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7 January 2015

To: All Councillors

As a Member of the **Council**, please treat this as your summons to attend the meeting on **Thursday 15 January 2015 at 6.00pm in the Council Chamber, Town Hall, Matlock.**

Yours sincerely

A handwritten signature in black ink, appearing to read 'Sandra Lamb', with a stylized flourish at the end.

Sandra Lamb  
Head of Corporate Services

## **AGENDA**

### **1. APOLOGIES**

Please advise Democratic Services on 01629 761133 or e-mail [committee@derbyshiredales.gov.uk](mailto:committee@derbyshiredales.gov.uk) of any apologies for absence.

### **2. PUBLIC PARTICIPATION**

To give members of the public who have given notice an opportunity to ask questions, present petitions or air their views.

### **3. APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING**

20 November 2014.

### **4. INTERESTS**

Members are required to declare the existence and nature of any interests they may have in subsequent agenda items in accordance with the District Council's Code of Conduct. Those interests are matters that relate to money or that which can be valued in money, affecting the Member her/his partner, extended family and close friends. Interests that become apparent at a later stage in the proceedings may be declared at that time.

### **5. CHAIRMAN'S ANNOUNCEMENTS**

Announcements of the Chairman of the District of Derbyshire Dales.

## 6. COMMITTEES

To receive the non-exempt minutes of the Committees shown below:

<b>Committee</b>	<b>Date</b>
<b>Non Exempt Minutes to be Received</b>	
Council Meeting	20 November 2014
Southern Area Planning Committee	11 November 2014
Central & Northern Area Planning Committee	2 December 2014
Corporate Committee	11 December 2014
Environment Committee	18 December 2014

## MINUTE BOOK PUBLISHED SEPARATELY

## 7. QUESTIONS (RULE OF PROCEDURE 15)

Questions, if any, from Members who have given notice.

## Page Nos.

## 8. LOCAL COUNCIL TAX SUPPORT FOR 2015/16

4 - 7

To consider adoption of the local Council Tax Reduction Scheme for the financial year 2015/16, including the proposed changes.

## 9. PROVISIONAL LOCAL GOVERNMENT FINANCE SETTLEMENT FOR 2015/16

8 - 12

To consider the provisional Local Government Finance Settlement for 2015/16 and its implications for the Council's finances.

## 10. PROPOSED DERBY AND DERBYSHIRE COMBINED AUTHORITY: CONSULTATION

13 - 25

To consider the District Council's response to consultation on the proposed Derby and Derbyshire Combined Authority.

## 11. SEALING OF DOCUMENTS

To authorise that the Common Seal of the Council be affixed to those documents, if any, required to complete transactions undertaken by Committees or by way of delegated authority to others, since the last meeting of the Council.

## 12. EXCLUSION OF PUBLIC AND PRESS

At this point the Committee will consider excluding the public and press from the meeting for the remaining items of business for the reasons shown in italics. The Chairman will adjourn the meeting briefly to enable members of the public to speak to Councillors.

### **13 EXEMPT MINUTES TO BE RECEIVED**

Environment Committee – Minute No. 221/14 – 18 December 2014.

#### **NOTE**

For further information about this Agenda or on “Public Participation” call 01629 761133 or e-mail [committee@derbyshiredales.gov.uk](mailto:committee@derbyshiredales.gov.uk)

COUNCIL  
15th JANUARY 2015

Report of the Head of Resources

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## **LOCAL COUNCIL TAX SUPPORT FOR 2015/16**

### **SUMMARY**

This report informs members of the proposed changes to, and seeks approval to adopt, the local Council Tax Reduction Scheme for the financial year 2015/16.

### **RECOMMENDATION**

1. That under section 13A (1)(a) of the Local Government Finance Act 1992, the Council approves and adopts the scheme detailed in this report as the local Council Tax Reduction Scheme for 2015/16.
2. That a maximum total amount of £15,000 be set provisionally for all hardship relief applications under Schedule 11 of the scheme for 2015/16 (to be reviewed by a further report to Council during the year if it appears that this amount may be insufficient).

### **WARDS AFFECTED**

All Wards.

### **STRATEGIC LINK**

The adoption of a local Council Tax Reduction Scheme is a statutory requirement and there is no link to the Council's priorities.

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## **1 BACKGROUND**

- 1.1 The government abolished Council Tax Benefit from April 2013 and replaced it with Local Council Tax Reduction Schemes, to be determined by each Council.
- 1.2 The scheme approved and adopted for 2013/14 (and also for 2014/15) was based on the government's default scheme as set down in The Council Tax Reduction Schemes (Default Scheme) (England) Regulations 2012 (S.I. 2012 No 2886, as amended) which replicated the provisions for Council Tax Benefit but subject to the following amendments:
  - (a) The amount of any reduction for working age claimants is reduced by 8.5%.
  - (b) The period for extended payments is increased from four to eight weeks to assist claimants who moved back into work.
  - (c) The full amount of income from war widow pensions etc. is disregarded in the calculation of income (instead of standard £10 disregard).

(d) Provision is made for additional awards in cases of hardship up to a total maximum amount of £15,000.

