

Public Document Pack



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PUBLIC

To: Members of Cabinet

Wednesday, 14 February 2024

Dear Councillor,

Please attend a meeting of the **Cabinet** to be held at **2.00 pm** on **Thursday, 22 February 2024** in Committee Room 1, County Hall, Matlock, the agenda for which is set out below.

Yours faithfully

A handwritten signature in black ink that reads 'Helen E. Barrington'.

Helen Barrington
Director of Legal and Democratic Services

AGENDA

1. To receive apologies for absence
2. To receive declarations of interest (if any)
3. To consider Minority Group Leader questions (if any)

Minority Group Leaders in attendance at the meeting are able to ask a question on a report on the agenda. Any questions should be provided in writing by 12 noon at least 2 working days before the meeting.

4. To approve, as a correct record, the non-exempt minutes of the meeting held on 1 February 2024 (Pages 1 - 6)
5. Active Travel England Finances and Proposed Spend Programme (Pages 7 - 26)

6. Update to the Anti-Fraud and Anti-Corruption Strategy (Pages 27 - 46)
7. Acceptance of Grant Funding Offer from the Department for Levelling Up, Housing and Communities (Pages 47 - 52)
8. Derby and Derbyshire Strategic Leadership Board (Pages 53 - 98)
9. Transfer of land at Brookfield Community School (Pages 99 - 108)
10. Schools Block Funding Settlement 2024-25 (Pages 109 - 120)
11. Section 106 Funding Allocations (Pages 121 - 126)
12. Determined Admissions Arrangements 2025 - 2026 (Pages 127 - 134)
13. Appointment of Members to the East Midlands County Combined Authority (Pages 135 - 140)
14. Use of Contain Outbreak Management Fund to provide additional support to food banks (Pages 141 - 148)
15. Exclusion of the Public

To move “That under Regulation 4 (2)(b) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the public be excluded from the meeting for the following items of business on the grounds that in view of the nature of the items of business, that if members of the public were present, exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 would be disclosed to them.”

PART II - EXEMPT ITEMS

16. Award of Contract for Digital Autopsies (Pages 149 - 154)

PUBLIC

MINUTES of a meeting of **CABINET** held on Thursday, 1 February 2024 at Committee Room 1, County Hall, Matlock.

PRESENT

Councillor B Lewis (in the Chair)

Councillors S Spencer, C Cupit, A Dale, C Hart, N Hoy, T King, J Patten and C Renwick.

Officers present: Emma Alexander (Managing Director), Helen Barrington (Director of Legal and Democratic Services), Carol Cammiss (Executive Director - Children's Services), Alec Dubberley (Head of Democratic and Registration Services), Chris Henning (Executive Director - Place), Mark Kenyon (Director of Finance and ICT), Joe O'Sullivan (Executive Director - Corporate Services and Transformation), Simon Stevens (Executive Director - Adult Social Care and Health) and Iain Little (Deputy Director of Public Health).

16/24 TO RECEIVE DECLARATIONS OF INTEREST (IF ANY)

None received.

17/24 TO CONSIDER MINORITY GROUP LEADER QUESTIONS (IF ANY)

None received.

18/24 TO APPROVE, AS A CORRECT RECORD, THE NON-EXEMPT MINUTES OF THE MEETING HELD ON 11 JANUARY 2024

RESOLVED:

To approve, as a correct record, the minutes of the meeting held on 11 January 2024.

19/24 RESERVES POSITION AND RESERVES POLICY

Councillor S Spencer introduced a report, which had been circulated in advance of the meeting, that presented the current and forecast positions for both the General and Earmarked Reserves and sought approval of the Reserves Policy.

RESOLVED to:

- 1) Note the current position on Earmarked Reserves;

- 2) Note the details of the amounts to be released from Earmarked Reserves balances to the General Reserve;
- 3) Note that the £31.803m released from Earmarked Reserves is expected to be fully required to mitigate the forecast 2023-24 overspend, with the balance being funded from the RCCO Earmarked Reserve held to support revenue budget management, and so ensure that the General Reserve balance remains at a minimum level; and
- 4) Approve the Reserves Policy at Appendix five to this report.

20/24 BUDGET CONSULTATION RESULTS

Councillor S Spencer introduced a report, which had been circulated in advance of the meeting, that outlined the outcome of the Council's budget consultation exercises in relation to the formulation of its budgetary proposals to Full Council with regard to the Revenue Budget for 2024-25.

RESOLVED:

To take into account the views of the consultation respondents when formulating its proposals to Full Council regarding the Revenue Budget for 2024-25.

21/24 REVENUE BUDGET REPORT 2024-25

Councillor S Spencer introduced a report, which had been circulated in advance of the meeting, that proposed a Revenue Budget and Council Tax for 2024-25.

RESOLVED:

That Cabinet recommends to Council that it:

- 1) Notes the details of the Autumn Statement 2023 and Provisional Local Government Finance Settlement as outlined in sections 4.3 and 4.4 of the report;
- 2) Notes the Government's expectations about Council Tax levels for 2024-25 in section 4.5 of the report;
- 3) Approves the precepts as outlined in section 4.5 and Appendix Four of the report;

- 4) Approves that billing authorities are informed of Council Tax levels arising from the budget proposals as outlined in section 4.5 and Appendix Four of the report;
- 5) Approves the contingency to cover non-standard inflation as outlined in section 4.7 of the report, and the contingency be allocated by the Director of Finance & ICT, as S151 Officer, once non-standard inflation has been agreed;
- 6) Approves the service pressure items identified in section 4.8 and Appendix Five of the report;
- 7) Approves the increase to budgets for undeliverable prior year savings proposals as outlined in section 4.9 of the report;
- 8) Approves the level and allocation of budget savings as outlined in section 4.10 and Appendix Six of the report;
- 9) Notes the comments of the Director of Finance & ICT, as S151 Officer, about the robustness of the estimates and adequacy of the reserves as outlined in section 4.11 of the report;
- 10) Notes the details of the Council's consultation activity as outlined in section 5 of the report;
- 11) Approves the Council Tax requirement of £410,111,128 which is calculated as follows:

	£
Budget Before Non-Inflationary Pressures and Budget Reductions	705,047,
Plus Service Pressures – ongoing	6,391,
Plus Adult Social Care Precept	7,816,
Plus Service Pressures - one-off	17,287,
Less Budget Reductions	-40,068,
Increase in Debt Charges - ongoing	9,845,
Increase in Debt Charges – one-off	1,423,
Increase in Risk Management Budget	6,111,
Decrease in Interest and Dividend Receipts	<u>916,</u>
Net Budget Requirement	714,769,
Less Top-Up	-101,908,

Less Business Rates	-18,418
Less Revenue Support Grant	-16,755
Less New Homes Bonus	-843
Less General Grant	-135,023
Less PFI Grant	-10,503
Less Use of Earmarked Reserves	<u>-21,206</u>
Balance to be met from Council Tax	<u>410,111</u>

- 12) Approves the use of the Revenue Contributions to the Capital Expenditure Earmarked Reserve to provide one-off support to the 2024-25 Revenue Budget; and
- 13) Authorises the Director of Finance & ICT, as S151 Officer, to allocate cash limits amongst Cabinet portfolios and the Executive Directors will then report to Cabinet on the revised Service Plans for 2024-25.

22/24 **CAPITAL PROGRAMME APPROVALS, TREASURY MANAGEMENT AND CAPITAL STRATEGY FOR 2024-25**

Councillor S Spencer introduced a report, which had been circulated in advance of the meeting that sought approval for proposals for submission to Council in relation to the Capital Starts Programme and the Treasury Management, Investment and Capital Strategies.

RESOLVED:

That Cabinet recommends to Council that it:

- 1) Approves the new Capital Starts Programme set out in Appendix two of the report and approves the procurement and award of contracts which support the delivery of the Capital Programme. All contract awards will then be subject to approval by Executive Directors (via an Executive Director Report) under the relevant Departmental Scheme of Delegation;
- 2) Approves the detailed Planned Asset Maintenance Programme for 2024-25 as set out in Appendix three of the report;
- 3) Adopts the Treasury Management Strategy for 2024-25 set out in Appendix four of the report;
- 4) Adopts the Investment Strategy for 2024-25 set out in Appendix five of the report;

- 5) Adopts the Capital Strategy for 2024-25 set out in Appendix six of the report;
- 6) Adopts the Minimum Revenue Provision Statement for 2024-25 set out in Appendix seven of the report; and
- 7) Adopts the application of financing up to 4% of disposal costs associated with land from capital receipts as set out in paragraph 4.7 of the report.

23/24 **COUNCIL PLAN 2024-25**

Councillor B Lewis introduced a report, which had been circulated in advance of the meeting that sought agreement of the authority's Council Plan 2024-25 for referral to Full Council for approval.

RESOLVED to:

- 1) Agree the authority's Council Plan for 2024-25 and recommend it to Full Council for approval; and
- 2) Note the Strategic Objectives Implementation Plan 2024-25.

24/24 **PUBLIC CONSULTATION - EARLY HELP AND CHILDREN'S CENTRES**

Councillor J Patten introduced a report, which had been circulated in advance of the meeting, that sought urgent approval for the commencement of public consultation and engagement with partner agencies on the proposed re design of the Early Help service, including Children's Centres.

RESOLVED to approve:

- 1) The commencement of public consultation, and engagement with partner agencies on the proposed redesign of the Early Help service, including Children's Centres and specific services for children with a disability as outlined in the report; and
- 2) An in-principle decision for public consultation if savings proposals to specific services for children with disability require this.

The meeting finished at 2.27 pm

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FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

CABINET

Thursday, 22 February 2024

Report of the Executive Director - Place

Active Travel England Finances and proposed spend programme
(Cabinet Member for Infrastructure and Environment)

1. Divisions Affected

1.1 County-wide.

2. Key Decision

2.1 This is a key decision because it is likely to result in the Council incurring expenditure which is, or savings which are, significant having regard to the budget for the service or function concerned (this is currently defined as £500,000).

3. Purpose

3.1 The purpose of this report is to set out the range of activity funded by Active Travel England which supports the Council's sustainable travel ambitions and specifically to seek Cabinet approval:

- a) To progress the Active Travel England (ATF4 funded) Programme detailed in this report.
- b) To formally accept the Active Travel Capability Fund grant of £142,535.00 provided under Section 31 of the Local Government Act, 2003 to support development of the Hope Valley Master Plan.
- c) To launch a range of public engagement activity to further develop the Active Travel Master programme.

- d) To delegate to the Executive Director - Place, in association with the Cabinet Member for Infrastructure and Environment, the authority to amend or modify the Active Travel Masterplan programme as required, if it remains consistent with the Council's objectives.
- e) To add 3 projects to the latest 2023-2024 Commercial Pipeline so all necessary procurement activity can commence
- f) To delegate authority to award future contracts following procurement activities referenced in this report to the Executive Director - Place, in consultation with the Cabinet Member for Infrastructure and Environment.

4. Information and Analysis

- 4.1 At its meeting on 16 March 2023, Cabinet approved a report "Sustainable Travel Programme: Progress Update and Next Steps" which provided a detailed update on the progress and approach being taken to accelerate development of the County's key cycle network (KCN) and strategic approach to sustainable travel. This included updates on key route development, progress on the joint Derby, Derbyshire, Nottingham, Nottinghamshire (D2N2) Local Walking and Cycling Plan and acceptance of grant awards from the Department of Transport (Minute No.49/23 applies).

Active Travel Fund 4

- 4.2 A subsequent report, approved by Cabinet on 15 June 2023, agreed to accept the Active Travel Fund 4 grant funding of £3.005m to construct Little Eaton Branch Line (LEBL) and for preparatory work on the remaining gaps of the White Peak Loop (WPL) (Minute No.90/23 refers).
- 4.3 The inception stages for these projects have now been completed and a planning application submitted for development of the LEBL, and preferred route alignments identified for the Buxton area WPL links.
- 4.4 The next steps in these projects are:
- 1) to procure professional services to further develop the detailed designs for the Buxton section of the WPL; and
 - 2) commission contractors to carry out construction of the Little Eaton Branch Line. Subject to approvals these procurement activities are expected to commence in early March 2024.

Capability Fund – Active Travel Master Plans

- 4.6 Additional to ATF4 funding, the Council has been awarded a grant of £285,069 from the Active Travel Capability Fund to cover the period from 2022-23 to 2024-25.
- 4.7 The core proposal for this funding, approved by Cabinet on March 16 (Minute No.49/23 applies) seeks to build capacity in network design and scheme planning by developing holistic Active Travel master plans for Market towns across Derbyshire.
- 4.8 An Active Travel Masterplan is a comprehensive strategy developed to encourage and support participation in active and sustainable modes of travel such as walking and cycling. The masterplan typically includes a range of measures to make active travel safer, more convenient and more appealing to a wider range of people.
- 4.9 Having full regard to the Council's programmatic approach to the regeneration pipeline and the key role market towns play in supporting sustainable travel ambitions, it is proposed to develop Active Travel Masterplans for three market towns as these are where most services, employment and education are located but where there is a high level of 'self-containment' (the degree to which people live, work and learn in the same vicinity) which offers the best opportunities for encouraging participation in walking and cycling.
- 4.10 The assessment process for selecting suitable market towns was robust and sought to ensure geographic spread, be representative of typical settlement sizes, and added value to the Council's overall funding allocations by avoiding areas with ongoing/ committed sustainable or active travel projects.
- 4.11 Following an assessment of the existing programme of activity, consideration of local factors and utilising a sustainability matrix, the shortlisted locations were the market towns of Belper, Glossop and Ilkeston. Full details of the shifting assessment were reported to Cabinet/CMT on 28 June 2023.
- 4.12 Stakeholder engagement (including key partners, including County members, District and Town Council Members, as well as local stakeholder groups interested in Active and sustainable Travel) has been undertaken and concept masterplan development is underway. Subject to Cabinet approval, the next step would be to undertake a wider public engagement exercises on the draft masterplans through

March 2024. These activities will comprise both in person events and online consultation portal.

- 4.13 In addition to the £285,069 grant already received (and outlined above), the Council has been awarded a further £142,535 from the Active Travel England Capacity Fund to expand the Masterplan programme. The money can be used to either include additional towns of similar size to Glossop and Belper etc from the market towns programme or seek to establish a similar set of proposals and principles for smaller settlements or a collection of smaller settlements.

Hope Valley Active Travel Masterplan

- 4.14 The Hope Valley is in the heart of the Peak District National Park. It has several million car-borne day visitors each year and a local population of around 9,000. Travelling Light is a project lead by Hope Valley Climate Action (HVCA) and aims to bring about transformative and sustainable change in the way local people and visitors travel in, and to, the Hope Valley. The project seeks to promote walking and cycling for everyday purposes, encourage use of bus and rail, and reduce the current high dependency on vehicles powered by fossil fuels. Surveys undertaken by Travelling Light have demonstrated an appetite for more sustainable travel options.
- 4.15 Opportunities to develop an Active Travel Masterplan (ATM) for the Hope Valley is supported by an existing network of stakeholders. Travelling Light has also recently participated in a workshop session with Council officers to share knowledge and experiences, identify issues and discuss options for how to take the work of the Travelling Light project forward and develop meaningful sustainable travel solutions for both residents and visitors to the area.
- 4.16 Building on the work already carried out by the Travelling Light project and utilising lessons learnt through the master planning project, it is recommended that Cabinet approve the development of an ATM for the Hope Valley, using the same methodology as the Market Town ATMs. The geographical scope for the Hope Valley ATM would incorporate the Travelling Light project area, but its extent would be reviewed during public and stakeholder engagement to ensure it reflects the active travel needs of the area.
- 4.17 It is therefore recommended that Cabinet approves the acceptance of this grant funding towards the Hope Valley ATM project, as set out above.

Procurement Activity

- 4.18 To allow the above projects to progress at pace, it is proposed they are included in the current 2023-2024 Council Commercial Pipeline so the necessary procurement activity can commence.
- 4.19 Delegation of contract award to the Executive Director – Place, in consultation with the Cabinet Member for Infrastructure and Environment would also help expedite delivery.
- 4.20 Details of the proposed procurements to be added to the commercial pipeline are detailed in the table below:

Contract Title	Procurement start date	Contract length	Max Value	Key Decision
White Peak Loop (WPL) Buxton - procurement of specialist consultancy support to support preliminary to detailed designs, construction costings and stakeholder engagement.	Mar-24	6 months	£575,000.00	Yes
Little Eaton Branch Line - Construction of multi-user trail and highway elements (road crossings and shared footways)	Mar-24	24 months	£2,700,000.00	Yes
Hope Valley Active Travel Master Plan - procurement of specialist consultancy support for stakeholder engagement and masterplan development.	Mar-24	12 Months	£142,535.00	Yes

5 Consultation

- 5.1 Officers will brief the Cabinet Member - Infrastructure and Environment and local members for the area prior to any public engagement activities commencing.

