

Time began: 6:00pm  
Time ended: 7:10pm

## **COUNCIL CABINET**

### **24 October 2018**

Present                      Councillor Poulter (Chair)  
                                    Councillors Grimadell, M Holmes, Roulstone, Webb and Williams

In attendance              Councillors Care, Eldret, Graves, Rawson and Skelton  
                                    Carole Mills – Chief Executive  
                                    Don McLure – Strategic Director of Corporate Resources  
                                    Christine Durrant – Strategic Director of Communities and Place  
                                    Andy Smith – Strategic Director of People  
                                    Glen O'Connell – Interim Monitoring Officer  
                                    Gurmail Nizzer – Acting Director of Commissioning  
                                    Nigel Brien – Network Management Group Manager  
                                    Frederico Almeida – Youth Mayor

This record of decisions was published on 26 October 2018. The key decisions set out in this record will come into force and may be implemented on the expiry of five clear days unless a key decision is called in.

### **99/18        Apologies**

Apologies for absence were received from Councillors Barker and Smale.

### **100/18      Late Items**

There were none.

### **101/18      Identification of Urgent Items to which Call In will not apply**

The following item had to be implemented by 25 October 2018 and therefore been exempted from call-in on the grounds of urgency.

#### **Item 6 – Air Quality Reducing Roadside Nitrogen Dioxide**

The Chair of the Executive Scrutiny Board had agreed the matter could be treated as an urgent item and therefore not subject to call-in.

### **102/18      Declarations of Interest**

There were no Declarations of Interest.

## Matters Referred

### 103/18 Recommendations from the Executive Scrutiny Board

The Council Cabinet considered a report on Recommendations from the Executive Scrutiny Board. The Executive Scrutiny Board met and discussed items contained within the Council Cabinet Agenda. The report enabled the views and recommendations resulting from these discussions to be formally shared with Council Cabinet. These were submitted to Council Cabinet as Appendix 2, prior to commencement of the meeting.

#### **Decision**

To receive the report and consider the recommendations alongside the relevant report.

### 104/18 Call-in of Key Decision

The Council Cabinet considered the outcome of a call-in of a key decision 'Improving Special Educational Needs and Disability (SEND) Provision in Derby'.

The Executive Scrutiny Board upheld the call-in of Council Cabinet decision 94/18 on the following grounds:

- That respect for human rights had not been demonstrated
- That a record of options considered and giving reasons for that decision were not provided
- That relevant issues were not taken into consideration.

The Executive Scrutiny Board referred Council Cabinet decision 94/18 back to Council Cabinet for reconsideration at the earliest opportunity.

#### **Decision**

To defer a decision on this item until the next meeting to allow further consideration to be given to the issues raised.

## Key Decisions

### 105/18 Air Quality Reducing Roadside Nitrogen Dioxide

The Council Cabinet considered a report which stated that in 2015 Derby was identified by DEFRA, along with four other cities, as needing to take early action to improve roadside nitrogen dioxide (NO<sub>2</sub>). Initially, the Government direction required local authorities to implement chargeable access restrictions by 2020.

In July 2017 the Government launched a revised National Air Quality Plan for NO<sub>2</sub> emissions. This plan set out that Local Authorities should develop local measures to

achieve compliance. The locally developed scheme had to be submitted to the Secretary of State for approval. If approval was given, then the Council would be legally obliged to implement the scheme.

A Ministerial Directive was issued on 19 December 2017, requiring the Council's Full Business Case to be submitted to the Secretary of State before 15 September 2018. The Minister sent the Council a letter on 10 September 2018, requesting that the Full Business Case be submitted by 30 November 2018. In response to this letter, and in advance of the 15 September 2018 deadline (set in December 2017), the Council submitted a progress update to the Minister and provided a letter which explained the specific issues of meeting the extremely challenging date and that the Council was accelerating the work with the aim of delivering a Full Business Case as soon as possible.

The process of building Derby's local measures had included developing scheme options for submission to the Secretary of State which gave rise to three options. These were set out in a public consultation which closed on 24 September 2018.