1.3 It should be noted that the local scheme adopted from 1<sup>st</sup> April 2013 has been well received and unlike similar schemes elsewhere has neither been subject to Judicial Review or criticism from the Valuation Tribunal Service (who hear appeals on council tax support calculations).

1.4 The Council has previously consulted widely on this scheme that protected working age claimants from significant reductions with the remaining savings achieved from other changes to Council Tax discounts on empty properties and second homes.

## **2 REPORT**

2.1 The local Council Tax Reduction Scheme must be reviewed annually and any changes made approved no later than 31<sup>st</sup> January in the financial year preceding that for which the changes are to have effect. No technical changes are proposed to the scheme to be adopted for 2015/16 and so no new consultation with the public or with precepting authorities has been necessary.

2.2 The government makes annual changes to the prescribed elements of the scheme for pensioners (in The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) (No. 2) Regulations 2014 (S.I. 2014 No 3312)) by uprating the allowances, premiums and non-dependent deductions used in the calculation of a reduction.

2.3 Any changes to the allowances, premiums and non-dependant deductions for working age claimants remain at the discretion of the local authority and these are updated every year in advance of next year's scheme by reference to an annual uprating circular issued by the Department for Work & Pensions for housing benefit purposes.

2.4 The amounts in that circular are replicated in the 'Prescribed Requirements' regulations for pensioners. The circular also contains the working age upratings to be used for housing benefit calculations.

2.5 If the working age allowances etc. are not uprated in the same way as for pensioners and all housing benefit claimants, then this will have a further detrimental effect on the council tax support for working age people as well as creating possible confusion for both claimants and staff as there would be different amounts used in the calculation of housing benefit and council tax support.

2.6 It is proposed, therefore, in the interests of clarity and equity that all allowances, premiums and non-dependant deductions and any other associated amounts in the scheme be uprated for both pensioner and working age claimants in line with the 'Prescribed Requirements' regulations and the DWP circular A18/2014 (Housing Benefit: Uprating 2015/16). No other changes to the local scheme for 2014/15 are proposed.

2.7 The amount £15,000 previously fixed for hardship applications is being used in appropriate cases and it appears that the amount will be sufficient and is currently on track to be used in full. It is therefore proposed that the same amount be set for hardship applications in 2015/16 with the provision that a further report be taken to Council if it appears during the year that this amount may not be sufficient.

- 2.8 Due to its size (in excess of 140 pages), the complete proposed local Council Tax Reduction Scheme for 2015/16 is included as a background paper to this report and is available to Members on request. The final adopted scheme for 2015/16 will be published in full on the Council's website by 31st March 2015.

### **3 RISK ASSESSMENT**

#### **Legal**

The adoption of the Council Tax Reduction Scheme accords with the statutory provisions. The legal risk in that regard is low.

All decisions taken by the Council, all services provided or enabled by the Council and all personnel functions of the Council are required to take account of the Equality Duty. Failure to comply with the Equality Duty would render the Council open to legal challenge. As there are no significant changes to the scheme proposed for 2014/15, a full consultation exercise was not deemed necessary although the major precepting authorities have been consulted.

#### **Financial**

The expenditure on Council Tax Support has remained at a fairly constant level through the year with no increase in caseload. The amount of hardship relief set for 2014/15, £15,000, also appears to be sufficient and is estimated that it will be used in full by March 2015. Although the expenditure on Council Tax Support has not increased, it is felt prudent to include an amount for possible increases in claims in the Council taxbase for 2015/16.

The amount of income estimated that would be generated from the previous technical changes to Council Tax discounts empty properties and second homes (which was to be used to minimise the reduction in support for working age claimants) has proved to be accurate.

Since it is proposed that the cost of LCTS is offset by the changes to Council Tax Discounts, a "break-even" position is still envisaged, and the financial risk at this stage is assessed as "low".

However, should there be a future significant increase in claims for LCTS, over and above that already provided for, there will be no increase in Government grant to cover this, and the financial risk may increase.

### **4 OTHER CONSIDERATIONS**

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

### **5 CONTACT INFORMATION**

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Paul Radcliffe, Benefits Manager  
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## **6 BACKGROUND PAPERS**

Council Tax Reduction Scheme 2015/16

The Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations (S.I. 2012 No. 2885 as amended by S.I. 2012 No 3085, S.I. 2013 No 3181 and S. I. 2014 No. 3312)

The Council Tax Reduction Schemes (Default Scheme) (England) Regulations 2012 (S.I. 2012 No. 2886 as amended by S.I. 2012 No 3085)

DWP HB A18/2014 'Housing Benefit: Uprating 2015/16'

## **7 ATTACHMENTS**

None.

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**COUNCIL**

15th January 2015

Report of the Head of Resources

**PROVISIONAL LOCAL GOVERNMENT FINANCE SETTLEMENT 2015/16**

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**SUMMARY**

This report informs Members of the provisional Local Government Finance Settlement for 2015/16, together with its implications for the Council's finances.

**RECOMMENDATION**

1. That the provisional Local Government Finance Settlement for 2015/16 be noted.
2. That the response to the Consultation Paper, as given in Appendix 1, be noted.