Active Travel Fund 4

- 5.2 To support the continued development of the above-mentioned projects, officers will facilitate a range of community engagement exercises on the following projects:
- White Peak Loop: Route alignment and feasibility within Buxton.
 - Little Eaton Branch Line, statutory consultation and planning submission.

Capability Fund – Active Travel Master Plans

- 5.3 A briefing was held for the Council's Elected Members in October 2023 to introduce the project and discuss key issues and opportunities. Councillor Renwick (Infrastructure and Environment) was also in attendance.
- 5.4 Following these meetings, local members and key stakeholders were engaged through a series of in person events where the Project Team shared a presentation to introduce the project, then participants were invited to discuss active travel using maps of the towns to help identify barriers and opportunities.
- 5.5 Wider engagement will be conducted prior to the finalisation of the draft Active Travel Masterplan. It is anticipated that this engagement will occur in March 2024. Once findings of this engagement have been determined, they will be added to this section as part of the final Active Travel Masterplan document.
- 5.6 Officers will utilise the existing Council website and various communication channels to ensure residents and key stakeholders are encouraged to participate in area-based engagement and statutory consultations where appropriate.

6 Alternative Options Considered

- 6.1 **Option 1:** Do not accept the grant from the Department for Transport. Taking this option would curtail the Council's ability to further develop its active travel capabilities.
- 6.2 **Option2:** Consider a different focal point for further Masterplan development. Existing efforts are centred on the larger urban areas in Derbyshire, particularly the market towns, shifting attention to the surrounding villages could enhance the portfolio approach to outcome identification. This shift aims to specifically address gaps in rural routes and consider the impact of the visitor economy. Furthermore, the existing partnership with the Travelling Light project will expediate the process as those community relationships are already forged. Additionally, this approach offers an opportunity to create comprehensive work packages that can contribute to the East Midlands Combined Authority (EMCAA).
- 6.3 **Option 3:** Do not progress ATF4 projects. Cabinet may choose to not continue with the proposed development of the cycle network, through the Active Travel 4 Fund, although that would place the sustainable travel agenda at significant risk.

7 Implications

- 7.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

8 Background Papers

- 8.1 Cabinet Report, Sustainable Travel Programme Update, dated 16 March 2023 (Minute No.49/23 refers).
- 8.2 Cabinet Report, Acceptance of the Active Travel Tranche 4 Funding from the Department for Transport, dated 15 June 2023 (Minute No.90/23 refers).
- 8.3 Report to Cabinet/CMT, Update on Active Travel Programme – Proposals for Masterplanning, dated 28 June 2023 (Confidential).

9 Appendices

- 9.1 Appendix 1 – Implications.
- 9.2 Appendix 2 – Copy of Grant Letter.

10 Recommendations

That Cabinet:

- a) Approves the progression of the Active Travel England (ATF4 funded) Programme detailed in this report.
- b) Formally approves the acceptance of the Active Travel Capability Fund grant of £142,535.00 provided under Section 31 of the Local Government Act, 2003 to support development of the Hope Valley Master Plan.
- c) Approves the launching of online and in person public engagement activities to further develop the Active Travel Master plans.
- d) Delegates to the Executive Director - Place, in association with the Cabinet Member for Infrastructure and Environment, the authority to amend or modify the Active Travel Masterplan programme as required, if it remains consistent with the Council's objectives.
- e) Approves the addition of three projects (as detailed in this report) to the I2023-2024 Commercial Pipeline so all necessary procurement activity can commence.
- f) Delegates to the Executive Director - Place, in association with the Cabinet Member for Infrastructure and Environment, the authority to

award subsequent contract following procurement activities referenced in this report.

11 Reasons for Recommendations

- 11.1 Continue progression of ATF4 funded projects (LEBL and WPL) ensures the Council can continue to make progress against ambitious sustainable travel aspirations.
- 11.2 The Grant funding will ensure Council can continue to develop active travel capabilities, and support further develop infrastructure packages of shovel ready for when significant EMCAA funding comes available.
- 11.3 Inclusion of projects onto the Council's Commercial Pipeline is a necessary requirement to allow procurement activities to commence.

12 Is it necessary to waive the call in period?

- 12.1 No.

Report Author: Dan McCrory

Contact details: Daniel.McCrory@derbyshire.gov.uk

Implications

Financial

- 1.1 To date, to support 2023-24 activities, Active Travel England has awarded Derbyshire County Council £3.005m Capital funding through the Active Travel 4 Fund and £0.285m from the Capability and Ambition Fund. This money must be committed by 31 March 2024.
- 1.2 Active Travel has now awarded the Council £142,535 Revenue Grant from its Capability and Ambition Fund. This money must be spent by 31 December 2024.
- 1.3 The Council is responsible for the funding of any overspends and must return six monthly monitoring to Active Travel England. Project finances will be closely monitored to ensure risk of overspend is limited. Where risks are identified, officers will work with Active Travel England to redefine the scope of schemes to ensure any financial contributions are kept to absolute minimum.
- 1.4 If the Council fails to meet the objective for which the funding was awarded, Active Travel England reserves the right to reclaim the funding; Active Travel England also reserves the right to reclaim any unspent funds.

Legal

- 2.1 The Director of Legal and Democratic Services will provide advice as necessary on the individual projects included in the Council's sustainable travel agenda.
- 2.2 The Gunning principles set out the common law principles to be observed when undertaking consultation. R v London Borough of Brent ex parte Gunning [1985] 84 LGR 168 established these principles, which set out that a consultation is only lawful when these four principles are met:
 - a) Proposals are still at a formative stage - a final decision has not yet been made, or predetermined, by the decision makers.
 - b) There is sufficient information to give 'intelligent consideration' - the information provided must relate to the consultation and must be available, accessible, and easily interpretable for consultees to provide an informed response.

- c) There is adequate time for consideration and response - there must be sufficient opportunity for consultees to participate in the consultation. In the absence of a prescribed statutory period, there is no set timeframe for consultation, though it is considered that an eight week consultation period is sufficient in this case. The adequacy of the length of time given for consultees to respond can vary depending on the subject and extent of impact of the consultation.
- d) 'Conscientious consideration' must be given to the consultation responses before a decision is made. Decision-makers should be able to provide evidence that they took consultation responses into account.

2.3 In coming to a decision, the Council should also have regard to the Public Sector Equality Duty (PSED) under the Equality Act 2010. The PSED requires public authorities to have "due regard" to:

- The need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010 (section 149(1a)).
- The need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (section 149(1b)). This involves having due regard to the need to:
 - remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic (section 149(3)(a));
 - or take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it (section 149(3)(b)); and
 - or encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low (section 149(3)(c)).

Human Resources

3.1 It is expected that the current staffing arrangement within the Sustainable travel team will be adequate to deliver on ambitions stated in this report, including the 0.5 full time equivalent (FTE) Project Officer post which is currently vacant.

Information Technology

4.1 None.

Equalities Impact

- 5.1 Overarching Equality Impacts Assessment (EQUIA) have been developed for the Masterplan projects, these will be further developed and refined as individual masterplans develop. As individual ATF4 projects emerge, officers will review the need and complete assessments as required.

Corporate objectives and priorities for change

- 6.1 This proposal will help deliver the following Council Plan priorities: Resilient, Healthy and Safe Communities; High Performing, Value for Money and Resident-Focused Services; A Prosperous and Green Derbyshire. Specifically, the retention of these services will also enable the delivery of Place Directorate priorities around sustainable transport and travel
- 6.2 The use of walking and cycling reduces the number of private vehicles on the road and has a positive impact on CO₂ emissions. With many people becoming increasingly concerned for the wider environment, combined with the rising costs to own, and run a private car, it is anticipated that many travellers will be contemplating more sustainable travel options to benefit the environment and their own living costs. If this happens it will have a positive impact on the Councils wider environmental sustainability objectives and support the targets set in the Climate Change Strategy: Achieving Net Zero.

Other (for example, Health and Safety, Environmental Sustainability, Property and Asset Management, Risk Management and Safeguarding)

- 7.1 None.

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Danny Williams
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Derbyshire County Council

<https://www.gov.uk/government/organisations/active-travel-england>

UNDER STRICT EMBARGO

13 September 2023

Dear Chris Henning,

Active Travel Capital and Revenue Funding 2023/24

Please note that the following information is under media embargo until it is published on gov.uk. We will contact you again to confirm publication plans. Please do not share this information publicly.

This letter sets out proposed funding allocations for your authority for 2023/24. Section 1 explains how the ATF4 Extension funding may apply to your authority and Section 2 sets out your Capability Fund grant award and determination, which should be accepted by returning the slip at the end of the letter.

1. Active Travel Fund 4 Extension funding 2023/24 (capital)

As set out in my letter of 15 August 2023, the focus for ATF4 Extension funding is to support priority schemes within ATF4 indicative allocations that did not attract funding in March 2023 and to provide funding to local authorities that did not bid in ATF4. Derbyshire County Council received more than 185% of indicative allocations in ATF4 and/or had all priority bids funded. Therefore, you will not be eligible for funding as part of the ATF4 Extension funding. We would like to encourage you to progress existing ATF schemes to make a strong case for future funding. ATE support continues to be available to review schemes as they are developed and ensure they are compliant with design quality standards.

2. Capability Fund 2023/24 (revenue)

As set out in my letter of 15 August 2023, Active Travel Capability Funding for 2023/24 is set at 50% of 2022/23 funding levels. Derbyshire County Council will be provided with £142,535. This will be paid as a revenue grant under Section 31 of the Local Government Act 2003. Your grant allocation for 2023/24 is also shown at Annex C.

Your grant determination for this funding is shown at Annex B. Please arrange for your Section 151 officer to sign and date the grant acceptance slip in Annex D and return it to ATE via the contact@activetravelengland.gov.uk mailbox by **6 October**

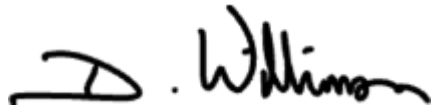
2023. Following receipt of this, we will make payment in one instalment and e-mail you to confirm this.

In line with your 2022/23 programme, we expect 2023/24 Capability Fund to have a clear focus on building technical skills, including for community engagement.

I would also like to thank authorities that submitted fully completed monitoring returns on time in May for capital and revenue schemes. Future Capability Ratings and funding levels will be informed by timely spend and delivery of Active Travel Fund and Capability Fund programmes. We therefore encourage you to commit any outstanding funding as soon as possible.

The information contained in this letter and its annexes should be brought to the attention of all relevant staff in the authority. As stated at the top of this letter, this information is under strict media embargo.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'D. Williams'.

Danny Williams

Chief Executive Officer, Active Travel England

ANNEX A - Capability Fund 2023/24 (revenue)

The Capability Fund revenue funding is provided subject to the following:

- i. Your authority will extend delivery of the programme of work set out in the Active Travel Capability Fund proposal of 30 September 2022 as approved in accordance with this letter dated 13 September 2023.
- ii. Your authority will be solely responsible for meeting any expenditure over and above the grant provided.
- iii. Funding is provided to extend Capability Fund delivery for 6 months, with delivery expected to take place between January and June 2024. Funding should be committed, spent and delivery completed by 31 December 2024 at the latest. Should delivery not progress as agreed, ATE will review whether it is appropriate to reduce, suspend or withhold future grant funding.
- iv. We appreciate that, during implementation, opportunities or challenges may arise that require a change to your project for outcomes to be realised to their full potential, including where activities interact with and support objectives in the Active Travel Fund (local authority capital funding). Smaller changes, within the scope of the funding, should be reported through monitoring returns. However, any substantive changes, which equate to over 25% of the total sum of your revenue funding allocation, or which mean that delivery (other than limited monitoring and evaluation) will extend beyond 31 December 2024, should be emailed to contact@activetravelengland.gov.uk for agreement, including the activities, cost and delivery timescales proposed for change. Changes will then be confirmed by email reply. Future funding may be offset, withheld or reduced if a change is outside the scope of original funding, if your ability to deliver the objectives for which funding was awarded is significantly compromised, or for any breach of these terms.
- v. ATE has provided your authority with Monitoring and Evaluation Guidance. The guidance sets out the monitoring and evaluation requirements, which aim to improve the quality and consistency of evidence generated, whilst acknowledging that the scale and nature of monitoring and evaluation will depend on the scale and type of intervention. Your authority will report back on progress and outputs including completing monitoring surveys. Your authority will share data collected from beneficiaries with ATE for evaluation purposes. ATE's national evaluation partner will be conducting a thematic evaluation of scheme types. This means that some local authorities will be required to participate in a national evaluation of Active Travel Capability Fund activities. If you need any advice, please email contact@activetravelengland.gov.uk
- vi. Your authority will be responsible for being GDPR compliant. If authorities are selected to be part of the national evaluation programme, ATE will require access to data for evaluation purposes. If this is the case, ATE will agree a data processing agreement with the authority, outlining what data will be shared and for what purposes. Under this agreement, ATE and your authority will be independent data controllers. ATE will also provide a privacy notice

outlining how data will be used for evaluation purposes. This should be used alongside your own privacy notice when collecting data from beneficiaries.

- vii. ATE will observe its obligations under the Data Protection Act 1998 in responding to requests made under the Freedom of Information Act 2000. Where a request includes personal information that you have provided, we will consult you before deciding whether such information should be disclosed. Information about junior staff who are not in public facing roles will not normally be disclosed. In addition to this, we may share information for the purposes of countering fraud or otherwise as required or permitted by law.
- viii. Personal information collected for grant purposes will be used by ATE for administering the Active Travel Capability Fund. We may share information for the purposes of countering fraud or otherwise as required or permitted by law. It is suggested that claimants familiarise themselves with the Fraud Act 2006 and the Bribery Act 2010 when making claims, and in provision of funding to partner organisations.
- ix. ATE reserves the right to publish relevant data and use it to inform public statements. Future Government Spending Rounds are subject to evidence showing good performance in delivery. This means that poor or non-delivery of bid objectives for the Active Travel Capability Fund may have an impact on the funding your authority receives in future. All funding will depend on the willingness of your authority to follow relevant national guidance in the course of scheme development and implementation, e.g., Local Transport Note 1/20 (which sets out guidance on designing high-quality, safe cycle infrastructure) and Manual for Streets.
- x. Your authority will work with all appropriate lower tier (district-level) authorities to ensure that the funding supports the delivery of fund and local objectives. Your authority must also demonstrate that it has fully consulted appropriate lower tier authorities in the preparation of Local Cycling and Walking Infrastructure Plans (LCWIPs).
- xi. Your authority will comply with all applicable procurement laws when procuring goods and services in connection with the Project and the Department shall not be liable for your authority's failure to comply with its obligations under any applicable procurement laws.
- xii. Your authority will maintain appropriate records of compliance with the relevant subsidy control regime and will take all reasonable steps to assist ATE to comply with the same and respond to any proceedings or investigation(s) into the use of the funding by any relevant court or tribunal of relevant jurisdiction or regulatory body. The grant must be repaid if the recipient breaks subsidy control rules. Further guidance is available from: www.gov.uk/government/publications/uk-subsidy-control-statutory-guidance
- xiii. ATE expects your authority to have robust accounting, monitoring and transparency arrangements in place to allow for appropriate accountability to their communities. ATE however, reserves the right to approach authorities if internal or external auditors require information relevant to their scheme. Our

grant may be audited by internal or external auditors, and if this is the case, ATE will notify your authority in writing.

- xiv. Your authority will ensure they comply with the 2010 Equality Act and the Public Sector Equality Duty. This includes considering impacts of the project on protected characteristic groups during the scheme design process and in the monitoring and evaluation stage.
- xv. To emphasise the role played by government funding, your authority must use the ‘funded by government’ logo on products and materials funded by the Active Travel Capability Fund, for example, websites promoting funded projects, public-facing printed material, press releases or media announcements. The Grant Recipient shall at all times during and following the end of the Funding Period:
- comply with requirements of the Branding Manual¹ in relation to the funded activities; and
 - cease use of the Funded by UK Government logo on demand if directed to do so by ATE.
- xvi. Media announcements and releases must prominently acknowledge the role played by government funding and offer ATE suitable time to include a comment. Where a launch or media event is planned for a project or programme, ATE must be made aware and given the opportunity to consider whether there should be Commissioner or Ministerial involvement.

¹ Branding Manual means the HM Government of the United Kingdom of Great Britain and Northern Ireland Branding Manual Funded by UK Government first published by the Cabinet Office in November 2022, and is available at <https://gcs.civilservice.gov.uk/guidance/marketing/branding-guidelines/>, including any subsequent updates from time to time.