The report sought approval for a preferred option, which was to implement traffic management measures, focused on reducing roadside NO<sub>2</sub> on Stafford Street. This addressed the specific exceedance without any charges for road users. The report also sought approval for the submission of a bid to the Clean Air Fund (CAF) for ambitious projects, aimed at delivering a wider benefit on NO<sub>2</sub> reduction. Subject to approval of the preferred option, the report also sought approval to carry out a further consultation on the detailed measures that would be required.

The report also set out recommendations in relation to delegated approvals to ensure that the Full Business Case could be submitted to the Secretary of State at the earliest opportunity.

The Executive Scrutiny Board

The Executive Scrutiny Board recommended to Council Cabinet:

- That measures to encourage women to cycle safely were included as part of the bid to the Clean Air Fund.
- That local councillors are consulted on both citywide and ward based measures to improve air quality, as part of wider public consultation prior to submission of the Clean Air Fund bid.
- That a sub-group of the Green Forum was formed to consider air quality, to include cross-party and officer representation.
- That the number, scale and scope of air quality management areas is expanded as part of the bid to the Clean Air Fund.

## **Options considered**

1. A range of options had been considered and modelled as part of the minimum modelling process set out by DEFRA. Appendix 2 was a table showing the process of option development.
2. The testing process led to the development of the three options for public consultation which were identified and described in this report.
3. The initial feasibility work examined options for removing NO<sub>2</sub> emissions by radical interventions, such as total closure of specific roads. Such measures had been considered by other Local Authorities and DEFRA had asked us to list these and show consideration. These may be effective but were not considered to be practical or deliverable solutions for Derby.

## **Decision**

1. To note the consultation outcomes detailed in paragraphs 4.3 to 4.9 of the report.
2. To approve Option 1 – traffic management measures focussed on Stafford Street to address the specific exceedance without any charges for road users - as the preferred option for further development in accordance with the minimum modelling requirements which would provide further detailed analysis and, subject to the results of this work, to form the basis of the submission of a Full Business Case to meet the legal duty in relation to the NO<sub>2</sub> reduction.
3. To approve further consultation on the preferred option and the use of the result as part of development of the business cases required by Government.
4. To authorise the further development of an equality impact assessment, expanding on the assessment attached to the report, and for its outcome to be taken into account as part of development of the Full Business Case.
5. To delegate approval to the Strategic Director for Communities and Place following consultation with the Cabinet Member for Regeneration and Public Protection and the Strategic Director of Corporate Resources, having taken account of the outcomes of recommendations 2.3 and 2.4, to submit appropriate and required documentation including the bid for funding to deliver the preferred option, at the earliest possible date, and if the funding bid is successful, to accept the funding on behalf of the Council.
6. To delegate approval to the Strategic Director for Communities and Place following consultation with the Cabinet Member for Regeneration and Public Protection and the Strategic Director of Corporate Resources, to submit a Clean Air Fund bid and if this bid is successful to accept the funding on behalf of the Council.
7. To note the following recommendations form Executive Scrutiny Board

- That measures to encourage women to cycle safely were included as part of the bid to the Clean Air Fund.
- That local councillors be consulted on both citywide and ward based measures to improve air quality, as part of wider public consultation prior to submission of the Clean Air Fund bid.
- That a sub-group of the Green Forum be formed to consider air quality, to include cross-party and officer representation.

8. To reject the following recommendation from the Executive Scrutiny Board

- That the number, scale and scope of air quality management areas be expanded as part of the bid to the Clean Air Fund.

### **Reasons**

1. The recommendations would allow the Council to progress work on the refinement of the preferred option and accelerate progress towards presenting a Full Business Case, securing funding and the delivery of NO2 reductions in the quickest possible time.
2. Recommendation 2.6 would allow the Council to develop a Clean Air Fund bid alongside the Full Business Case, to seek funding for additional measures to mitigate the impact of NO2 across more of the city.