**WARDS AFFECTED**

All Wards

**STRATEGIC LINK**

The Local Government Finance Settlement has serious implications for the Council's finances, and therefore potentially has a negative impact on the Council's ability to deliver its Corporate Aims and Objectives.

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**1 BACKGROUND**

- 1.1 The provisional Local Government Finance Settlement for 2015/16 was reported to Parliament on 18<sup>th</sup> December 2014.
- 1.2 The provisional settlement was accompanied by a consultation paper on the general nature of the basis of distribution of Revenue Support Grant and the basis of calculation of "tariff" and "top-up" payments, with a deadline of 15<sup>th</sup> January 2015. In view of the short timetable, a response will be submitted in consultation with the Leader and Deputy Leader of the Council. A copy of the response will be circulated at the Council meeting.
- 1.3 This report outlines the details of the national settlement, together with the local settlement for the District Council.

**2 REPORT**

- 2.1 The key points of the provisional settlement are:
  - The reduction in Settlement Funding Assessment for Derbyshire Dales District Council is 13.78% in 2015/16; this is broadly in line with indicative figures announced in February 2014.
  - However, the Government's headlines focus on comparative figures concerning a local authority's "revenue spending power". The spending power for this Council has reduced by 3.1% for 2015/16. The minister for Local Government has announced that local authorities will face an average reduction in spending power of 1.8% in 2015/16, with no

local authority experiencing a decrease of more than 6.4%.

- The Government continues to recognise the challenges faced by rural communities by making more money available in Rural Services Delivery Funding Grant for the most sparsely populated rural areas. Derbyshire Dales District Council's grant is set to increase by £20,000 (35%) to £77,000 for 2015/16.
- Funding for homelessness has received protection.
- The Council is due to receive an additional £171,000 in New Homes Bonus in 2015/16. Under the current government's policy, this should continue for five years thereafter, though this may not be the case if there is a change in government.
- For the fifth year in a row, the Government is protecting council tax payers from increases in their bills, providing Council tax freeze grant. The grant for 2015/16 is intended to be built into the baseline for subsequent settlements, providing councils with maximum certainty about future funding.
- Limits on Council Tax increases, above which a referendum becomes necessary, remain at 2%.
- The provisional figures are expected to be confirmed in late January or early February 2015 within the final settlement announcement.
- The government has accepted the application for a Business Rates Pool for Derbyshire Councils, subject to confirmation from all councils by 14 January 2015. If this goes ahead, it should result in additional business rates income for 2015/16.
- Confirmation that the Government will pay for the business rates changes announced in the Autumn Statement, including:
  - The doubling of small business rate relief will continue for another year.
  - The 2.3% RPI increase for 2015-16 will be capped at 2%.
  - The temporary £1,000 discount for all retail, pubs and cafes with a rateable value below £50,000 will be increased to £1,500 for 2015/16.
  - An extension of the existing transitional relief scheme for two years for those properties with a rateable value up to and including £50,000.
  - Appeals can only be backdated to the period from 1 April 2010 to 1 April 2015 for ratepayers' appeals made before 1 April 2015.

### 3 THE DISTRICT COUNCIL'S SETTLEMENT

3.1 The Council's funding entitlement following the provisional Settlement is summarised as follows, including a comparison with 2014/15:-

	2014/15	2015/16 (Feb. 2014)	2015/16 (Dec. 2014)
	£000s	£000s	£000s
Revenue Support Grant	1,525	1,010	1,018
Retained Business Rates	1,377	1,415	1,403
Homelessness Prevention	139	139	138
Rural Services Delivery Grant	57	47	77
2011-12 Council Tax Freeze Grant	141	141	141
2013-14 Council Tax Freeze Grant	57	57	57
2014-15 Council Tax Freeze Grant	57	57	57
<b>Total Settlement Funding Assessment</b>	<b>3,353</b>	<b>2,866</b>	<b>2,891</b>

The 2015/16 Settlement Funding Assessment of £2.891 million is a reduction of 13.78% over the 2014/15 level. This is broadly in line with the announcement made by government in February 2014 and, therefore, with the assumptions in the Council's Medium Term Financial Plan. The savings target for 2019/20 therefore remains at £1.2m. The Medium Term Financial Plan will be updated as part of the report on the Council's Revenue Budget, which will be considered at the Council meeting on 5<sup>th</sup> March 2015.

#### **4 THE DISTRICT COUNCIL'S SPENDING POWER**

4.1 In the Local Government Financial Settlement the Government announced a reduction in the Council's "revenue spending power", i.e. Council Tax plus Government Grants, of 3.1% for 2015-16. This is calculated as follows:

<u>Source of Funding</u>	<u>2014/15</u>	<u>2015/16</u>	<u>Change</u>
	£000s	£000s	
Settlement Funding Assessment	3,353	2,891	
Settlement Funding Adjustment	16	22	
Allocated to Parish Councils	-96	-96	
Council Tax Freeze Grant 2015/16*	0	58	
New Homes Bonus	696	866	
New Homes Bonus Returned Funding	5	5	
Council Tax Support New Burdens	62	14	
Housing Benefit Admin. Subsidy	278	252	
Community Right to Challenge & Bid	16	0	
Council Tax	5,285	5,310	
Total Revenue Spending Power	<u>9,615</u>	<u>9,322</u>	-3.1%

\* Indicative amount, subject to Council approval to freeze the Council Tax for 2015/16.