ANNEX B

Active Travel Capability Fund GRANT DETERMINATION (2023-24): No 31/6823.

The Minister of State for Transport (“the Minister of State”), in exercise of the powers conferred by section 31 of the Local Government Act 2003, makes the following determination:

Citation

1) This determination may be cited as the Active Travel Capability Fund Grant Determination (2023-24) No 31/6823.

Purpose of the grant

2) The purpose of the grant is to provide support to local authorities in England towards expenditure lawfully incurred or to be incurred by them.

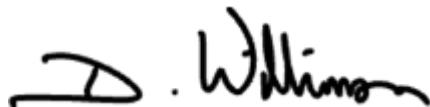
Determination

3) The Minister of State determines as the authorities to which grant is to be paid and the amount of grant to be paid, the authorities and the amounts set out in Annex C.

Treasury consent

4) Before making this determination in relation to local authorities in England, the Minister of State obtained the consent of the Treasury.

Signed by authority of the Minister of State for Transport



Danny Williams

Chief Executive Officer, Active Travel England

13 September 2023

ANNEX C – Capability Fund 2023/24 (revenue) Grant Amount

Local Authority	Grant to be paid
Derbyshire County Council	£142,535

ANNEX D

Capability Fund 2023/24 Grant Acceptance Slip

I acknowledge receipt of this Active Travel Capability Fund 2023-24 Grant Determination letter and I accept the grant on behalf of Derbyshire County Council subject to the conditions set out in this letter. I confirm that I am lawfully authorised to do so.

Signed.....

Mark Kenyon

Please print name.....

Director of Finance and ICT

Position.....

6 October 2023

Date.....

Please sign and email a scanned copy to contact@activetravelengland.gov.uk by 6 October 2023.



FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

CABINET

22 February 2024

Report of the Director of Finance & ICT

Update to the Anti-Fraud and Anti-Corruption Strategy

1. Divisions Affected

1.1 Not applicable.

2. Key Decision

2.1 This is not a key decision.

3. Purpose

3.1 The purpose of this report is to inform Cabinet of the review and update of the Anti-Fraud and Anti-Corruption Strategy and recommend that Cabinet endorses the Strategy as Council policy.

3.2 The maintenance of an up to date and robust Anti-Fraud and Anti-Corruption Strategy is consistent with the Council's Financial Regulations, which require that appropriate fraud arrangements are in place. The revised Strategy also supports the Council's duty to make arrangements for the proper administration of its financial affairs (s.151 Local Government Act 1972) and to implement measures to prevent and detect inaccuracies and fraud (Part 2, Regulation 4 of the Accounts and Audit Regulations 2015).

3.3 Cabinet are asked to:

- a) endorse the Anti-Fraud and Anti-Corruption Strategy as Council policy.

4. Information and Analysis

- 4.1 The Council maintains a range of policy and procedural documents which outline its approach to creating an anti-fraud and anti-corruption culture. These support the identification, investigation and reporting of potential fraud and corruption across the Council's activities. Key within this, is the Anti-Fraud and Anti-Corruption Strategy.
- 4.2 The Anti-Fraud and Anti-Corruption Strategy outlines the Council's approach to the prevention and detection of fraud and corruption, and stance against fraud and corruption in all its forms. It provides a clear set of standards and guidance for all employees, elected members, contractors and residents. The Strategy was created in 2015 and updated in 2018.
- 4.3 The Strategy has historically been supported by a separate Fraud Response Plan which provides direction on how to report a suspected fraud and details how such reports will be investigated.
- 4.4 In early 2022 an exercise was undertaken to benchmark the Council's counter fraud arrangements against the 'Fighting Fraud and Corruption Locally – a strategy for the 2020s' Checklist. This exercise identified a need for the Anti-Fraud and Anti-Corruption Strategy and Fraud Response Plan to be reviewed and updated. This was the driver of the recent review of the Strategy that has been performed.
- 4.5 As part of the review, the following actions have been taken:
- Guidance has been simplified to make it more accessible.
 - Key roles and responsibilities have been included at section 2.
 - Reference to 'Fighting Fraud and Corruption Locally – A Strategy for the 2020s' and the Enterprise Counter Fraud Approach has been included within section 3.
 - Performance Indicator targets have been added into the document at section 3 to allow delivery of the Strategy to be measured and monitored.
 - The Fraud Response Plan has been updated and incorporated into the Strategy (at Appendix A).

The revised Anti-Fraud and Anti-Corruption Strategy is attached at Appendix 2.

- 4.6 The Audit Committee, acting in its role as "those charged with governance" endorsed the revised Strategy on 18 July 2023. In addition, the Policy Forum within which with Joint Trade Unions are engaged and consulted with on employment policy, endorsed the revised Strategy on 17 October 2023. The document now requires approval by Cabinet.

5. Consultation

5.1 No consultation is necessary.

6. Alternative Options Considered

6.1 Cabinet could decide not to approve the refreshed Strategy.

7. Implications

7.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

8. Background Papers

8.1 Electronic files and Audit working papers are held by Audit Services, Finance & ICT Services, County Hall.

9. Appendices

9.1 Appendix 1 – Implications.

9.2 Appendix 2 – Anti-Fraud and Anti-Corruption Strategy.

10. Recommendation(s)

10.1 That Cabinet:

- a) Note the review of the Anti-Fraud and Anti-Corruption Strategy and approve it as Council policy.

11. Reason for Recommendation(s)

11.1 To comply with the Council's Financial Regulations, s.151 Local Government Act 1972 and Part 2, Regulation 4 of the Accounts and Audit Regulations 2015 which require that appropriate fraud arrangements are in place.

12. Is it necessary to waive the call-in period?

12.1 No.

Report Author: Mark Lunn, Assistant Director of Finance (Audit).

Contact details: Mark.Lunn@derbyshire.gov.uk

Implications

Financial

- 1.1 The creation of a robust counter fraud culture will minimise the risk of fraud occurring and as such, will reduce losses incurred by the Council due to fraud or corruption. This will help the Council to ensure that resources are used appropriately and for the benefit of residents.

Legal

- 2.1 To comply with the Council's Financial Regulations, which require appropriate fraud arrangements to be in place. The Strategy also forms part of the Council's wider counter fraud arrangements which are designed to prevent and detect inaccuracies and fraud (as required by Part 2, Regulation 4 of the Accounts & Audit Regulations 2015) and to promote the proper administration of the Council's financial affairs (as required by s.151 Local Government Act 1972).

Human Resources

- 3.1 The updated Anti-Fraud and Anti-Corruption Strategy supports and is aligned to the Council's Code of Conduct for employees. The Code of Conduct sets out the standards of conduct required of employees in carrying out their work. The Anti-Fraud and Anti-Corruption Strategy is directly referenced in this Policy.

Information Technology

- 4.1 None.

Equalities Impact

- 5.1 None.

Corporate objectives and priorities for change

- 6.1 The Council is committed to ensuring good financial management and compliance with applicable laws and regulations.

Other (for example, Health and Safety, Environmental Sustainability, Property and Asset Management, Risk Management and Safeguarding)

- 7.1 The updated Anti-Fraud and Anti-Corruption Strategy supports, and is aligned with, the Council's Whistleblowing Policy. The Whistleblowing Policy provides details as to how an individual can report a suspected instance of fraud and corruption, and their statutory protections in line with the Public Interest Disclosure Act 1998.

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Anti-Fraud and Anti-Corruption Strategy



Version History			
Version	Date	Detail	Author
1.0	September 2015	Revision of Strategy	Carl Hardman
2.0	September 2018	Update of Strategy	Carl Hardman
3.0	July 2023	Update of Strategy to: <ul style="list-style-type: none"> • Simplify the guidance to make it more accessible to stakeholders. • Summarise key roles and responsibilities at section 2. • Make reference to 'Fighting Fraud and Corruption Locally – A Strategy for the 2020s' and the Enterprise Counter Fraud Approach at section 3. • Include Performance Indicator targets at section 3 to allow delivery of the Strategy to be measured and monitored. • Incorporate the Fraud Response Plan (at Appendix A). 	Philip Spencer

Foreword from the Leader of the Council and Managing Director

Within the Council Plan, we have made a commitment to spend money wisely, make the best use of the resources that we have and to be honest and accountable in the way that we operate. This means doing all we can to safeguard public funds and establish a robust counter fraud culture which promotes and values the prevention and detection of fraud and corruption. This will ensure that council resources are used to deliver high quality public services and to make Derbyshire a great place to live, work and visit.

This strategy details the council's approach to the prevention and detection of fraud and corruption, the key aspects of our current counter fraud culture and the actions that we need to take in the coming years to further strengthen our arrangements. It reflects the council's zero tolerance to fraud and corruption in all its forms and provides a standard with which the council's employees, elected members, contractors and residents must comply.

This strategy sits within the council's wider governance framework which includes the Financial Regulations, Standing Orders Relating to Contracts, Codes of Conduct for Employees and Members, Anti-Money Laundering Policy and Whistleblowing Policy. This framework provides a robust and coordinated counter fraud environment designed to protect public funds.



Councillor Barry Lewis
Leader of Derbyshire County Council



Emma Alexander
Managing Director

1. Introduction

The council takes its responsibilities for the stewardship of public funds very seriously. As part of this commitment, it seeks to maintain an effective counter fraud culture to prevent and detect fraud and corruption.

This strategy details the risk of fraud within local government, the key controls that the council has put in place to address this risk and the responsibilities of members, officers and employees in relation to fraud. As such, it sits alongside the:

- **Whistleblowing Policy** - which details how potential frauds should be reported.
- **Fraud Response Plan (Appendix A)** - which details how allegations of fraud are investigated.
- **Anti-Money Laundering Policy** - which provides specific guidance on the Council's safeguards and reporting arrangements in relation to suspected money laundering.

What is 'fraud' and 'corruption'?

The Fraud Act 2006 defines **fraud** as an intention to make a gain or cause a loss due to false representation, failing to disclose information or abuse of position.

Corruption is defined as the offering, giving, soliciting or acceptance of an inducement or reward, or showing any favour or disfavour which may influence any person to act improperly.

A counter fraud culture is one which promotes and values the prevention and detection of fraud and corruption.

The fraud challenge

Whilst the true cost of local government fraud is not known, in 2017, the Annual Fraud Indicator¹ estimated this to be £7.3bn per year. Every £1 lost to fraud and corruption is £1 less that the council has available to provide services to Derbyshire residents.

The council has therefore sought to establish an effective counter fraud culture which seeks to minimise the risk of fraud and corruption taking place and identify any instances that do. This is made more difficult by the ever-changing nature and complexity of frauds, with fraudsters seeking to capitalise on new technologies (including increased use of on-line banking and authentication methods) and emerging risks (most notably the Covid-19 pandemic).

¹ CIPFA, 'Fraud and corruption tracker – National Report 2020'; CIPFA Counter Fraud Centre.

'Fighting Fraud and Corruption Locally – A Strategy for the 2020s' states that:

'tackling the threat of fraud and corruption has been and continues to be a cornerstone of protecting council finances and enabling them to maximise the value of every pound spent on behalf of local residents'.

Frauds can take a variety of forms and be committed by a range of individuals and organisations. The following are some examples of frauds within local government:

Cyber Fraud – The use of technology to exploit weaknesses within an IT system for financial gain. Examples include ransomware/malware attacks, hacking or misuse of council systems.

Direct payments – An individual may claim direct payment funding to which they are not entitled by misrepresenting their care needs or understating their assets/income. In addition, a third party may misuse direct payment funding by using this for personal gain rather than for the benefit of the individual.

Insurance Fraud - Bogus claims made by serial claimants across authorities.

Grants – By claiming multiple grants for the same objective or use of grant monies for purposes for which they were not intended.

Recruitment – Submission of bogus qualification, reference, identification or right to work information by applicants to secure employment with the council.

2. Key roles and responsibilities

Whilst all stakeholders have a role in reducing the risk of fraud, elected members and senior management have a key role in establishing and enforcing a culture of high ethical standards and integrity.

Stakeholder	Specific Responsibilities
Managing Director	Create and enforce an effective counter fraud culture within the council.
Director of Finance & ICT	To establish systems and controls to ensure that council resources are used appropriately.
Assistant Director of Finance (Audit)	Establish and embed an appropriate fraud strategy and framework by ensuring sufficient staff resource is dedicated to counter fraud activities.
Monitoring Officer	To promote and maintain high standards of conduct throughout the council by developing and enforcing appropriate governance arrangements, including codes of conduct. Will also be consulted in the performance of audit investigations into suspected fraud or corruption.
The Audit Committee	Monitor the council's approach to tackling fraud and corruption and promote a counter fraud culture.
External Audit	Provides a view as to whether the council's financial statements are free from material misstatement, whether caused by fraud or error.
Internal Audit	Co-ordinate the fraud strategy and framework, including the measures in place to acknowledge, prevent and pursue fraud and corruption activity. This includes audit investigations, counter fraud activity and liaison with the Police for criminal matters.
Managing Director, Executive Directors, Directors, Assistant Directors and Service Delivery Managers	Manage the risk of fraud, corruption and bribery through the creation and operation of internal controls. Promote fraud awareness amongst employees and ensure that all suspected frauds are immediately referred to Internal Audit in line with the Fraud Response Plan (Appendix A).
Employees	Act as the first line of defence against fraud, corruption and bribery. They must comply with the council's policies and procedures and notify any suspected frauds to their line manager in accordance with the council's Whistleblowing Policy.

3. Strategy Statement

Enterprise Counter Fraud

This strategy is based on an Enterprise Counter Fraud (ECF) approach which seeks to establish and embed a robust counter fraud culture. This will help the council to deliver the Council Plan, spend its resources wisely and enhance employee and public confidence that the council operates with honesty, integrity and in the best interests of Derbyshire residents.

To enable the ECF approach to become embedded throughout the council's operations, this strategy has been structured around the five key principles included in 'Fighting Fraud and Corruption Locally – A Strategy for the 2020's':

- **Govern** – having the right governance arrangements to prevent fraud and corruption taking place and identifying any instances that do.
- **Acknowledge** – recognise, identify and address fraud risks.
- **Prevent** – minimise the risk of fraud occurring.
- **Pursue** – being stronger in punishing fraud and recovering losses.
- **Protect** – protecting public funds and those who are vulnerable.

An exercise has been undertaken to assess the council's arrangements against these five principles and to identify areas for development. These are detailed below and a summary of actions included at Appendix B.



Govern

The council has established a governance framework which provides employees, elected members and third parties with clear guidance on how tasks should be performed and their duty to act with honesty and integrity. This includes Financial Regulations, Standing Orders Relating to Contracts, Codes of Conduct for Employees and Members together with the Anti-Fraud and Anti-Corruption Strategy and Fraud Response Plan.

The strategy and plan have not been reviewed for several years and therefore, an exercise has recently been undertaken to bring these documents up to date with the Fraud Response Plan now incorporated into this strategy at Appendix A. This exercise will be refreshed annually in future years. In addition, a process will be established to risk assess fraud referrals received by Internal Audit with the outcomes used to inform the allocation of counter fraud resources.

Ref	Action	2023-24	2024-25	2025-26
A1	Review the Anti-Fraud and Anti-Corruption Strategy.	✓	✓	✓

Ref	Action	2023-24	2024-25	2025-26
A2	Devise a risk assessment methodology for all fraud referrals.	✓		



Acknowledge

In order to create an effective counter fraud culture, the council must first recognise the risk and potential impact of fraudulent activity on its resources and its ability to deliver the Council Plan. In recent years, steps have been taken to heighten fraud awareness through attendance at fraud forums, the launch of on-line fraud awareness training and targeted fraud communications.

Further work is however required, to ensure that all staff are aware of the risk of fraud and their responsibilities in relation to its identification and reporting. In addition, the council could do more to identify, and work with, council colleagues and other organisations that are involved in the prevention and detection of fraud and corruption in Derbyshire. This will help to develop a coordinated and consistent counter fraud culture across the region.

Ref	Action	2023-24	2024-25	2025-26
A3	Refresh fraud awareness training for members and employees.	✓		
A4	Attend all Departmental Senior Management Teams annually to raise fraud awareness.	✓	✓	✓
A5	Work with the Director of Finance & ICT to make Fraud Awareness training mandatory for all corporate finance staff.	✓		
A6	Work with Executive Directors to extend mandatory Fraud Awareness Training within the department.		✓	✓
A7	Provide fraud awareness training to maintained schools.	✓	✓	✓
A8	Support the annual Fraud Awareness Week in November.	✓	✓	✓
A9	Establish and maintain working relationships with internal and external organisations involved in counter fraud activity across Derbyshire.	✓	✓	✓
A10	Develop a counter fraud presence on the Corporate Services and Transformation SharePoint site.	✓		



Prevent

Wherever possible, the council will seek to prevent fraud and corruption taking place. It has therefore established a number of working practices designed to reduce the risk of fraud occurring. These include a segregation of duties in the raising of orders, goods receipt and invoice approval, declaration of interests and checks on new starters. Internal Audit consider whether these working practices are being adhered to.