## **Budget and Policy Framework**

### **106/18 Medium Term Financial Plan 2019/20 – 2022/23 - Update**

The Council Cabinet considered a report which stated that the financial outlook for the Council continued to be extremely challenging with Government austerity measures confirmed as continuing into the medium term. At this stage there was no certainty as to what would happen to local government funding over the next few years following the Government's commitment to a Fair Funding Review within the next Spending Review scheduled for 2019. It was important that the Council robustly planned ahead in this medium term to ensure ongoing financial sustainability.

Since public sector austerity began in 2010, local government had borne the brunt of disproportionate Government funding cuts compared to other Government Departments. "Local Government has sustained disproportionately large reductions in central government funding over this decade, in comparison to the rest of the public sector. Between 2010 and 2020, councils will have lost 60p out of every £1 the Government had provided for services." (Source: Lord Porter - Chairman of the Local Government Association (LGA)).

The report provided an update on the progress made on the delivery of the 2019/20 – 2022/23 Medium Term Financial Plan (MTFP), since Council Cabinet agreed the

medium term financial strategy report at the 18 July 2018 Council Cabinet, where the forecast total savings gap to find at that time was £22.843m over the four year period. Resource projections for the next four years continued to be updated as our financial position becomes clearer and further evolving pressures were challenged and draft savings plans were worked up and incorporated into our MTFP.

In ongoing challenging times for the Council specifically and local government generally as we approached our tenth year of austerity, delivery of a balanced budget year on year was becoming more and more difficult whilst trying our best to provide sustainable quality services and the innovation required to be a modern Council.

Our updated estimated funding gap included in the report over the next four years was currently £9.570m after incorporating updated pressures and draft savings proposals. Work was ongoing within the Directorates to outline further savings and income generating options that would be considered in the coming weeks with further reports to Council Cabinet in due course.

The report outlined how we faced significant ongoing pressures in our Social Care Services. These financial pressures were being felt by all unitary, metropolitan and county councils and were considered to be unsustainable without a permanent recognition by Government that significantly more funding needed to be aligned to offset these increasing pressures.

The report also set out proposed savings plans to date which if agreed and delivered would have an impact on jobs with an estimated reduction in posts by 128.1 full time equivalent posts. The word “proposed” here (and throughout the report) was not meant as used in the Trades Union and Labour Relations Consolidation Act (TULRCA). This was the relevant legislation giving rise to the collective consultation obligation. No reductions would be “proposed” for consultation purposes before Council Cabinet makes its decision.

The Executive Scrutiny Board noted the report and recommended that Council Cabinet explore the viability of employing foster carers as in house staff.

## **Decision**

1. To approve the early progression of savings of an operational nature within the Corporate Resources Directorate which did not require consultation outlined in section 7.4 and Appendix 4a of the report.
2. To approve the early start of appropriate consultation processes to deliver the staff car parking saving as detailed in 7.4 and Appendix 4a of the report.
3. To agree in principle, subject to the outcomes of recommendations 2.4 and 2.5, the proposed savings for the People’s Directorate as detailed in Appendix 4b of the report.
4. To approve the start of appropriate consultation processes, including collective consultation, to deliver these savings and the preparation of an equality impact assessment of the impact of a decision to deliver some or all of these savings.

5. To note current list of savings options outlined in Appendix 4 of the report which would have an impact on jobs with an estimated reduction in posts by 128.1 full time equivalent posts.
6. To note the current estimated service pressures outlined in Appendix 5 of the report.
7. To note the current estimated financial position with a revenue funding gap of £5.474m in 2019/20 and £9.570m across the four year period to 2022/23 as summarised in section 7, with detail in Appendix 3 of the report.
8. To note some of the priorities which require consideration to reduce the gap as outlined in section 10 of the report.
9. To agree the updated timetable for the development of our Budget for 2019/20 and our Medium Term Financial Plan for 2019/20 – 2022/23 including consultation periods set out in section 11 and Appendix 2 of the report.
10. To reject the recommendation from Executive Scrutiny Board to explore the viability of employing foster carers as in house staff.

**MINUTES END**