Treasury Management Mid-Year Report 2022/23.

The Executive Scrutiny Board resolved to note the report.

Contract and Financial Procedure Matters

Compliance with Contract and Financial Procedure Rules

The Board received a report of the Director of Financial Services on Compliance with Contract and Financial Procedure Rules.

Members noted that the report sought Council Cabinet approval for the following:

- To approve capital programme changes in support of the Council's Children's Residential Accommodation strategy for Looked after Children.

The Executive Scrutiny Board resolved to note the report.

Exclusion of Press and Public

A resolution to exclude the press and public was put to the vote and carried.

The Board resolved that under Section 100(A) of the Local Government Act 1972, the press and public be excluded from the meeting during discussion of the following item on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Key Decisions

The Assignment of Approved Grant to Another Provider

The Board received a report of the Strategic Director of Communities and Place on The Assignment of Approved Grant to Another Provider.

The Executive Scrutiny Board resolved to note the report.

Contract and Financial Procedure Matters

Compliance with Contract and Financial Procedure Rules

The Board received exempt detail in the report of the Director of Financial Services on Compliance with Contract and Financial Procedure Rules.

Members noted that the report sought Council Cabinet approval for the following:

- Acceptance of funding
- Provision of funding to support business with relocation and
- Agree the Council's contribution to facilitate funding for relocation expenses.

The Executive Scrutiny Board resolved to note the report.

MINUTES END