Historically, the council's counter fraud approach has been largely reactive in nature. The performance of more proactive work will help to ensure that fraud and corruption is identified and addressed at an earlier stage.

Ref	Action	2023-24	2024-25	2025-26
A11	Identify national datasets which could be used to proactively identify instances of fraud and corruption.	✓	✓	✓
A12	Embed counter fraud testing within all planned audit reviews.	✓	✓	✓



Pursue

Whilst the council will do all it can to prevent fraud occurring, it is recognised that fraud and corruption cannot be completely eradicated. Formal procedures have therefore been established which detail how suspected frauds should be reported (the Whistleblowing Policy) and investigated (Fraud Response Plan - Appendix A). Where fraud or corruption is proven, appropriate action will be taken, and consideration given to the wider publication of the case and its outcomes.

These arrangements will be further strengthened by ensuring that audit investigations are completed promptly and by the development of a Counter Fraud Communications Plan (to detail when frauds will be publicised, and to whom) and an Annual Fraud Report (to summarise counter fraud work performed and the delivery of this strategy).

Ref	Action	2023-24	2024-25	2025-26
A13	Develop a Counter Fraud Communications Plan.	✓		
A14	Complete all audit investigations within three months of referral unless extended by the Assistant Director of Finance (Audit).	✓	✓	✓
A15	Produce an Annual Fraud Report to support the Annual Audit Report.		✓	✓



Protect

By adopting the principles of govern, acknowledge, prevent and pursue, the council can protect itself from the risk of fraud and minimise the impact of fraud and corruption on the council's operations and resources.

In March 2022, a review of the council's counter fraud arrangements was performed against the 'Fighting Fraud and Corruption Locally' checklist. This identified a number of recommended areas for improvement with work ongoing to address these. These arrangements would be further strengthened by the development of a Fraud Risk Register to ensure that new and emerging fraud risks are identified and addressed. This will ensure that the council's counter fraud arrangements are fit for purpose, both now and in the future.

Ref	Action	2023-24	2024-25	2025-26
A16	Create a Fraud Risk Register.	✓		

Delivering the strategy

The delivery of this strategy and the actions within (as summarised at Appendix B) will be regularly reviewed and reported to the Audit Committee.

Updating the strategy

This strategy will be reviewed annually to ensure that it continues to reflect the council's key fraud risks and associated priority areas. The updated strategy will be presented to the Audit Committee and Cabinet for review and reapproval.

APPENDIX A – FRAUD RESPONSE PLAN

Reporting a suspected fraud

Employees:

If you suspect fraud may be taking place, you should:

- Document what you have seen, including the dates and times of any incidents you have witnessed.
- Notify your concerns to your line manager or, if this is not appropriate, to a Director or Executive Director in your department.
- Raise a security incident via Halo if your concerns relate to a potential data breach.

Your line manager will then escalate your concerns in line with this plan. You do not need to take any further action, although you may be asked to provide further information to Internal Audit and/or the Police at a later date.

The Whistleblowing Policy provides protection for council employees when making an allegation of fraud, including the right to raise concerns anonymously if you wish. Employees may however be subject to disciplinary action if it is found that concerns have been raised maliciously.

Line managers:

Upon receipt of an allegation of suspected fraud, line managers should:

- Gather as much information as possible regarding the allegation.
- Notify the Assistant Director of Finance (Audit) of the suspected fraud in line with the Financial Regulations.
- In conjunction with HR Advice & Support Team, consider whether the employee(s) to whom the allegation relates should be suspended or redeployed whilst the matter is investigated.

Elected members:

Allegations of fraudulent activity by an elected member should be raised directly with the Director of Legal and Democratic Services and the Assistant Director of Finance (Audit). The Director of Legal and Democratic Services, in conjunction with the Managing Director, will then decide if the matter should be reported to the relevant political group leader.

APPENDIX A – FRAUD RESPONSE PLAN

Investigation into allegations of fraud

Upon receiving an allegation of fraud, the Assistant Director of Finance (Audit) will agree with the relevant Executive Director how the allegation should be investigated and by whom. The following options are available:

Investigation By	Nature of alleged fraud	Outcome
Police	Criminal	To be determined by the Police but may involve criminal prosecution or a community order.
Internal Audit	Financial misconduct	<ul style="list-style-type: none"> Investigation Report – provides a view as to whether the employee has committed fraud. Controls Report – details any control weaknesses identified during the investigation and associated recommendations.
Management	Non-financial misconduct	Summary of work performed and a view as to whether fraud has occurred.
Joint Audit and Management	Both financial and non-financial misconduct	A Lead Officer will bring together the outcomes of the Management Investigation together with the Audit Investigation and Controls Reports.

All investigations will be performed in accordance with relevant legislation including the Regulation of Investigation Powers Act 2000 (as amended by the Investigatory Powers Act 2016). Investigation outcomes will be reported to the relevant senior officer to determine next steps.

What happens if an employee is found to have committed fraud?

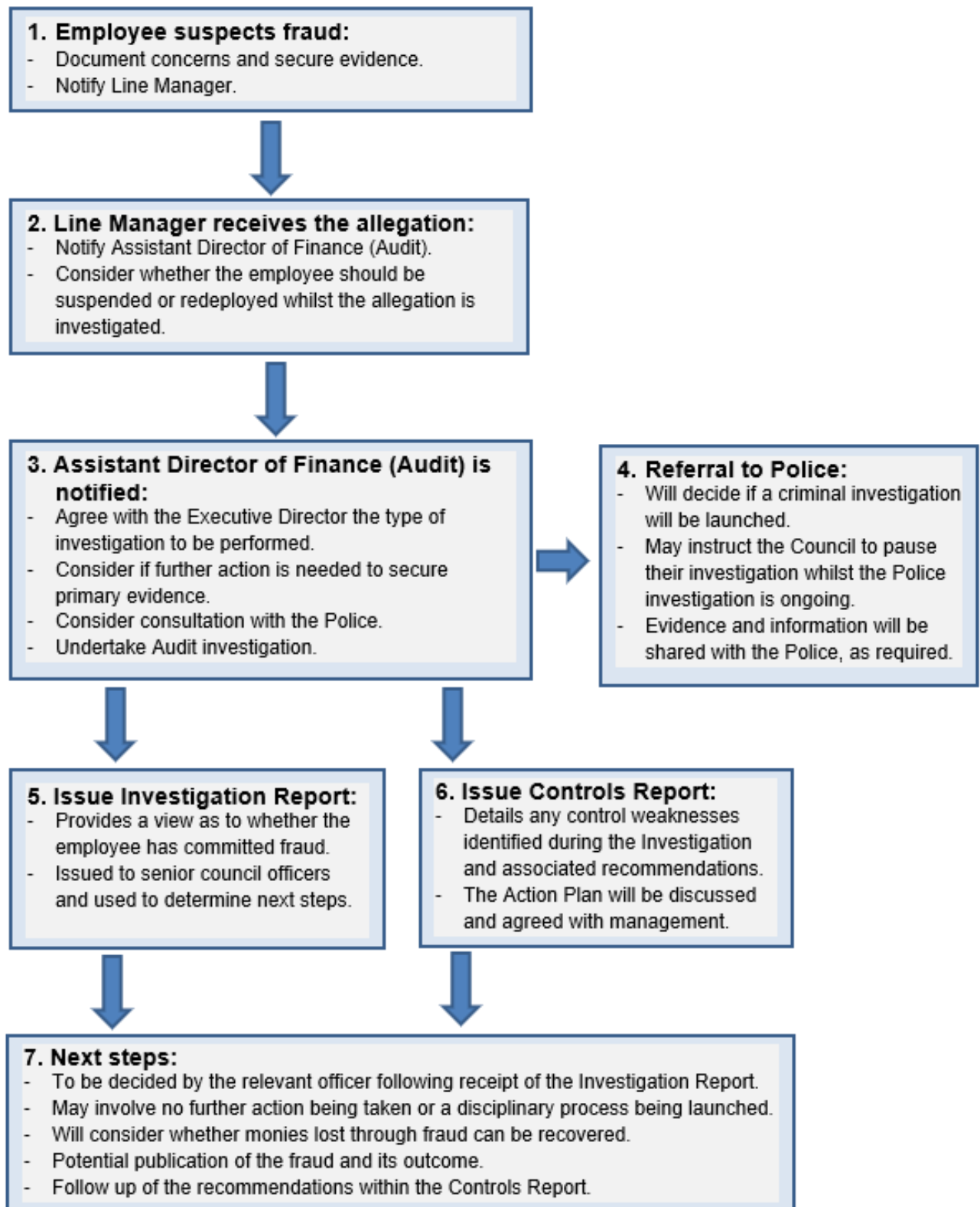
By committing fraud, an employee will have breached the Code of Conduct for Employees and may also have committed a crime under the Fraud Act 2006.

The penalties for this may include:






- Criminal prosecution leading to potential imprisonment, community service and fines.
- Reputational damage for the employee due to the publicity of successful criminal prosecutions within the public domain.
- Dismissal from employment and negative impact on future employment prospects.
- Legal action against the individual to recover monies taken from the council by fraud.

APPENDIX A – FRAUD RESPONSE PLAN

The key stages of the fraud responses are summarised below:



APPENDIX B – SUMMARY OF ACTIONS

Area	Area	Ref	Action	2023-24	2024-25	2025-26
	Govern	A1	Review the Anti-Fraud and Anti-Corruption Strategy.	✓	✓	✓
		A2	Devise a risk assessment methodology for all fraud referrals.	✓		
 Page 46	Acknowledge	A3	Refresh fraud awareness training for members and employees.	✓		
		A4	Attend all Departmental Senior Management Teams annually to raise fraud awareness.	✓	✓	✓
		A5	Work with the Director of Finance & ICT to make Fraud Awareness training mandatory for all corporate finance staff.	✓		
		A6	Work with Executive Directors to extend mandatory Fraud Awareness Training within the department.		✓	✓
		A7	Provide fraud awareness training to maintained schools.	✓	✓	✓
		A8	Support the annual Fraud Awareness Week in November.	✓	✓	✓
		A9	Establish and maintain working relationships with internal and external organisations involved in counter fraud activity across Derbyshire.	✓	✓	✓
		A10	Develop a counter fraud presence on the Corporate Services and Transformation SharePoint site.	✓		
	Prevent	A11	Identify national datasets which could be used to proactively identify instances of fraud and corruption.	✓	✓	✓
		A12	Embed counter fraud testing within all planned audit reviews.	✓	✓	✓
	Pursue	A13	Develop a Counter Fraud Communications Plan.	✓		
		A14	Complete all audit investigations within three months of referral unless extended by the Assistant Director of Finance (Audit).	✓	✓	✓
		A15	Produce an Annual Fraud Report to support the Annual Audit Report.		✓	✓
	Protect	A16	Create a Fraud Risk Register.	✓		



FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

CABINET

Thursday, 22 February 2024

Report of the Executive Director - Place

Acceptance of Grant Funding Offer from the Department for Levelling Up, Housing and Communities

(Cabinet Member for Infrastructure and Environment)

1. Divisions Affected

1.1 County-wide.

2. Key Decision

2.1 This is not a Key Decision.

3. Purpose

3.1 To seek Cabinet approval to accept grant funding of £100,000 from the Department of Levelling Up, Housing and Communities from its Planning Skills Delivery Funding Stream.

4. Information and Analysis

4.1 The Department of Levelling Up, Housing and Communities (DLUHC) Planning Skills Delivery Funding Stream (PSDF) is part of the Government's Capacity and Capability Programme (CCP) and will provide £24 million to local authorities over a two year period to help clear the backlog of planning applications and prepare for the implementation of proposed planning reforms set out in the Levelling Up and Regeneration Act 2023.

- 4.2 On 24 July 2023, DLUHC published details of its PSDF and invited bids for funding up to £100,000 from local planning authorities to assist in dealing with backlogs of planning applications or providing opportunities for filling skills gaps to deal with the new planning reforms.
- 4.3 In its invitation for bids, DLUHC recognised that many local planning authorities, as well as the wider planning sector, were facing capacity and capability challenges. To ensure that local authorities were well equipped and supported to deliver development now, as well as being ready to deliver the changes set out in the Levelling Up and Regeneration Act, Government has developed a programme of support with partners across the planning sector through its CCP. The programme aims to provide the direct support to local authorities to tackle issues such as attracting more/new planners into local government, upskilling existing planners, and/or further developing the future pipeline into the profession.
- 4.4 To support bids for the PSDF, DLUHC required bidding authorities to provide detailed evidence setting out the nature of their resource and capacity difficulties, particularly in respect of the scale and nature of any backlogs of undetermined planning applications.
- 4.5 On behalf of the Council, the Assistant Director of Regulatory Services submitted a bid for £100,000 to deal with the processing of the backlog of minerals and waste applications. Detailed evidence provided in the bid highlighted that the vast majority of undetermined planning applications were for very large scale, complex applications, particularly for minerals developments. The bid also highlighted that issues around backlog related to both the number and complexity of applications and to ongoing staffing issues caused by a shortage of available/experienced planners. This skills gap has therefore been filled in recent times by the engagement of two senior and experienced development management agency workers. The main basis of the Council's funding bid, therefore, was to engage two senior and experienced agency workers for a further period (six months) to help deal with processing of the applications backlog.
- 4.6 On 19 December 2023, the Council was formally notified by DLUHC that its bid had been successful for the full amount of £100,000. DLUHC now requires the Council to formally accept the offer of funding. Cabinet is therefore asked to accept the offer of funding on behalf of the Council.

5. Consultation

5.1 None required as part of conditions of submission of bids.

6. Alternative Options Considered

6.1 Option 1: Do nothing – By doing nothing and not accepting the offer of grant funding, the Council would either have to fund the employment of two agency workers itself or not employ the agency workers at all. The latter would result in a worsening of the current position relating to the backlog of undetermined major minerals and waste planning applications.

6.2 Option 2: Do something different – No further funding routes are available to help address the backlog of work in the Planning Service. Taking front line staff from new/ current applications and re-directing them to tackling the backlog will only result in new applications becoming part of the problem in the medium term.

7. Implications

7.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

8. Background Papers

8.1 Papers and documentation relating to the DLUHC PSDF.

9. Appendices

9.1 Appendix 1 – Implications.

10. Recommendation

That Cabinet:

- a) Approves to accept the offer of grant funding of £100,000 from the Department of Levelling Up, Housing and Communities from its Planning Skills Delivery Funding Stream.

11. Reason for Recommendation

11.1 The Department of Levelling Up, Housing and Communities has requested that the Council formally confirms in writing its acceptance of

the offer of funding as soon as possible and before the end of the current financial year.

12. Is it necessary to waive the call in period?

12.1 No.

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Implications

Financial

- 1.1 A bid of £100,000 was submitted to DLUHC to cover the Council's anticipated costs for processing a backlog of large-scale major complex planning applications for minerals and waste developments, due to an ongoing skills and staffing capacity difficulty within the Planning Service. The grant will provide one-off funding to the Service to cover staffing costs to deal with the backlog, that otherwise would not be available.

Legal

- 2.1 Section 35 of the Department of Place's Scheme of Delegation (as at 25 May 2023), provides that the Executive Director Place has delegated authority to accept grants of up to £50,000 in respect of projects undertaken by the Place Department. Acceptance of grants in excess of £50,000 requires authorisation from Cabinet.

Human Resources

- 3.1 The grant offer would provide one off funding to be used to employ two senior experienced agency workers for a further period of six months to deal primarily with the processing of the backlog of minerals and waste planning applications in the Planning Service. Such funding would not otherwise be available from with the existing Planning Services budget. Without the funding, permanent staff would need to be redeployed from within the Development Management Service to deal with the backlog, which would impact on the timely processing of newly submitted planning applications.

Information Technology

- 4.1 There are no IT issues associated with the Council accepting the offer of funding.

Equalities Impact

- 5.1 There are no equalities impact issues with regard to the Council accepting the offer of funding.

Corporate objectives and priorities for change

6.1 None directly associated with the Council accepting the offer of funding.

Other (for example, Health and Safety, Environmental Sustainability, Property and Asset Management, Risk Management and Safeguarding)

7.1 Acceptance of the grant offer would help meet a number of Council and Place Department corporate objectives and priorities, particularly relating to resilient, healthy and safe communities; and high performing, value for money and resident focussed services. Large-scale planning application proposals for complex minerals and waste developments can have wide ranging environmental, social and health and well-being impacts on local communities. The timely processing and determination of these planning applications will reduce uncertainty and anxiety within local communities concerned about the impacts of such developments and ensure that if approved, such proposals include appropriate environmental mitigation and safeguards for public health and well-being. The timely processing of planning applications is also a key requirement for a high performing planning service to ensure that the Council meets Government legal requirements for determining planning applications within statutory time limits.