#### **5 RESPONSE OF THE LOCAL GOVERNMENT ASSOCIATION**

5.1 The LGA's key messages include:

- Savings of £2.6 billion will need to be found from council budgets for 2015/16.
- The cut announced in December brings the total reduction in core government funding to councils since 2010 to 40 per cent. Over this period councils will have made £20 billion worth of savings.
- Research carried out by the LGA in 2014 found that 60 per cent of councils said they were considering stopping at least some services next year because efficiency savings are fast running out. This was based on the expected cut for 2015/16 set out in last year's Local Government Finance Settlement.

#### **6 RESPONSE OF SPARSE RURAL / RURAL SERVICES NETWORK**

6.1 SPARSE Rural / Rural Services Network issued a press release following the announcement of the provisional settlement. A copy of the press release is shown at Appendix 1.

SPARSE Rural recommends that Rural Authorities respond positively to the consultation about the Rural Services Delivery Grant and will provide a draft template to assist authorities, which is not available at the time of writing this report. This template will be considered in drafting the Council's response, which will be circulated at the Council meeting.

## 7 RISK ASSESSMENT

### Legal

There are no legal risks arising from this report.

### Financial

As stated in the body of the report, the 2015/16 financial settlement is broadly in line with that anticipated in the Medium Term Financial Plan. However, this is a reduction of £462,000 from the 2014/15 level, though this has been partly offset by additional New Homes Bonus and additional Rural Services Delivery Grant. It is likely that further grant cuts will be announced in the Public Spending Review due in the spring of 2015, and these are likely to last until at least 2019/20. The Medium Term Financial Plan will be updated for consideration at the Council's budget meeting on 5<sup>th</sup> March, 2015.

The business rate element of formula funding is dependent of the Council achieving the estimated business rate yield.

The financial risk is assessed as "high".

### Corporate Risk

The financial risk as described above may have significant implications for the Council's ability to deliver its priorities, and to provide services at the current levels. The corporate risk is, therefore, high.

## 8 OTHER CONSIDERATIONS

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

## 9 CONTACT INFORMATION

Karen Henriksen, Head of Resources  
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## 10 BACKGROUND PAPERS

<u>Date</u>	<u>Description</u>
18 <sup>th</sup> December 2014	Email from DCLG "Provisional 2015/16 Local Government Finance Settlement"
18 <sup>th</sup> December 2014	Press Release from Local Government Association Website "LGA Response to Local Government Finance Settlement"
22 <sup>th</sup> December 2014	Email from SPARSE Rural and the Rural Services Network "Local Government Finance Settlement"

## 11 ATTACHMENTS

Appendix 1      Press Release from SPARSE Rural / Rural Services Network

**Press Release from SPARSE Rural / Rural Services Network**

**Countryside communities will be hit hard by the latest round of government cuts, England's largest rural network has warned.**

The government's finance settlement for local authorities fails to meet the needs of hard-pressed rural councils, said the Rural Services Network.

Network chief executive Graham Biggs said: "This settlement will hit countryside communities hard - and will see some services cut to the bone.

A welcome £4m funding increase which takes the government's rural services delivery grant to £15.5m would not be enough when spread across the country as a whole.

A government study which recognised the higher cost of delivering some rural services, should now be extended to cover all service areas, said Mr Biggs.

Mr Biggs said: "The Rural Services Network has long campaigned for fairer funding for rural areas which have long been underfunded and we will continue to do so."

Despite some additional funds, cuts to the overall grant for local authorities hit rural communities hard because they already start from a disadvantaged position."

"More importantly rural residents receive £153 less in government grant compared to urban areas and their council tax is on average £81 higher."

"We call on the Government to right the historic wrongs and provide a fair distribution of the settlement to rural residents."

*Sparse Rural / Rural Services Network - 22 December 2014*

COUNCIL  
15 JANUARY 2015

Report of the Head of Regeneration and Policy

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## **PROPOSED DERBY AND DERBYSHIRE COMBINED AUTHORITY: CONSULTATION**

### **SUMMARY**

In order to improve economic decision making in Derbyshire, which may benefit Derbyshire Dales businesses and residents, a new Derby and Derbyshire Combined Authority is being proposed. The report recommends a response to a consultation on the proposal to create a Derby and Derbyshire Combined Authority.

### **RECOMMENDATION**

The District Council's response to the Derby and Derbyshire Combined Authority consultation be sent, as set out in the Updating Report to be circulated at the meeting.

### **WARDS AFFECTED**

All

### **STRATEGIC LINK**

Economic development is highlighted in the District Council's Corporate Plan 2014/15, in which one of the two improvement priorities is to *Increase business growth and job creation*. The three specific target areas for 2014/15 are to *help new businesses to start*, to *help existing businesses to grow*, and to *promote key development sites*. The Peak District Partnership envisages in its Statement of Priorities that the Peak District will have high-wage, high-skill jobs. The District Council adopted its Economic Plan in September 2014.