Agenda Item

FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

CABINET

22 February 2024

Report of the Managing Director

Derby and Derbyshire Strategic Leadership Board
(Strategic Leadership, Culture, Tourism and Climate Change)

1. Divisions Affected

1.1 County-wide

2. Key Decision

2.1 This is a key decision because it is likely to be significant in terms of its effect on communities living or working in an area comprising two or more electoral areas in the County.

3. Purpose

3.1 To provide Cabinet with an update on work taking place with Derby and Derbyshire Councils on a revised approach to collaborative and partnership working.

3.2 To seek approval from Cabinet for the Council to establish and participate in a new Joint Committee of Derby and Derbyshire's councils, the D2 Strategic Leadership Board, to collaborate, co-ordinate and drive forward agendas where it is recognised that more can be achieved by councils working together to improve outcomes for people and places across Derbyshire.

4. Information and Analysis

- 4.1 As work progresses towards the establishment of a proposed new East Midlands Mayoral Combined County Authority (EMCCA), which will bring new opportunities to improve outcomes for people and places throughout Derby and Derbyshire, it is important to ensure that Derby and Derbyshire Councils strategic approach to collaborative and partnership working continues, has the flexibility to evolve to meet changing circumstances and is fit for purpose in managing the interface with this new authority, which will have key responsibilities for major investment strategies and programmes for the East Midlands region.
- 4.2 All Derby and Derbyshire's councils will have a stake in these agendas and there is recognition that shaping these effectively will be made more successful by doing so together.
- 4.3 As well as dovetailing with the new regional Combined County Authority, it is recognised that any new county wide governance needs to build on the collaborative working which has been maturing through existing partnership approaches embodied by the Economic Prosperity and Vision Derbyshire joint committees. It is important that the positives of current ways of working are carried forward and that all councils feel they have a full say in decisions as well as safeguards to protect their interests.
- 4.4 Notwithstanding this, there have been ongoing concerns about a proliferation of partnership arrangements with similar or overlapping remits that have led to calls for their rationalisation to clarify roles and reduce the bureaucratic burden on all authorities moving forward.
- 4.5 The case for a new single leadership board comprising all Derby and Derbyshire's councils, working collectively to tackle the county's challenges and speaking with a collective voice, has been further strengthened by the challenging financial circumstances that many local authorities up and down the country are facing, together with the ever pressing need to collaborate, to create new ways of working, and to be more cost effective in delivering services for places, residents and business.

Reviewing current D2 strategic governance arrangements

Vision Derbyshire

- 4.6 In 2019, Derbyshire Councils came together to explore a future collaborative approach to partnership working in Derbyshire, shaping a shared, ambitious leadership vision focused on achieving the greatest public value for local people and communities.

- 4.7 This approach, Vision Derbyshire, has involved a significant investment of time, hard work and goodwill from participating councils, including Leaders and Officers.
- 4.8 It is now over four years since work on Vision Derbyshire commenced. There have been a number of significant achievements during this time, in particular driving forward the Vision Derbyshire Business Development programme, the development of the Vision Derbyshire Climate Change Strategy and supplementary Planning Policy Guidance and the creation of the Vision Derbyshire Joint Committee.
- 4.9 A light touch review of Vision Derbyshire was undertaken by East Midlands Councils in early 2023, tasked with gathering local councils' views on the current arrangements, challenges and opportunities and ambitions for the future.
- 4.10 A report submitted to the Vision Derbyshire Joint Committee on 28 July 2023 outlined the review's key findings:
- Vision Derbyshire has supported a collegiate, shared understanding of the common challenges facing councils across the county and how collectively these challenges may be addressed;
 - Vision Derbyshire provided a helpful platform upon which Derbyshire Councils were able to develop and deliver elements of their collective programme response to the Covid-19 pandemic;
 - The fulcrum for activity has likely accelerated the delivery of joint programmes and has been of benefit to wider work in Derbyshire;
 - However, only a limited number of councils are full contributory members;
 - The absence of some councils inhibits the ability of Vision Derbyshire to be an authoritative and representative partnership of all councils;
 - Nevertheless, there is a potential appetite and opportunity to move forward.
- 4.11 In particular:
- a) There is an appetite for refreshed, collaborative activity between councils in Derbyshire, particularly on matters relating to the Combined County Authority.
 - b) There is an appetite to see existing partnership and governance arrangements in Derbyshire simplified and rationalised with a single Derbyshire-wide partnership vehicle comprising all Derbyshire councils.

- c) There is recognition that a future partnership approach should specifically align with the proposals for the East Midlands Mayoral Combined County Authority to enhance collective influence.
- d) There is a desire to discuss and share best practice in service delivery – while recognising that any shared services and/or procurement initiatives are best progressed by arrangements involving relevant councils.
- e) There is a consensus that to support a fresh approach, the ‘Vision Derbyshire’ brand should be ‘retired’ as partners move to a fresh collaborative arrangement.

4.12 The report’s findings were welcomed by members of the Vision Derbyshire Joint Committee, in particular the clear recognition Council’s collaborative objectives remain relevant and worthy and that the approach has helped to lock together county, district and borough relationships.

D2 Joint Committee for Economic Prosperity (D2 EPC)

- 4.13 In November 2013 the Council approved the establishment, with Derby City Council and all District and Borough Councils in Derbyshire, of a Joint Committee to deliver economic growth and prosperity across the geographical county of Derbyshire.
- 4.14 The D2 EPC’s purpose was to act as the local public-sector decision-making body for strategic economic development at the D2 level and to oversee the planning, alignment, development, and delivery of investment related to economic growth and prosperity for the area, utilising funding from Government, the D2LEP and EU.
- 4.15 The Joint Committee also maintained and supported ongoing dialogue with key strategic partners, relevant bodies whose work impacts of the area, including the D2 business community.
- 4.16 Key achievements and successes have included: establishment of a D2 investment pipeline; leadership of economic recovery from the COVID pandemic, targeted work on key sectors such as the rural economy and low carbon transport; support to businesses and inward investment activity; development of growth, skills and employment and transport strategies; delivery of regeneration programmes such as town deals; and management of the retained business rates pool. The development of strategic approaches in response to Government initiatives such as the Freeport and HS2 have also occurred through D2 EPC.

4.17 During the course of 2023 the Committee agreed that a governance review be undertaken in which the work, purpose and terms of reference of the existing Boards was evaluated:

- The D2 Joint Committee for Economic Prosperity (D2 EPC)
- The Derbyshire Economic Recovery Board (DERB)
- The Derbyshire Economic Partnership (DEP)

4.18 While the review floated the idea of bringing together the EPC, DERB and DEP within what, at that stage, was to be called the D2 Growth Board - with a Business advisory board potentially envisaged as sitting alongside – it was recognised that there needed to be a single decision-making arena that included all Leaders.

Future strategic governance arrangements for Derby and Derbyshire: The Strategic Leadership Board

4.19 Bringing together and informed by the above reviews, the D2 Strategic Leadership Board (D2 SLB) is proposed as the successor to the two existing joint committees, Vision Derbyshire and Economic Prosperity, promising a streamlined, refreshed and fully inclusive approach to collaborative working across existing and new partnership activity.

4.20 The D2 SLB is proposed to be established as a joint committee, offering a single framework for discussion and decision making across agendas incorporating the remits of the Vision Derbyshire Joint Committee and the D2 Economic Prosperity Committee.

4.21 The proposed structure for the new D2 SLB can be found at **Appendix 2**. The draft Terms of Reference, including the Articles, Procedure Rules and Access to Information Procedure Rules are attached at **Appendix 3**. A short Guide to the D2 SLB is at **Appendix 4** and provides a simple, accessible description of the D2 SLB's ambition and functions, and how it will work in practice.

4.22 This new Joint Committee would bring together Derby and Derbyshire's ten councils to:

- Provide collective leadership for Derby and Derbyshire, allowing our authorities to speak with a single, shared voice on matters of common interest at the county, regional and national level;
- Collaborate as partners to develop joined-up approaches to the complex, connected and challenging agendas where our councils share common interests; and

- Progress shared ambitions for the people and places of Derbyshire, making decisions together to improve services and co-ordinate resources better and more sustainably.
- 4.23 All local authorities within Derby and Derbyshire would be invited to join D2 SLB as constituent members and to play a full part in co-ordinating and driving agendas where it is recognised and agreed that more can be achieved for all our localities, and for Derby and Derbyshire as a whole, by our councils working together.
- 4.24 Accordingly, D2 SLB's remit would include 'place', regeneration, broader economic development, business and skills, and transport, and wider agendas including climate and the environment, and health and wellbeing.
- 4.25 The Board, on behalf of the participating authorities, would be empowered to discuss and collectively agree actions for improving the delivery of functions already within the remit of local authorities to improve the economic, environmental or social wellbeing of the areas within Derbyshire.
- 4.26 The Board would also provide an opportunity to explore rationalisation and alignment of existing partnership structures and approaches, which will be essential given limited capacity and expertise and reducing public sector resources.
- 4.27 In this context, it would be for the Board to establish any sub committees it chooses to in order to provide support to the Board's work programme and for the Board to determine the membership of these sub committees. Any such sub committees would report into the full Board.
- 4.28 From a legal perspective, the Strategic Leadership Board would be constituted as a 'Joint Committee'. This means that, with decision making powers delegated to it by its constituent member councils, the Board would be empowered to jointly discharge and to exercise functions on their behalf within its agreed remit. (A Joint Committee is one comprising two or more councils established for the joint discharge of any functions of those councils in accordance with the Local Government Act 1972, s101.)
- 4.29 All local authorities would be encouraged to delegate functions to enable D2 SLB to act as the responsible decision-making body for those functions that participating councils confer upon it and to ensure full collaboration across the range of proposed activities that would form

D2 SLB's agenda. The ambition is that through councils' active commitment and participation the Board will mature into a truly authoritative, representative and collaborative partnership of all Derby and Derbyshire councils – while duly acknowledging the sovereignty of participating councils and recognising that each would have separate as well as shared interests in partnership working.

- 4.30 It is proposed that membership and participation be open to all Derby and Derbyshire's councils, including by councils who choose not to confer responsibilities in the way that is envisaged and who instead choose to retain full, separate local control.

Relationship to the proposed EMCCA

- 4.31 Once the East Midlands Combined County Authority is established it is vital that D2 councils come together to manage their interface with this new authority, which will lead the development and delivery of key expenditure programmes all of which will bring benefits to Derby and Derbyshire, including a Devolution Investment Fund ('Gainshare'), the Adult Education Budget and a consolidated transport budget.
- 4.32 All Derby and Derbyshire's councils will have a stake in these agendas and successfully influencing and shaping the CCA's thinking, planning and decision making on local investment priorities is likely to be optimised by doing so together.
- 4.33 It is therefore suggested that the D2 Strategic Leadership Board in the future, will act as the platform in which to:
- Collectively discuss and seek agreement and alignment of Derby and Derbyshire councils' positions on EMCCA business where there are shared interests;
 - Provide a sounding board for Derby and Derbyshire's representatives on the CCA Board to seek advice and equip themselves with an understanding of councils' individual and collective views and priorities related to EMCCA business;
 - Advise and assist EMCCA with the development of its strategy and with implementation of programmes as invited to do so.
- 4.34 Additionally, the Board is envisaged as providing a potentially appropriate mechanism for agreeing formal nominations for district and borough representation on the proposed EMCCA. Under the proposal to establish the EMCCA, Derbyshire's District and Borough Councils collectively are expected to have two seats on the CCA board, with the City and County each having two seats by virtue of being Constituent Member Authorities. It is expected that the D2 Strategic

Leadership Board will be designated by the EMCCA in due course as the formal nominating body for appointments from non-constituent members to the CCA board. The specific process for nominations will need to be developed and agreed by the EMCCA and is therefore subject to further approvals. However, assuming this is agreeable, it will be for districts and borough to determine their two nominations via the D2 SLB. These non-constituent members will sit on the EMCCA board as representatives of all Districts and Boroughs in Derbyshire and not solely of the District or Borough for which they are a Councillor.

- 4.35 If the D2 SLB consents to the designation as a nominating body, the terms of reference of the D2 SLB will need to be amended to include the function of nominating non-constituent representatives to the proposed EMCCA and other associated committee/advisory group representatives as and when requested.

Terms of Reference for the SLB

- 4.36 The draft articles, functions and procedure rules for the proposed D2 SLB Joint Committee are attached at **Appendix 3**, for consideration and agreement by Cabinet as they include proposed delegations from Councils. These provide a framework for the Joint Committee to operate as the future joint decision-making body for matters where Derby and Derbyshire Councils will work collaboratively.
- 4.37 These terms of reference are draft and need to be considered by each of the respective Councils before they can be ratified by the D2 SLB when it convenes.
- 4.38 The articles set out the main aims of the D2 SLB, which will:
- Provide collective strategic leadership for local government in Derby and Derbyshire;
 - Drive forward shared ambition and collective priorities for local government across Derby and Derbyshire;
 - Improve joint working across local government in Derby and Derbyshire;
 - Form a collective view on matters impacting Derby and Derbyshire;
 - Ensure the proposed EMCCA is aware of Derby and Derbyshire's collective views and interests and exercise functions if designated as a 'nominating body' by the Combined County Authority, once established;
 - Enable improved agility, timeliness and effectiveness in decision making.

- 4.39 As the Board's role develops, consideration will be given to the Joint Committee taking on additional responsibilities as these emerge and develop. This will be subject to further approval by the Council to delegate those additional functions to the Joint Committee.
- 4.40 Membership of the Board will comprise councillors from participating councils who will each be enabled to appoint one Elected Member and one substitute. While the Board is envisaged as making decisions on the basis of consensus, formally, in order to reserve the decision-making rights of authorities delegating functions, it is proposed that voting will be restricted to those representatives who are from authorities which have delegated functions to the Committee.
- 4.41 Given the role the Council has played in the D2 EPC and developing and reviewing the Vision Derbyshire approach it is recommended that the authority delegate functions to the Joint Committee as set out in this report to enable it to be formed, agreeing the draft governance arrangements as set out in the Terms of Reference **Appendix 3**.
- 4.42 It is recommended that Cabinet agree that Derbyshire County Council will act as the Strategic Leadership Board host authority. It is also recommended that the Leader, Cllr Barry Lewis, be nominated to represent the County Council on the Joint Committee once it is formed and Cllr Simon Spencer, be nominated as substitute.
- 4.43 The full legal implications for the establishment of the SLB can be found at Section 2.1 of Appendix 1, and, while it is assumed that Council representation on the Board will be undertaken by the Leader, it is recommended that Cabinet note the Council's position regarding the co-option of members onto the Board and that the Council's existing scrutiny arrangements can review or scrutinise decisions made in connection with the exercise of the functions of the Board.

Host Authority and accountable body

- 4.44 The Joint Committee is not a legal entity in its own right and therefore to establish and operate the Joint Committee, a host organisation will be required. The host authority will be responsible for the administration of meetings of the Joint Committee, hold funding on behalf of the Joint Committee and act as the employing authority for the purposes of executive team supporting the Committee (the Programme Team). The host authority's Statutory Officers will act as the Statutory Officers for the Joint Committee.
- 4.45 It is proposed that the County Council should act as the Host authority for the Joint Committee and provide the necessary executive support for

its administration. The County Council was the Host Authority for the D2 EPC and Vision Derbyshire Joint Committee and therefore has sufficient capacity to assume this role.

Winding up the D2 Joint Committee for Economic Prosperity

- 4.46 On 14 December 2023 members of the D2 EPC approved to dissolution of the Joint Committee, for the purposes of establishing the D2 Strategic Leadership Board, to be ratified by constituent member councils.
- 4.47 The D2 EPC has had responsibility for managing the Retained Business Rate pool and resourced a range of successful projects (including capital grant and feasibility schemes, business start-up support and the youth hubs). Following the dissolution of the D2 EPC, £734,449 remains and there are no current commitments for spend. It was agreed in principle this remaining sum be delegated to the Strategic Leadership Board. It would be for D2 SLB to determine how spend against the remainder sum be allocated to projects and proposals that support economic growth and/or help sustain or increase the generation of business rates in the D2 geography, in line with Government's original criteria for the retained funding.
- 4.48 Cabinet is asked to note the dissolution of the D2 Joint Committee for Economic prosperity and Vision Derbyshire and recommend to Council that the Constitution should be amended accordingly.

Winding up the Vision Derbyshire Joint Committee

- 4.49 On 14 December 2023 members of the Vision Derbyshire Joint Committee approved the dissolution of the Committee, for the purposes of establishing the D2 Strategic Leadership Board, to be noted by constituent member councils.
- 4.50 As at the time of the dissolution of this Committee no commitments to the Vision Derbyshire budget were made. There are no outstanding financial liabilities and therefore constituent Councils exiting the arrangement have not needed to pay any outstanding amount to cover a share of their liability. Surplus outstanding funding paid by the constituent authorities will be returned to the constituent authorities on the basis from which they paid in. This is [insert amount] for the Council.
- 4.51 Cabinet is asked to note the dissolution of the Vision Derbyshire Joint Committee and recommend to Council to amend the Council's constitution to remove reference to the Committee and its terms of reference accordingly.

The delivery programme and resource for the D2 SLB

- 4.52 There is agreement across Councils that capacity and capability, through the establishment of a programme team, is needed to support the Board. The Programme Team would be responsible for:
- Overseeing and managing the approach – including servicing meetings/committees;
 - Working with thematic delivery leads to identify, develop, and deliver programmes and projects across the Boards collectively agreed priorities;
 - Shaping the future programme and support align with the proposed EMCCA, if it is established, to optimise benefits for Derbyshire.
- 4.53 As the host authority, Derbyshire County Council will be responsible for the establishment of the team, the implications for which can be found at Section 3 of **Appendix 1**. The team will be comprised of a number of permanent Programme Team posts, to be agreed by the D2 Strategic Leadership Board when it convenes and on the commitment of the programme budget.
- 4.54 The D2 Strategic Leadership Board, once established will direct the work of the programme team and a number of current funding streams have been identified to support this work, previously attributed to the Vision Derbyshire programme, the D2 EPC and the Derbyshire Economic Partnership. This is outlined in the table below.

Strategic Leadership Board Funding	£'s
County Council Funding	175,000
Derbyshire Economic Partnership Funding	135,000
Business Rate Pool Contribution	115,000
Total	425,000

- 4.55 The proposals require no immediate additional funding commitments from the Council and can be funded through budgets already committed to the Vision Derbyshire programme in the 2023/23 and 2024/25 period. This proposal will ensure that funding is in place until March 2025.
- 4.56 The current Business Rates Pool stands at £734,449 and how the Board is funded beyond the 2024/25 period, will be a decision to be taken by the Board at an appropriate time.
- 4.57 It is recommended that Cabinet notes and agrees to the associated costs of the D2 Strategic Leadership Board as set out in this report, the maximum cost of which currently stands at £174,883 per annum.

Next Steps – Taking Forward Proposals

- 4.58 All Derby and Derbyshire Councils are now being asked to agree to join and participate in the D2 Strategic Leadership Board.
- 4.59 Wider engagement with Leadership Teams within participating Councils, both at an Elected Member and Senior Management level, are recognised as being vital to secure shared commitment, including Q&A sessions with Members and development of an accessible ‘short guide to the D2 SLB’. It will be important to ensure that the Council is engaged in development of the Board’s work programme over the coming months to maximise the collaborative benefits for this authority, local people and communities in Derbyshire.
- 4.60 Identifying the key actions which the Council will need to undertake, and the resources and capacity required to participate fully in both the development and future implementation of collaborative working will also be important.

5. Consultation

- 5.1 Not applicable.

6. Alternative Options Considered

- 6.1 Existing Joint Committees having been dissolved, the Council could take the option to not create a successor committee. There would still however, need to be an alternative vehicle to make nominations to the CCA when established.
- 6.2 Existing Joint Committees having been dissolved, the Council could take the option to not participate in the D2 SLB once established. This is not desirable as this report has indicated that the D2 SLB is a merger of two successful Joint Committees to support effective and efficient decision making. There is also significant interest in continuing to work collaboratively with Derby and Derbyshire Councils to work collectively in partnership to tackle the county’s challenges and speak as a collective where possible.

7. Implications

- 7.1 **Appendix 1** sets out the relevant implications considered in the preparation of the report.

8. Background Papers

8.1 Vision Derbyshire Phase Four Cabinet Report – 9 September 2021

9. Appendices

9.1 Appendix 1 – Implications

9.2 Appendix 2 – Proposed single framework for the D2 Strategic Leadership Board

9.2 Appendix 3 – Draft articles, functions and procedure rules for the proposed D2 SLB Joint Committee

9.3 Appendix 4 – A short guide to the D2 SLB

10. Recommendations

That Cabinet:

- a) Approves proposals for the establishment of the D2 Strategic Leadership Board and delegates functions to this Joint Committee as set out in the Functions and Responsibilities document in Appendix 3.
- b) Approves the Terms of Reference, including the Introduction and Context, Functions and Responsibilities, Procedural Rules and Information Procedure Rules for the D2 Strategic Leadership Board as set out at Appendix 3 and the position detailed in those documents regarding scrutiny and co-option.
- c) Appoints the Leader, Cllr Barry Lewis, as the Council's representative on the D2 Strategic Leadership Board and the Deputy Leader, Cllr Simon Spencer, as substitute.
- d) Notes the intention that the D2 Strategic Leadership Board be the body for the nomination of district and Borough representatives to the East Midlands Combined County Authority, when established, further noting that this is subject to the CCA's agreement to designate the D2 Strategic Leadership Board as a nominating body.
- e) Agrees that the County Council will act as the host authority for the Joint Committee.
- f) Notes the dissolution of the D2 Joint Committee for Economic Prosperity, the enactment of which is subject to the establishment of the D2 Strategic Leadership Board, and recommends to Council that the Constitution is amended accordingly.
- g) Notes the dissolution of the Vision Derbyshire Joint Committee, the enactment of which is subject to the establishment of the D2 Strategic Leadership Board, and recommends to Council that the Constitution is amended accordingly.

- h) Approves the Council's membership of the D2 Strategic Leadership Board and the associated costs of taking forward the programme of work, the maximum cost of which currently stands at £156,324 per annum.
- i) Notes that the functions of the Committee are executive functions, and therefore, Derbyshire County Council will not have the opportunity to co-opt additional members onto the Committee and the ability to co-opt is restricted within the Terms of Reference.
- j) Notes that, in accordance with section 9F of the Local Government Act 2000, constituent authorities who operate executive arrangements will need to make formal scrutiny arrangements to review or scrutinise decisions made in connection with the exercise of the functions of the D2 Strategic Leadership Board, and that the Council's existing scrutiny arrangements will apply.

11. Reasons for Recommendations

- 11.1 To establish the D2 Strategic Leadership Board with robust governance arrangements in place and secure the Council's future involvement and participation in new governance arrangements as they develop and emerge.
- 11.2 To enable Cabinet to commit the financial resources required to support the D2 Strategic Leadership Board and work activity.
- 11.3 To enable the Council to participate fully in all decision making and programme activity that will take place under the remit of the proposed D2 Strategic Leadership Board.
- 11.4 To ensure the Council has appropriate lead Elected Member representation on the proposed D2 Strategic Leadership Board.

12. Is it necessary to waive the call in period?

- 12.1 No

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Implications

Financial

- 1.1 Following the dissolution of the D2 EPC, the £734,449 remains from Retained Business Rates fund, and responsibility for overseeing the remainder of the spend, be transferred to the new D2 Strategic Leadership Board. Spend against the RRB will need to be aligned to projects and proposals that support economic growth and/ or help sustain or increase the generation of business rates in the D2 geography, in line with Government’s original criteria for the retained funding.
- 1.2 The dissolution of the Vision Derbyshire Joint Committee has resulted in the return of £174,350 funding to the Council of unallocated spend based on the Councils pervious budget commitment in the 2022/23 period.
- 1.3 The costs and contributions associated with meeting the required budget for the D2 SLB programme team outlined in is outlined below.
- 1.4 Detailed costs for the Council to support current proposals are set out below, which can be met from the Strategy and Policy budget the budget already committed to the Vision Derbyshire approach in the 2023/23 and 2024/25 period.

D2 SLB Funding 24/25

Funded by

Costs	Grade	FTE	Core DDC Budget (£)	Business Rates Pool (£)	DEP Funding (£)
Programme Team	12	1	62,106		
	9	2.5	112,777		
	6	1		34,108	
Programme Budget				50,000	
Team Budget				15,000	
Communications				10,000	
DEP Team					108,142
DEP Project funds	11	2			30,000
		Total (£)	174,883	109,108	138,142

- 1.5 In its role as host authority, the Council is likely to incur costs relating to the operation of the Joint Committee. These will be met from the Programme Budget.

- 1.6 Where an authority determines through its own governance arrangements that it no longer wishes to be a member of the Joint Committee, that authority may cease its membership with effect from the date of its decision. However, authorities will remain liable for any previously agreed financial contributions to fund the D2 Strategic Leadership Board until the end of the financial year for which those contributions have been agreed regardless of any decision to cease membership.
- 1.7 Where long-term liabilities, such as any Pension Fund shortfall, exists they will be calculated at the point membership ceases and any council exiting the arrangement will pay the host authority an amount to cover their share of that liability.

Legal

- 2.1 Section 101(5) of the Local Government Act 1972 (LGA 1972) permits councils to make arrangements for two or more authorities to discharge any of their functions jointly, and arrange for the discharge of those functions by a Joint Committee.
- 2.2 Under s102 LGA 1972 two or more local authorities may appoint a joint committee of those authorities for the purpose of discharging any of their functions. Those two or more authorities would need to agree to delegate functions or powers to the joint committee to enable it to discharge those functions. Those two or more authorities may permit other authorities to appoint members to the joint committee without those authorities delegating functions into it. However, all authorities that wish to join the joint committee will need to formally agree to set up the committee and agree the terms of reference to be able to appoint a member to the committee.
- 2.3 All members appointed to the joint committee are members of that committee. Under the legislation, all members would have the right to participate and vote on any matters at the joint committee. However, voting rights can be restricted to members of those authorities who have delegated functions to it in the Terms of Reference.
- 2.4 Section 9EB of the Local Government Act 2000 (LGA 2000) enables the Secretary of State to make regulations permitting arrangements under section 101(5) of the LGA 1972 where any of the functions are the responsibility of the executive of the Authority. The relevant regulations are the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012. Regulation 11 makes provision for joint arrangements to involve a joint committee under section 101(5) of the LGA 1972.

- 2.5 The functions being delegated to the D2 Strategic Leadership Board are all executive functions. Therefore, in accordance with the legislation and the Council's Constitution, the decision to establish the D2 Strategic Leadership Board and determine the number of members to be appointed to the Committee and their terms of office should be made by Cabinet.
- 2.6 As the functions are executive functions, the regulations also require that the members appointed to the D2 Strategic Leadership Board should be members of the Executive.
- 2.7 In accordance with the Regulation 12 Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012, a local authority with executive arrangements delegating executive functions is not able to co-opt additional members to the Committee. However, an authority operating a committee system is able to co-opt additional members. Therefore, the ability to co-opt is restricted within the Terms of Reference to obtaining a majority vote in relation to any proposal to co-opt. Such co-optees shall not be Members of the Joint Committee and shall have no voting rights.
- 2.8 Any requests for information received by the Board should be directed to the relevant constituent authority for that authority to deal with in the usual way, taking account of the relevant legislation. Where the request relates to information held by 2 or more constituent authorities, they will liaise with each other before replying to the request. The host authority will co-ordinate responses to ensure that legislative deadlines are met.
- 2.9 As part of the process of making decisions and changing policy, the D2 Strategic Leadership Board will in accordance with the public sector equality duty to consider the need to:
- Eliminate unlawful discrimination, harassment and victimisation
 - Advance equality of opportunity between people who share protected characteristics (as defined by equalities legislation) and those who don't.
 - Foster good relations between people who share protected characteristics and those who don't.

Human Resources

- 3.1 The County Council currently employs 2FTE Grade 11 Senior Economic Development Officers who work for the Derbyshire Economic Partnership. Whilst their job description, person profile and line management will not change, they will now be required to support the

priorities of the D2 Strategic Leadership Board and its associated work, which would have previously agreed and commissioned by DEP.

3.2 As the host authority Derbyshire County Council will also hold a number of proposed additional Programme Team posts, to be agreed by the D2 Strategic Leadership Board in its first meeting and on the commitment of the programme budget. Recruitment to any outstanding posts will be in line with the grading criteria of the host council and their policies and procedures, as outlined below:

- 1 x Grade 12 Programme Manager
- 2 x Grade 9 Project Officers
- 0.5 x Grade 9 Communications Officer
- 1 x Grade 6 Admin Support.

3.3 These new posts will be created as a mixture of permanent and fixed term appointments, due to the one-off nature of a proportion of the programme funding. All posts would be subject to the host council's redundancy and redeployment policies and procedures.

3.4 All partners will be asked to confirm their willingness to recognise an obligation to the postholders, through offering redeployment opportunities as appropriate, should this become necessary.

Information Technology

4.1 None

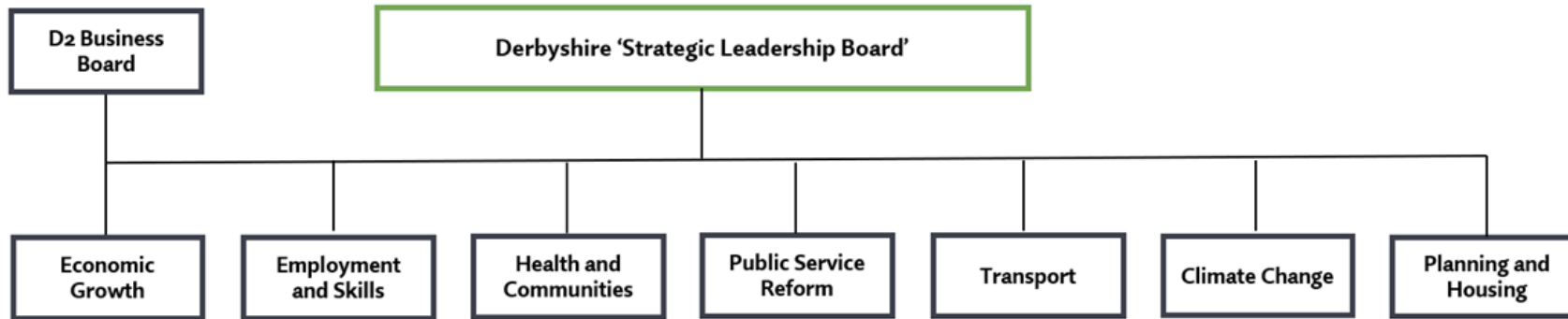
Equalities Impact

5.1 An EIA is not needed as the report relates to an administrative decision rather than an issue of policy.

Corporate objectives and priorities for change

6.1 Vision Derbyshire is one of the Council's three strategic pillars forming part of the Council's overarching strategic approach. Working collaboratively with partners is fundamental to the Council's approach and ambition to deliver better outcomes for people and place.

Draft Proposed Structure for the D2 SLB (showing potential thematic areas, to be determined)



THE DERBY AND DERBYSHIRE STRATEGIC LEADERSHIP BOARD

[Draft] TERMS OF REFERENCE

ARTICLES

1. Introduction and Context

1.1 The **Derby and Derbyshire Strategic Leadership Board** (D2 SLB) brings together the County's ten local authorities in what is a **joint committee** with a refreshed and fully inclusive approach to collaborative working across existing and new partnership activity. D2 SLB will:

- Provide collective leadership for Derby and Derbyshire, allowing our authorities to speak with a single, shared voice on matters of common interest at the county, regional and national level;
- Collaborate as partners to develop joined-up approaches to the complex, connected and sometimes challenging agendas where our councils share common interests; and additionally
- Progress shared ambitions for the area, co-ordinating resources better and more sustainably.

1.2 With the creation of the East Midlands Mayoral Combined County Authority bringing new opportunities to improve outcomes for people and places throughout Derby and Derbyshire, it makes sense for D2 councils to come together to manage their interface with this new authority as well as co-ordinating City, District, Borough and County agendas which are envisaged as becoming the remit of D2 SLB including economic development and regeneration, business and skills, health and wellbeing, transport and the environment and potentially wider agendas where there is common recognition in the value of tackling challenges together.

1.3 Accordingly, the D2 SLB will:

- Achieve joined up approaches within and between a variety of **shared policy agendas and service delivery agendas**, including but not restricted to place and economic development;
- Rationalise and **simplify existing partnership and governance arrangements** related to these areas (with agreement that the work of

existing County level committees (including the Vision Derbyshire Committee, the D2 Economic Prosperity Committee together with the Growth Board will be superseded by a single Derby and Derbyshire-wide partnership arrangement); and

- Provide the lead forum for collaborative activity between councils in Derbyshire on matters relating to the new **Combined County Authority** primarily to secure collective influence, especially concerning investment and growth.