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## **1 BACKGROUND**

- 1.1 The Derbyshire Dales falls within the boundaries of two Local Enterprise Partnerships – D2N2 and Sheffield City Region (SCR) – and has been a voting member of the Sheffield City Region Combined Authority for nearly two years (Council, 7 March 2013). The District Council has a seat on both the SCR LEP Board (private sector led) and the SCR Combined Authority (local authorities). It participates actively and with influence in Sheffield City Region.
- 1.2 Whilst the District Council does not have a seat on the D2N2 Board, the governance of D2N2 is to be improved. As previously discussed at Council (21 November 2013) a joint committee for 'D2' has been established between

the ten local authority leaders in Derby and Derbyshire. A similar committee for 'N2' was also established for Nottingham and Nottinghamshire.

## **2 GOVERNANCE REVIEW**

2.1 As noted at the Corporate Committee meeting on 11 December 2014, the D2 Joint Committee has undergone a governance review during the past year. The statutory process undergone through the Governance Review in order to produce the present proposals is similar to that used for the Sheffield City Region Combined Authority two years ago (Council 7 March 2013). The outcome of the D2 review is that the Joint Committee is now proposing to reconstitute itself as a Combined Authority, initially covering economic development and transport matters.

2.2 The proposed Derby and Derbyshire Combined Authority would consist of ten local authorities, working together on economic development and transport matters. The ten authorities are:

- Amber Valley Borough Council
- Bolsover District Council
- Chesterfield Borough Council
- Derby City Council
- Derbyshire County Council
- Derbyshire Dales District Council
- Erewash Borough Council
- High Peak Borough Council
- North East Derbyshire District Council
- South Derbyshire District Council.

2.3 If a Derby and Derbyshire Combined Authority were to be created, the District Council would subsequently need to consider whether to join. A decision at full Council would be required. In anticipation of this eventuality, a Special Full Council meeting has been tentatively arranged for Thursday 12 February 2015, at which the District Council's membership of a possible Combined Authority could be considered.

## **3 CONSULTATION RESPONSE**

3.1 A public consultation on the creation of the proposed Derby and Derbyshire Combined Authority is running from 2<sup>nd</sup> to 23<sup>rd</sup> January 2015, and the District Council is invited to respond. A draft consultation response will be discussed with leaders of each political group before being presented to members in an updating report at the meeting.

3.2 Information about the consultation on the proposed Combined Authority is on the Derbyshire County Council microsite - [www.derbyshire.gov.uk/CA](http://www.derbyshire.gov.uk/CA) - and a letter from the County Council giving further information is appended to this report.

3.3 There are five ambitions for the proposed Derby and Derbyshire Combined Authority:

- **Supporting our People:** Skills – creating a 21<sup>st</sup> Century Guildhall to improve training and links with employment
- **Shaping our Place:** Routes to Work – delivering improvements to public transport networks and transport infrastructure
- **Shaping our Place:** Homes – more affordable homes in the right place to meet local needs and create sustainable communities
- **Supporting our Business:** securing more and better paid jobs for local people
- **Financing the Future:** Enabling improvement - innovation and creativity in securing increased investment and flexibility to support growth

Of these, two align particularly well with the District Council's current priorities: affordable homes, and more and better paid jobs. It is considered that the ambitions of the proposed Combined Authority coincide with those of the District Council; joint work over recent months has ensured this to be the case.

3.4 The detailed governance review report provides more details on these ambitions, and can be accessed from the County Council website at the link previously circulated to all Members.

3.5 The draft Combined Authority Scheme (appended) sets out the constitution of the proposed authority. This too has been influenced by joint work across partner authorities, and is now considered fit for purpose.

3.6 Members have previously considered that the Derbyshire Dales are best served by the District Council's participation in *both* D2N2 and Sheffield City Region. On the basis of current and proposed legislative arrangements, Derbyshire Dales District Council could remain both a (voting) non-constituent member of the Sheffield City Region Combined Authority, and a (voting) constituent member of a Derby and Derbyshire combined authority if the latter is created. The District Council's consultation response will emphasise the need for those districts overlapping both Combined Authorities to continue to be able to participate fully in both.

## 4 RISK ASSESSMENT

### 4.1 Legal.

The Local Democracy, Economic Development and Construction Act (2009) and Transport Act (2008), Section 74 of the Local Government Finance Act 1988 is the power relied upon for forming the Combined Authority.

### 4.2 Financial.

Partners have agreed that the cost of membership of the Derby and Derbyshire Combined Authority would be no greater than existing costs. In the case of the District Council, our existing cost of membership of the Derbyshire Economic Partnership is £15,000 per year, and (if the new Combined Authority is created and the District Council chooses to join) this

would transfer to instead be our membership of the Derby and Derbyshire Combined Authority.

#### **4.3 Corporate.**

If created, the Derby and Derbyshire Combined Authority would align with the District Council's priority to increase business growth and job creation.