1.4 In this context, the overall ambition of D2 SLB is to mature into a truly collaborative and representative partnership of all Derby and Derbyshire councils, to maximise shared aims to the benefit of local citizens and businesses.

Guiding Principles for the D2 SLB

1.5 The joint committee will provide:

- Strong, collective and inclusive leadership which seeks to deliver better local outcomes and more joined-up public services;
- Clear, transparent and accountable decision-making which will ensure best value for taxpayers' money and maintain strong ethical standards;
- Flexibility to work across organisational boundaries to deal with strategic and emergent challenges.

1.6 It is envisaged that collaboration and decision making based on these principles will enable Derby and Derbyshire's local authorities to tackle challenges at regional, county and local place levels more effectively.

1.7 The D2 SLB will act as the responsible decision-making body for functions delegated to it by participating Councils within Derby and Derbyshire and, accordingly, membership of the D2 SLB will comprise councillors appointed by those participating authorities. Councils may choose to appoint members to the D2 SLB while not delegating decision-making responsibilities for functions. However, all participating authorities, whether or not agreeing to delegate functions, will be required to contribute towards the costs of funding the D2 SLB.

1.8 Councils participating in the D2 SLB are committed to the provision of improved services. It is considered that this will, in certain instances, be best achieved by the joint provision of services, joint working and/or the development of common standards and protocols. All proposals for the setting up of any new services or the discharge of functions are in the first instance to be subject to an investigation into the suitability of providing such services or discharging such functions, as a joint service for all participating Councils.

2. Membership of the D2 SLB

- 2.1 All local authorities within the Derby and Derbyshire are invited to join the D2 SLB as constituent members (subject to agreement by respective councils) namely:
- 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
 - South Derbyshire District Council
- 2.2 All participating councils within Derby and Derbyshire will be permitted to appoint one elected member to the D2 SLB and to nominate one elected member as a substitute, whether or not they are delegating functions to the D2 SLB.
- 2.3 A Substitute Member will have the same rights to receive meeting papers and to access information as the Member for whom s/he is a substitute.
- 2.4 All appointments as Members or Substitute Members of the D2 SLB shall be for a term of one year from the Annual Meeting, but an individual may be re-appointed to serve as a Member or Substitute Member any number of times.
- 2.5 All councils shall be entitled at any time to terminate the appointment of a Member or Substitute Member appointed by it and to appoint another of its Elected Members in that person's place. Where a Council exercises this power it shall give written notice of the new appointment and the termination of the previous appointment to the Monitoring Officer responsible for the D2 SLB and the new appointment shall take effect from the point specified in the written notice.
- 2.6 Should a change of political control occur at a participating local authority, usually arising from local elections, it will be for that local authority to confirm any changes in appointments to the D2 SLB's membership in accordance with

the constitutional arrangements of that Council. A Member or Substitute Member of the D2 SLB who ceases (for whatever reason) to be an Elected Member of the Council that appointed them shall immediately cease to be a Member or Substitute Member of the D2 SLB, and the relevant Council shall as soon as practicable give written notice of this to the Monitoring Officer responsible for the D2 SLB and appoint another of its Elected Members in that person's place.

- 2.7 A person may resign as a Member or Substitute Member of the D2 SLB by written notice served on the Proper Officer of the Council that appointed them and the resignation shall take effect on receipt of the notice by the Proper Officer. The relevant Council shall as soon as practicable give written notice of this to the Monitoring Officer responsible for the D2 SLB and appoint another of its Elected Members in that person's place.
- 2.8 Where an appointing Council operates executive arrangements (within the meaning of the Local Government Act 2000), the appointment, removal and replacement of Members and Substitute Members of the D2 SLB shall be decided in accordance with the constitutional requirements of that Council, but it is anticipated that all Members and Substitute Members appointed by it shall be Members of its executive and will include its executive leader or elected mayor.
- 2.9 All appointments, removals and replacements of Members and Substitute Members of the D2 SLB by Councils shall be made by notice in writing addressed to the Monitoring Officer responsible for the D2 SLB. Any such notice shall be deemed to have been given when received by the Monitoring Officer.
- 2.10 Any individual council that does not operate executive arrangements and that wishes to co-opt an additional member or members can only do so following consultation with and a majority vote of all voting members of the Joint Committee and shall have no voting rights. An individual's co-option shall terminate as soon as her/his involvement with the organisation that gave rise to the co-option ceases; and such co-option shall be endorsed annually by the Joint Committee and subsequently confirmed formally by the appointing authority.
- 2.11 All Members of the D2 SLB (including any Substitute Members acting in place of Members of the D2 SLB) will:
 - a) (subject to the D2 SLB's voting arrangements) collectively be the ultimate policy makers of the D2 SLB;
 - b) bring views of their Councils into the D2 SLB's decision-making process; and
 - c) maintain the highest standards of conduct and ethics.

- 2.12 Members will at all times observe the Code of Conduct for Members in force in their own Council and any breaches will be reported to the Monitoring Officer of their own Council.
- 2.13 No remuneration shall be payable to D2 SLB Members other than allowances for travel and subsistence in accordance with the Members' Allowances Schemes in operation at participating Councils. (It is acknowledged that a participating Council may, in accordance with its own procedures, pay a special responsibility allowance to any Elected Member appointed by it to the D2 SLB in respect of duties and responsibilities undertaken as a Member or Substitute Member of the D2 SLB.)

3 Chairing the D2 SLB

- 3.1 The Chair of the D2 SLB will be appointed by the D2 SLB.
- 3.2 In the event that there are more than two Members nominated for the role of Chair, and there is not a clear majority of votes in favour of one Member, then the name of the Member with the least number of votes will be eliminated and that process will continue until a Chair is elected with a majority of votes.
- 3.3 The D2 SLB will appoint a Vice-Chair to deputise for the Chair when the latter is not present or available.
- 3.4 In the event that there are more than two Members nominated for the role of Vice-Chair, and there is not a clear majority of votes in favour of one Member, then the name of the Member with the least number of votes will be eliminated and that process will continue until a Vice-Chair is elected with a majority of votes.
- 3.5 The Chair or Vice-Chair of the D2 SLB will cease to hold such office when they cease to be a Member of the D2 SLB, in accordance with the provisions set out at paragraphs 2.6 to 3.7 above.

4. Procedural Arrangements

- 4.1 The D2 SLB shall meet in accordance with its agreed calendar of meetings throughout a municipal year, but additional meetings may take place should the need arise.
- 4.2 While a guiding principle of D2 SLB will be decision making by consensus, which will lead the Board to coalesce around agendas where there is a shared view about how to proceed, should there be circumstances where a vote is required each Member of the D2 SLB shall have one vote, other than in the following circumstances:
- a) where matters reserved to upper tier authorities are to be discharged, eg. public transport functions that are reserved to county and unitary authorities;

- b) where matters reserved to lower tier authorities are to be discharged, eg. housing functions that are reserved to borough, district and unitary authorities;
- c) where matters reserved to specific geographies are to be discharged, eg local planning functions that are reserved to Derbyshire councils only;
- d) where matters reserved in a combination of the above are to be discharged, eg. shared services arrangements involving specific councils not others.

4.3 In such circumstances Members from authorities that have no formal remit will not be entitled to vote. No authority represented on the Board will be empowered to vote on or to discharge a function belonging to another for which it has no responsibility in law. No authority will be entitled to vote on a matter to which they have not formally delegated to the D2 SLB.

4.4 The proceedings of the D2 SLB shall not be invalidated by any vacancy among its Members or Substitute Members or by any defect in the appointment or qualifications of any Member or Substitute Member.

5. Records of Proceedings

5.1 The D2 SLB shall make arrangements for the names of Members and Substitute Members present at any meeting to be recorded.

5.2 Minutes of the proceedings of a meeting of the D2 SLB, or any sub-committee, shall be kept in such form as the D2 SLB may determine.

5.3 Any such minutes are to be agreed as a true record and signed at the same or next suitable meeting of the D2 SLB or sub-committee by the Member chairing that meeting.

5.4 A Member of the D2 SLB, or any sub-committee, has the right to have their vote on any matter recorded in the minutes of the meeting at which the vote was cast.

5.5 Minutes of all minutes will be published on the websites of all participating Councils.

6. Sub-Committee

6.1 The D2 SLB may establish such sub-committees as it thinks fit to discharge its functions.

7. Officers

7.1 The Section 151 Officer (appointed under Section 73 of the Local Government Act 1975) and Monitoring Officer (appointed under section 5 of the Local Government and Housing Act 1989) of the host authority for the D2 SLB will serve as the statutory officers in support of the D2 SLB.

7.2 The D2 SLB may call upon any officer of any of the local authorities who have members on the D2 SLB for advice and assistance, as it considers necessary to carry out its functions.

8. Scrutiny of decisions

8.1 Each constituent authority which operates executive arrangements will be able to scrutinise the decisions of the D2 SLB in accordance with that constituent authority's overview and scrutiny arrangements. Any authority that operates a committee system model of governance will have the discretion to scrutinise decisions of the D2 SLB according to its own specific governance arrangements.

9 Winding up of the D2 SLB and Cessation of Membership

9.1 The D2 SLB may be wound up immediately by a unanimous vote of all constituent authorities.

9.2 Where an authority determines through its own governance arrangements that it no longer wishes to be a member of the D2 SLB, that authority may cease its membership with effect from the date of its decision. However, authorities will remain liable for any previously agreed financial contributions until the end of the financial year for which those contributions have been agreed regardless of any decision to cease membership. Where long term liabilities, such as any Pension Fund shortfall, exists they will be calculated at the point membership ceases and any council exiting the arrangement will pay the host authority an amount to cover their share of that liability.

FUNCTIONS AND RESPONSIBILITIES

- a. The D2 SLB is established pursuant to Section 101(5) of the Local Government Act 1972, which permits local authorities to make arrangements for two or more authorities to discharge functions jointly, so long as it is a function that the law reserves to a specified committee. The D2 SLB is established for the following purposes:
 - Provide collective strategic leadership for local government in Derby and Derbyshire;
 - Drive forward shared ambition and collective priorities for local government across Derby and Derbyshire;
 - Improve joint working across local government in Derby and Derbyshire
 - Form a collective view on matters impacting Derby and Derbyshire;
 - Enable agile, timely and effective decision making.
- b. The D2 SLB, on behalf of the participating authorities, will be responsible for improving the delivery of functions already within the remit of local authorities

through statute or through specific collaborative work to improve the economic, environmental or social wellbeing of the areas within Derby and Derbyshire from the following broad definitions:

- Incorporating existing partnership arrangements;
- Areas for collaborative system changes across authorities;
- Specific thematic projects and priorities.

c. Within those broad definitions, the D2 SLB will:

- i) Provide a forum for consideration of opportunities for joint working across Derby and Derbyshire;
- ii) Provide or assume democratic oversight for existing joint committee and partnership arrangements;
- iii) Inform and support the work of the East Midlands Mayoral Combined County Authority, in particular feeding into the EMCCA led Investment Strategy for the region;
- iv) Determine the prioritisation of issues affecting Derby and Derbyshire to influence commissioning at a regional level;
- v) Determine commissioning arrangements on matters for which funding is provided on a sub-regional basis;
- vi) In particular, act as the local public sector decision-making body for strategic economic development across Derby and Derbyshire (including potential alignment of resources, commissioning, and performance / contract management) in respect of:
 - (a) Skills and training
 - (b) Inward Investment
 - (c) Investor Development
 - (d) Sector Development
 - (e) Regeneration Delivery
 - (f) Climate Change and Low carbon
 - (g) Supporting debates on Land Use policy

- vii) Own, monitor and review the Derbyshire Growth Plans and associated investment plans;
 - viii) Act as the accountable body for decision making on funding streams allocated to the D2 SLB by other bodies;
 - ix) Oversee the planning, alignment and performance of delivery partners and organisations to achieve more effective and efficient commissioning, monitoring and implementation, and ultimately better outcomes;
 - x) Engage and maintain an active, ongoing dialogue with the Derby and Derbyshire business community through relevant economic advisory boards;
 - xi) Hold to account relevant bodies whose work impacts on the economic well-being of Derbyshire;
 - xii) Determine the programme of projects and work streams, how those will be managed and communicated to stakeholders and the public;
 - xiii) Monitor and review performance in respect of services delivered in partnership through the D2 SLB and authorise the publication of an annual report of performance and outcomes;
 - xiv) Commission strategic outline and full business cases for individual councils to consider opportunities for more collaborative working;
 - xv) Determine requests from individual authorities or groups of authorities to work collaboratively on specific projects or work streams;
 - xvi) Provide a forum for councils and their representatives to provide challenge to each other with the aim of increasing collaboration to deliver efficient, effective and economic services, which equally improve the offer and outcomes to residents and businesses;
 - xvii) Delegate functions and responsibilities to sub-committees or officers as the D2 SLB deems appropriate and keep any governance arrangements associated with the D2 SLB under review.
- d. In the above context, it will be for the Board to establish any sub committees it chooses to in order to provide support with specific tasks within the Board's work programme and for the Board to determine the membership of such sub committees. Any sub committees will report into the full Board.

- e. The D2 SLB will exercise all its powers and duties in accordance with the law and these terms of reference and procedure rules.
- f. The authorities appointing to the D2 SLB are:
- 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
 - South Derbyshire District Council

[MEMBERSHIP TO BE AGREED BY RESPECTIVE AUTHORITIES]

- g. It is for individual Councils participating in the D2 SLB to determine which functions and responsibilities they are willing to delegate to the D2 SLB in accordance with their own decision-making arrangements. Conversely, the D2 SLB in determining its agenda, priorities and forward programme will wish to take a view on whether or not to accept such responsibilities.
- h. No authority represented on the D2 SLB may participate in voting upon or discharging a function for which it has no responsibility in law.

PROCEDURE RULES

These procedure rules apply where appropriate to the Joint Committee and Sub-Committees established by the Joint Committee.

1. Name

- 1.1 The name of the Joint Committee shall be the 'Derby and Derbyshire Strategic Leadership Board (D2SLB)'.

2. Membership

- 2.1 The membership of the Joint Committee shall be determined in accordance with the provisions of Article 2.

3. Meetings

- 3.1 The Annual Meeting of the Joint Committee shall be held each year on such a day in the month of March, April, May or June as the Joint Committee may fix, to deal with any other business normally transacted at an annual meeting.
- 3.2 The Joint Committee shall meet throughout the municipal year in accordance with its agreed calendar of meetings, but additional meetings may take place should the need arise. The dates and times of meetings of the Joint Committee (including the Annual Meeting and extraordinary meetings) shall be determined by the Joint Committee. Such meetings shall be held at a venue determined by the Chair. Save as provided elsewhere in these Procedure Rules all meetings of the Joint Committee, sub-committees and working party meetings shall be summoned by the Proper Officer of the host authority.
- 3.3 An extraordinary meeting of the Joint Committee may be called at any time by the Chair. If the Chair refuses to call an extraordinary meeting of the Joint Committee after a requisition for that purpose signed by three Members of the Joint Committee has been presented to him/her or if, without so refusing, the Chair does not call an extraordinary meeting within seven days after the requisition has been presented to him/her then any three Members of the Joint Committee, on that refusal, or on the expiration of those seven days, as the case may be, may forthwith call an extraordinary meeting of the Joint Committee.
- 3.4 No business shall be considered at any extraordinary meeting save such as is specified in any requisition of the Joint Committee calling such meeting, or as the case may be, in the requisition presented to the Chair by Members.

4. Chair and Vice-Chair

- 4.1 Article 4 sets out the arrangements for the appointment of Chair and Vice-Chair of the Joint Committee.

- 4.2 If the Chair is absent from a meeting the Vice-Chair, if present, shall preside.
- 4.3 If both the Chair and Vice-Chair are absent from a meeting of the Joint Committee, such Member as the Members of the Joint Committee present so choose, shall preside.
- 4.4 Any power or duty of the Chair in relation to the conduct of a meeting may be exercised by the person presiding at the meeting.

5. Quorum

- 5.1 The quorum for a meeting will be one third of the total of the members of the Committee who are entitled to vote.
- 5.2 If during a meeting the Chair, after counting the number of Members present, declares that there are not one third of the Members present, who are entitled to vote, the meeting shall stand adjourned. The names of those Members who are present shall be recorded in the minutes of the meeting. Consideration of any business not transacted shall be adjourned to a date and time fixed by the Chair at the time the meeting is adjourned, or if s/he does not so fix a date and time, to the next meeting of the Joint Committee.