### **5 OTHER CONSIDERATIONS**

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

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ed Council D2 consultation jan15.doc

### **CONTACT INFORMATION**

Steve Capes, Head of Regeneration and Policy  
01629 761371, email [steve.capes@derbyshiredales.gov.uk](mailto:steve.capes@derbyshiredales.gov.uk)

### **BACKGROUND PAPERS**

Downloaded copies of documents on the consultation website - [www.derbyshire.gov.uk/CA](http://www.derbyshire.gov.uk/CA) - are retained by the Head of Regeneration and Policy

### **ATTACHMENTS**

Appendix 1	Consultation letter, 23 December 2014
Appendix 2	Draft Scheme for the establishment of a Combined Authority for Derby & Derbyshire

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County Councillor for the Barlborough & Clowne  
Electoral Division (Labour)

23 December 2014

Dear

### **Consultation on the Derby and Derbyshire Combined Authority Proposal**

For the period from Friday 2<sup>nd</sup> to Friday 23<sup>rd</sup> January 2015 there will be a Derby and Derbyshire wide consultation on the proposal to create a Combined Authority. In brief:

A Combined Authority is a statutory organisation which enables authorities in a recognisable economic area to work together with a view to developing new and more efficient approaches to regeneration and economic development and transport. The proposed Derby and Derbyshire Combined Authority will include Derbyshire County Council, Derby City Council, Amber Valley Borough Council, Bolsover District Council, Chesterfield Borough Council, Derbyshire Dales District Council, Erewash Borough Council, High Peak Borough Council, North East Derbyshire District Council and South Derbyshire District Council.

A Combined Authority offers new opportunities for region wide development, more cohesive planning and cooperation with neighbouring combined authorities in Sheffield and Manchester.

The process:

Currently there are economic plans for Derbyshire, created by the Derbyshire Economic Partnership, and Derby, created by the Derby Renaissance Board, and a joint plan for Derbyshire, Derby, Nottinghamshire and Nottingham (D2N2) created by the D2N2 Local Economic Partnership. Derbyshire and Derby City are both transport authorities, Derby City and the district councils are all housing authorities. Everyone involved in these plans and services has been involved in a review of the current situation and in drafting a future scheme. It is necessary to show



government that the future scheme will improve coordination, development and economic prosperity.

There are five ambitions in the proposed scheme:

- **Supporting our People:** Skills – creating a 21<sup>st</sup> Century Guildhall to improve training and links with employment
- **Shaping our Place:** Routes to Work – delivering improvements to public transport networks and transport infrastructure
- **Shaping our Place:** Homes – more affordable homes in the right place to meet local needs and create sustainable communities
- **Supporting our Business:** securing more and better paid jobs for local people
- **Financing the Future:** Enabling improvement - innovation and creativity in securing increased investment and flexibility to support growth

The consultation:

All of the information about the proposal is on the Derbyshire County Council website - [www.derbyshire.gov.uk/CA](http://www.derbyshire.gov.uk/CA)

This website has information for different groups of people such as residents, employees, elected members and organisations/businesses and links to a detailed Review, the proposed Scheme and, importantly, an online questionnaire.

The proposed combined authority will be a major change in the way private and public sector organisations work together. We urge you to consider the information which is available and to participate in the online survey. You are also invited to send other considerations to:

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Once all the consultation results have been received and considered, the D2 Joint Committee will prepare a final version of the draft Scheme and Review Report for consideration by each of the [ten local authorities](#); this is planned to take place in early February, 2015.

After the Review report and Scheme have been approved by the D2 authorities, the Joint Committee will publish the documents with the Secretary of State for [Communities and Local Government](#) who will then consider our proposal and carry out a statutory consultation process with relevant parties.

Thank you, in anticipation, for your participation and views.

Yours sincerely



**Councillor Anne Western**

**SCHEME FOR THE ESTABLISHMENT OF  
A COMBINED AUTHORITY FOR  
DERBY & DERBYSHIRE**

**Establishment of the Authority**

A Combined Authority shall be established pursuant to Section 103 of the Local Democracy, Economic Development & Construction Act 2009 (LDEDCA).

**Name of the Authority**

The name of the Authority shall be The Derby & Derbyshire Combined Authority.

**Area of the Authority**

The whole geographical county of Derbyshire incorporating the City Council, County Council and all District and Borough Councils of Derbyshire.

**Constitution**

**Membership of the Authority**

Membership of the Derby & Derbyshire Combined Authority will be drawn from the constituent Councils listed below:

- Amber Valley Borough Council
- Bolsover District Council
- Chesterfield Borough Council
- Derby City Council
- Derbyshire County Council
- Derbyshire Dales District Council
- Erewash Borough Council
- High Peak Borough Council
- North East Derbyshire District Council
- South Derbyshire District Council

In addition non-constituent membership will be drawn from the D2N2 Local Enterprise Partnership.

Each constituent Council shall appoint one of its elected Members to be a member of the Combined Authority, and in addition shall appoint a substitute (there will be a protocol that each constituent Council appoint its Leader to the Combined Authority).

The Local Enterprise Partnership shall nominate one of its Members to be a non-constituent Member of the Combined Authority, and in addition shall nominate a substitute.

The Combined Authority shall appoint a Member and substitute nominated by the Local Enterprise Partnership as a non-constituent Member of the Combined Authority.

A Member ceases to be a Member or substitute Member of the Combined Authority if they cease to be a member of the constituent Council or the Local Enterprise Partnership that nominated them.

To resign, the Member or substitute Member has to give written notice to the Proper Officer of the constituent Council or the Local Enterprise Partnership that nominated them.

Where the Member or substitute Members appointment ceases, the constituent Council shall give notice of the appointment of another of its elected Members in that persons place as soon as possible. The Local Enterprise Partnership shall nominate another of its Members in that persons place as soon as possible. The Combined Authority shall appoint such a Member at the next meeting of the Combined Authority.

Constituent Councils may terminate and replace a Member or substitute Member at any time but must give written notice to the Combined Authority with a period of a week to a month for the changeover to take effect.

The Local Enterprise Partnership may terminate and replace a Member or substitute Member nominated by it to the Combined Authority at any time but must give written notice to the Combined Authority with a period of a week to a month for the changeover to take effect.

### **Chairman and Vice Chairman**

Appointment to be the first business at the Annual Meeting and to be made from amongst the Combined Authority's members.

There will be an annual election of the Chair and Vice Chair. Incumbents will be eligible for re-election.

A person ceases to be Chair or Vice Chair if they cease to be a member of the Combined Authority.

Any vacancy must be filled at the next ordinary meeting of the Combined Authority unless such meeting is within 14 days, when it will be the meeting following.

### **Proceedings**

The following decisions require a unanimous vote in favour by all 10 constituent Council members or substitutes:

- Adoption of, and any amendment to, or withdrawal of any Strategy or Plan and associated schemes/programmes for which the Combined Authority has functions, powers or duties to produce

- Approval of the Combined Authority's annual budget including decisions on any levies, precepts or other demands for financial contribution from constituent authorities
- Approval of borrowing limits, Treasury Management Strategy including reserves, Investment Strategy and Capital Budget of the Combined Authority
- Adoption of and any amendment to or withdrawal of any Local Transport Plan under Section 108(3) Transport Act 2000
- Allocation of Local Transport Plan funding to individual constituent authorities
- Approval of the Combined Authority's Constitution and any changes thereto
- Adoption of any freedoms or flexibilities offered by Government
- Future expansion of the Combined Authority's functions, including but not limited to the transfer of any functions by the constituent authorities to the Combined Authority and/or the devolving of powers from Government
- The use of the general power of competence by the Combined Authority beyond the powers provided within the Localism Act 2011

All other decisions to be by a majority of those present and voting.

Quorum is 6 voting Members or nominated substitute members.

Each Member to have one vote.

There is no casting vote.

If a vote is tied it is deemed not to have been carried.

Proceedings are not invalidated by any vacancy amongst its Members or by any defect in the appointment or qualification of any Member.

### **Executive Arrangements**

Executive arrangements (within the meaning of the Local Government Act 2000) shall not apply to the Combined Authority. However, the discharge of the functions of the Combined Authority will be subject to the scrutiny arrangements set out in this scheme.

### **Committees**

The 10 Local Authorities of Derbyshire will establish a joint Overview & Scrutiny Committee to exercise scrutiny functions over the Derby & Derbyshire Combined Authority.

Each constituent Council will appoint one elected Member to the joint Overview & Scrutiny Committee.

Overview & Scrutiny membership not to include a Combined Authority member.

Each member on the Overview & Scrutiny Committee to have one vote and there is to be no casting vote.

If a vote is tied it is deemed not to have been carried.

Overview & Scrutiny Committee to have power to:

- Invite Combined Authority members to attend and answer questions
- Invite others to attend the meetings
- Review or scrutinise decisions or other actions taken
- Make reports or recommendations to the Combined Authority
- Require that a decision that has not been implemented be reconsidered

Where the Overview & Scrutiny Committee makes a report they may also publish it and require a response from the Combined Authority.

The notice published must give the Combined Authority 2 months to consider the report.

The Combined Authority is to be treated as a Local Authority for the purposes of the scrutiny function and the relevant provisions of the LGA 2000 apply.

### **Records, Standing Orders and Remuneration**

Proceedings and the names of members present at meetings must be recorded.

Minutes must be kept.

Minutes to be signed at the next suitable meeting.

Any such signed minute shall be received in evidence without further proof.

Until the contrary is proved, a meeting of the Combined Authority evidenced by the signed minutes of proceedings are deemed to have been duly convened and held.

The Combined Authority may make Standing Orders.

No remuneration is payable to members of the Combined Authority.

Any allowances or expenses which may be made to Councillor members arising out of Combined Authority membership shall be determined and borne by the appointing Council for each Combined Authority member individually.

### **The Function of the Derby & Derbyshire Combined Authority**

The purpose of the Derby & Derbyshire Combined Authority is to improve the exercise of statutory functions in relation to economic development, regeneration and transport across the whole geographical county of Derbyshire leading to an enhancement of the economic conditions and performance of Derbyshire.

The Derby & Derbyshire Combined Authority intends to pursue an Economic Regeneration Strategy through a balanced approach, with economic, social and environmental sustainability at its core. This will reflect the location of the area at the heart of the UK, its diverse rural/urban mix and the impact of neighbouring Combined Authorities on the functioning geography.

The Derby & Derbyshire Combined Authority accepts and embraces managed and sustainable economic growth as a policy instrument to help deliver jobs and growth to communities and households to provide a foundation for the long term security of the quality of life of all the people of the area.

The Derby & Derbyshire Combined Authority intends to pursue a Transport Strategy of providing leadership and a single area-wide voice on key strategic issues, whilst ensuring closer coordination in relation to strategic transport planning and an integrated approach to transport's economic priorities.

### **The Functions, Powers and Duties of the Derby & Derbyshire Combined Authority**

The Derby & Derbyshire Combined Authority will have powers in relation to Strategic Economic Development and Transport. These powers will be exercised by the Derbyshire Combined Authority on a concurrent basis with the constituent member Authorities. In other words, no powers have been “ceded” to the Derby & Derbyshire Combined Authority by its constituent members.

The constituent authorities agree that where any external funding is awarded to or received by the Combined Authority, the constituent authorities will develop a project appraisal framework to govern the allocation of such funding between the constituent authorities.

Strategic Economic Development and Transport means functions such as:

- The public sector decision making body for strategic economic development and transport for the Derby & Derbyshire Combined Authority area
- To develop, and subsequently monitor, investment plans utilising Government and EU funds for the Derby & Derbyshire Combined Authority Area
- To develop a growth deal for the Combined Authority area
- To ensure delivery of agreed projects and programmes
- To be the accountable body for decision making on single Local Growth Fund and EU Funds allocated to the Derby & Derbyshire Combined Authority area
- To own, monitor and review the emerging Economic Strategies, Transport Plans and associated Investment Plans including agreed Investment Plans and decisions

The Derby & Derbyshire Combined Authority seeks the following powers:

- The General Power of Competence under Section 1 of the Localism Act 2011
- Section 144 LGA 1972 – Power to encourage visitors and provide conference and other facilities
- Sections 15ZA, 15ZB, 15ZC, 17A, 17C, 18A, 514A and 560A of the Education Act 1996 and the power under sections 514A and 560A of the Act – Duties and powers related to the provision of education and training for persons under and over compulsory school age
- Section 69 Local Democracy and Economic Development Act 2009 – Duty to prepare an assessment of economic conditions in the area
- Sections 108,109 and 112 of the Transport Act 2000 relating to the development, implementation and review of the Local Transport Plan

- Sections 114, 118, 120,121and 123-132 of the Transport Act 2000 relating to Quality Partnerships and Contracts
- Sections 135-138 of the Transport Act 2000 relating to ticketing schemes
- Sections 139-141 and section 143 of the Transport Act 2000 relating to the provision of information
- Sections 63 and 64, 88 - 101, 103 and 105 of the Transport Act 1985 dealing with the provision of bus services and administration of concessionary fare schemes.
- Section 142(2) Local Government Act 1972 – Power to arrange for the publication within their areas of information relating to the functions of the authority etc
- Section 222 Local Government Act 1972 – Power to prosecute and defend legal proceedings
- Section 88(1) (a) and (b) Local Government Act 1985 – Research and collection of information
- Powers under the Apprenticeship, Skills, Children and Learning Act 2009
- Any other duties which are subsequently agreed by the Combined Authority and constituent councils

The Derby & Derbyshire Authority shall exercise any function of the Secretary of State delegated to the Combined Authority by the order of the Secretary of State, pursuant to Section 86 LTA 2008 and Section 104(1)(b) LDEDLA. Such functions shall be exercised subject to any condition imposed by the order.

### **Funding**

The constituent Councils to meet all costs reasonably attributable to the exercise of its functions of economic development and regeneration.

The Combined Authority will agree an annual budget for the purpose of this expenditure which will be apportioned equally across the ten constituent councils.

### **D2N2 Local Enterprise Partnership**

Derbyshire and Nottinghamshire has a LEP Board that brings together elected Leaders with representatives from the private sector. Such a Board is seen as important for the promotion and facilitation of economic growth in the Derbyshire Combined Authority Area.

The LEP Board will work in conjunction with the Derby & Derbyshire Combined Authority, as well as discharging the practical decision making role in respect of certain functions as required by Government and/or the Derby & Derbyshire Combined Authority.

The Local Enterprise Partnership fully supports the establishment of a Derby & Derbyshire Combined Authority together with a Nottingham & Nottinghamshire Combined Authority. The whole geographical county of Nottinghamshire incorporating the City Council, County Council and all District and Borough Councils of Nottinghamshire are in the process of establishing a Combined Authority.

The two Combined Authorities and the Local Enterprise Partnership will provide seamless working and decision making across the Local Enterprise Partnership area. Both Combined Authorities will give the necessary strength of governance to provide

transparency and democratic accountability, with the private sector Members on the Local Enterprise Partnership bringing their private sector expertise. All together will provide a more effective collaboration for economic growth.

### **Other Arrangements**

The Derby & Derbyshire Combined Authority may establish sub-structures and sub-committees, and delegate powers and functions as appropriate.

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