6. Chair's Announcements

- 6.1 No discussion shall take place on any announcement made by the chair of the meeting, but any Member shall be at liberty to move a motion, without notice, to refer the subject matter of any such announcement to the next ordinary meeting of the Joint Committee and such motion, on being seconded, shall be at once put to the vote.

7. Order of Business

- 7.1 Except as otherwise provided by paragraph 7.2 of this Rule, the order of business at every meeting of the Joint Committee other than the annual meeting and any extraordinary meeting shall be:
 - (a) To choose a person to preside if the Chair and Vice-Chair are absent;
 - (b) Apologies for absence;
 - (c) To receive disclosures by Members of interests in matters under consideration;
 - (d) To approve as a correct record and sign the minutes of the last meeting of the Joint Committee;
 - (e) To deal with any business expressly required by statute to be done;
 - (f) Chair's announcements;
 - (g) To dispose of business, if any, remaining from the last meeting;
 - (h) To receive minutes of sub-committees;

- (i) To receive and consider reports, if any, from sub-committees;
- (j) To receive and consider reports from constituent authorities;
- (k) To receive minutes of and recommendations from other bodies;
- (l) To consider motions, if any, in the order in which notice has been received;
- (m) To deal with other business, if any, specified in the summons.

7.2 The Chair may at any meeting vary the order of business so as to give precedence to any business as seems appropriate and/or which in his/her opinion is of special urgency but such a variation shall not displace any business falling under items (a), (b), (d) or (e) in paragraph 7.1 of this Rule.

7.3 At any extraordinary meeting of the Joint Committee the minutes of the last ordinary meeting of the Joint Committee will not be considered. The minutes of an extraordinary meeting of the Joint Committee will be submitted where possible to the next ordinary meeting of the Joint Committee.

8. Notice of Motion

8.1 Except as provided by Rule 9, every notice of motion shall be in writing, signed by the Member or Members of the Joint Committee giving the notice and delivered by email or in person at least seven clear days before the next meeting of the Joint Committee at the office of the Head of Paid Service of the host authority, by whom it shall be dated, numbered in the order in which it is received and a record kept, which shall be open to the inspection of every Member of the Joint Committee during normal office hours.

8.2 Every motion shall be relevant to some matter in relation to the Joint Committee's powers or duties.

8.3 The Head of Paid Service of the host authority shall set out in the summons for every meeting of the Joint Committee motions of which notice has been duly given in the order in which they have been received, unless the Member(s) giving such notice intimated in writing, when giving it, that s/he proposed to move it at some later meeting or has withdrawn it in writing.

8.4 If a motion set out in the summons is not moved either by a Member who gave notice thereof or by some other Member on his/her behalf, it shall, unless postponed by consent of the Joint Committee, be treated as withdrawn and shall not be moved without fresh notice.

9. Motions which may be moved without notice

9.1 The following motions may be moved without notice:

- (a) Appointing a Chair of the meeting at which a motion is moved;

- (b) Motions relating to the accuracy of the minutes;
- (c) That an item of business specified in the summons has precedence;
- (d) Appointment of a sub-committee or members thereof occasioned by the appointment;
- (e) That leave be given to withdraw a motion;
- (f) That leave be given to withdraw in whole or in part or amend the minutes or proceedings of the Joint Committee or any sub-committee;
- (g) That the Joint Committee proceeds to the next business;
- (h) That the question be now put;
- (i) That the debate be now adjourned;
- (j) That the Joint Committee does now adjourn;
- (k) Amendments to any motion to approve the Minutes or proceedings of the Joint Committee or any sub-committee any part of which has been withdrawn or amended in accordance with Rule 9(f);
- (l) Suspending Procedure Rules in accordance with Rule 18;
- (m) A motion, under Part 1 of Schedule 12A to the Local Government Act 1972 (relating to admission to meetings of local authorities);
- (n) That a Member named under Rule 12 be not further heard or do leave the meeting;
- (o) Giving consent or leave of the Joint Committee where the consent or leave of the Joint Committee is required by these Procedure Rules;
- (p) That the subject matter of an announcement made by the chair of the meeting be referred to the next meeting of the Joint Committee or the appropriate sub-committee;
- (q) Approval or amendment of recommendations of Officers and any consequential resolutions.

10. Amendments to Motions

- 10.1 Normally, no motion to amend a motion other than a motion which may be moved without notice under Rule 9 shall be moved at any meeting of the Joint Committee unless not less than 24 hours' notice in writing of the motion, signed by the Member(s) giving notice, is delivered to the Monitoring Officer of the host authority. The Head of Paid Service of the host authority shall inform the Chair of the Joint Committee of any such amendments so received.

11. Rules of Debate

- 11.1 A motion or amendment shall not be discussed unless it has been proposed and seconded.
- 11.2 An amendment shall be relevant to the motion and shall be either:

- (a) to refer a subject of debate to the next meeting of the Joint Committee or the sub-committee for consideration or re-consideration; or
 - (b) to leave out words and insert or add others; or
 - (c) to insert or add words;but such omission, insertion or addition of words shall not have the effect of negating the motion before the Joint Committee.
- 11.3 Only one amendment may be moved and discussed at a time and no further amendment shall be moved until the amendment under discussion has been disposed of.
- 11.4 When an amendment has been lost, other amendments may be moved on the original motion. If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the motion to which any further amendment may be moved.
- 11.5 When a motion is under debate no other motion shall be moved except the following:
 - (a) to amend or withdraw the motion provided that the notice of amendment has been properly given in accordance with these Procedure Rules;
 - (b) to adjourn the meeting;
 - (c) to proceed to the next business;
 - (d) that the question be now put;
 - (e) that a Member be not further heard.
- 11.6 The ruling of the Chair on a point of order or on the admissibility of a personal explanation shall not be open to discussion.
- 11.7 A Member who does not have the right to vote on a matter shall have the same rights to speak on a matter as a Member with the right to vote on that matter.

ACCESS TO INFORMATION PROCEDURE RULES

These rules are a summary of rights to attend meetings of the D2 Strategic Leadership Board, its sub-committees, and of access to documents. The host authority for the Joint Committee will keep at its principal office a summary of various rights to attend meetings and to inspect documents in the possession of that authority on behalf of the Joint Committee, conferred by law.

1. Access

- 1.1 A meeting of the Joint Committee (including meetings of its sub-committees) is open to the public, except as stated in Rules 1.2 and 1.3 below.
- 1.2 The public must be excluded from a meeting during any item of business whenever it is likely that, if they were present, confidential information would be

disclosed in breach of the obligation of confidence. Confidential information means information provided on a confidential basis by a government department, and information the disclosure of which is prohibited by statute or by Court order.

- 1.3 The public may be excluded by resolution during an item of business whenever it is likely that there would be disclosure to them of 'exempt information'. Exempt information is defined to cover such matters as personal information, financial and business affairs of people or companies with whom the Authority has dealings, action likely to lead to criminal proceedings, matters relating to industrial relations consultations and negotiations and matters relating to legal proceedings. A description of 'exempt information' is set out in Schedule 12A to the Local Government Act 1972, as amended.

2. Access to Agendas and Reports

- 2.1 Copies of the agenda and reports for a meeting of the Joint Committee or of any of its sub-committees must be open for inspection by the public, except for any report on an item during the consideration of which the meeting is not likely to be open to the public. Documents must be available five clear days before the meeting, or as soon as the meeting is convened, or the item added to the agenda, if that is less than five clear days before the meeting. The papers will be available through the following website (insert link) and at the offices of the host authority.
- 2.2 A reasonable number of copies of agendas and reports must be available for members of the public present at a meeting. The agendas and reports must also be made available to the media on request.

3. Key Decisions

- 3.1 A "Key Decision" means a decision of a decision maker, which is likely—
 - (a) to result in the incurring of significant expenditure, or the making of significant savings, having regard to the Joint Committee's budget for the service or function to which the decision relates; or
 - (b) to be significant in terms of its effects on persons living or working in an area comprising two or more wards or electoral divisions in the area of the participating authorities.

In relation to expenditure or savings referred to in 3.1(a), as a guide, this will ordinarily be taken to mean that a Key Decision will result in expenditure or savings in excess of £0.25M.

4. Procedures before taking Key Decisions

- 4.1 Notice – Where a decision maker intends to make a Key Decision that decision must not be made until a notice has been published which states:

- (a) that a key decision is to be made in relation to the discharge of functions which are the responsibility of the Joint Committee;
- (b) the matter in respect of which the decision is to be made;
- (c) the decision maker's name, and title if any;
- (d) the date on which, or the period within which, the decision is to be made;
- (e) a list of the documents submitted to the decision maker for consideration in relation to the matter in respect of which the key decision is to be made;
- (f) the address from which, subject to any prohibition or restriction on their disclosure under Rule 1.3, copies of, or extracts from, any document listed is available;
- (g) that other documents relevant to those matters may be submitted to the decision maker; and
- (h) the procedure for requesting details of those documents (if any) as they become available.

4.2 Subject to Rule 10 (general exception) and Rule 11 (special urgency), a key decision may not be taken unless:

- (i) the notice referred to at 4.1 above has been published:
 - (a) if the Joint Committee has a website, on its website; or
 - (b) otherwise, in such manner as it thinks is likely to bring the notice to the attention of persons who live in its area; and made available for inspection by the public at the offices of the host authority;
- (ii) at least twenty eight clear days have elapsed since the publication of the notice; and
- (iii) where the decision is to be taken at [or in the presence of] a meeting of the Joint Committee or its sub-committees, notice of the meeting has been given in accordance with 2.1 (notices of meetings) above.

4.3 Where, in relation to any matter:

- (i) the public may be excluded under section 100A of the Local Government Act 1972 from the meeting at which the matter is to be discussed; or
- (ii) documents relating to the decision need not, because of Rule 6 (confidential information), be disclosed to the public, the notice referred to above must contain particulars of the matter but may not contain any confidential information or exempt information.

5. Notice of a Key Decision – Cases of Special Urgency

5.1 Where the date by which a key decision must be made makes compliance with Rule 4 impracticable, the decision may only be made where the decision maker has obtained agreement from the Chair of the Joint Committee or, in the absence of the Chair, the Vice-Chair of the Joint Committee that the making of the decision is urgent and cannot reasonably be deferred.

5.2 As soon as reasonably practicable after the decision maker has obtained agreement under paragraph 5.1 that the making of the decision is urgent and cannot reasonably be deferred, the decision maker must:

- (a) make available to the public at the offices of the host authority a notice setting out the reasons why the meeting is urgent and cannot reasonably be deferred; and
- (b) publish that notice on the Joint Committee's website, if it has one.

6. Inspection of Background Papers

6.1 Members of the public may also inspect a list of background papers for any report (except those reports containing 'confidential' or 'exempt' information) and a copy of each of the documents included in that list. This right is available as soon as the report to which the list relates is published, and continues for four years from the date of the meeting. (In the case of the public right to inspect background papers, the right is subject to their production as soon as is reasonably practicable after the request is made). Background papers disclosing confidential or exempt information are not required to be listed, but, if they are listed, they will not be open to inspection.

6.2 Background papers are documents which relate to the subject matter of a report, disclose any fact or matter on which the report is based, and have been relied on to a material extent in preparing the report - but exclude any published work. Requests for inspection of such documents should be made to the Monitoring Officer of the host authority who will arrange for the production of such documents as soon as reasonably practicable after the request.

7. Additional Access for Members of the Joint Committee

7.1 Any document in the possession or under the control of the Joint Committee which contains material relating to any business to be transacted at a meeting is open to inspection by a member of the Joint Committee.

7.2 Where a document discloses certain specified categories of exempt information it need not be open to inspection by a member. These categories relate mainly to personal information relating to crime or legal proceedings, or matters concerned with negotiations or industrial relations.

8. Publication of additional information

8.1 The host authority for the Joint Committee must maintain a register stating the name of every member of the Joint Committee and sub-committees and their appointing council. The register is published on the website and is also open to inspection by the public at the offices of the host authority.

8.2 The host authority for the Joint Committee will maintain a list specifying the powers delegated to individual authorities or specific officers, and stating the title of the officer by whom each of those powers is exercisable. The list is

published on the website of the host authority and also open to public inspection, but excludes delegations of less than six months' duration.

9. Documents deposited with the Joint Committee

9.1 Documents may be required to be deposited with a proper officer of the host authority for the Joint Committee, either under an Act of Parliament or statutory instrument, or pursuant to the Standing Orders of either House of Parliament. A person interested in any such document may inspect it. Requests should be made to the Monitoring Officer.

10. Other Documents

10.1 Any report received from the Local Government Ombudsman under section 30 of the Local Government Act 1974 must normally be open to public inspection for a period of three weeks, but the Ombudsman may direct that a particular report shall not be publicly available.

10.2 Where a public inquiry is to be held into a compulsory purchase order made by the Joint Committee, a statement of the Joint Committee's case to the inquiry, together with copies of any documents it intends to submit to the inquiry, must be made available for inspection by any person on request.

10.3 The Local Government (Inspection of Documents) (Summary of Rights) Order 1986 lists many other statutory provisions under which documents are required to be made available to the public.

11. Fees

11.1 No fee will be charged for providing the facility of inspecting background papers.

11.2 A person who is entitled to inspect a document may (unless copyright law forbids it) make copies of, or extracts from it, or require a photographic copy of, or extract from, the document. The host authority for the Joint Committee reserves the right to make a charge for providing copies of documents.

12. Disorderly Conduct

12.1 If at a meeting any Member of the Joint Committee in the opinion of the Chair misconducts himself/herself by persistently disregarding the ruling of the Chair or by behaving irregularly, improperly, or offensively, or by wilfully obstructing the business of the Joint Committee, the Chair may move 'That the Member named be not further heard' and the motion if seconded shall be put and determined without discussion.

12.2 If the Member named continues his/her misconduct after a motion under the foregoing paragraph has been carried the Chair shall either move 'That the Member named do leave the meeting' (in which case the motion shall be put and determined without seconding or discussion), or adjourn the meeting of the Joint Committee for such period as s/he in his/her discretion shall consider expedient.

- 12.3 In the event of general disturbance which in the opinion of the Chair renders the due and orderly dispatch of business impossible, the Chair in addition to any power vested in him/her may, without question put, adjourn the meeting of the Joint Committee for such period as s/he in his/her discretion shall consider expedient.

13. Rescission of Previous Resolution

- 13.1 No motion to rescind any resolution passed within the preceding six months, and no motion or amendment to the same effect as one which has been rejected within the preceding six months shall be proposed unless the notice thereof given in pursuance of Rule 8 bears the names of at least five Members of the Joint Committee. When any such motion or amendment has been disposed of by the Joint Committee, it shall not be open to any Member to propose a similar motion within a further period of six months.
- 13.2 Provided that this Rule shall not apply to motions moved by the Chair or other Members of the Joint Committee in pursuance of a recommendation of a sub-committee.

14. Mode of Voting

- 14.1
- (a) Every proposition shall, unless otherwise required by these Procedure Rules or statute, be determined by show of hands.
 - (b) In taking the votes on any proposition, only those Members who are present in the room when the proposition is put from the chair shall be entitled to vote.
 - (c) After a proposition is put from the Chair but before the vote is taken, any three Members by show of hands may require that the voting shall be recorded in the minutes of the meeting so as to show whether each Member present gave his/her vote for or against that proposition or abstained from the voting.
 - (d) Except where a recorded vote has been taken, any Member who is present when the vote was taken may require that his/her vote for or against the question or abstention shall be recorded in the minutes by notifying the Head of Paid Service of the host authority.
- 14.2 Where there are more than two persons nominated for any position to be filled by the Joint Committee and of the votes given there is not a majority in favour of one person, the one having the least number of votes shall be struck off the list and a fresh vote shall be taken, and so on, until a majority of votes is given in favour of one person.
- 14.3 In the case of an equality of votes the Chair shall have a second or casting vote.

15. Urgent Business

15.1 The Head of Paid Service, Chief Financial Officer and the Monitoring Officer of the host authority shall each be empowered individually to take any action which is required as a matter of urgency in the interests of the Joint Committee, after consultation (where practicable) with the Chair of the Joint Committee, on behalf of and within the powers and duties of the Joint Committee. All such action shall be reported to the next meeting of the Joint Committee.

16. Variation and Revocation of Procedure Rules

16.1 Any motion to add to, vary or revoke these Procedure Rules shall when proposed and seconded stand adjourned without discussion to the next ordinary meeting of the Joint Committee, provided that this Rule shall not apply to any review of Procedure Rules at the annual meeting of the Joint Committee.

17. Suspension of Procedure Rules

17.1 No Rule shall be suspended at any meeting of the Joint Committee except on the vote of a majority of the members then present.

18. Recordings at Meetings

18.1 The Local Audit and Accountability Act allows persons:

- (a) To film, photograph or make sound recordings of proceedings at a meeting of a body to which this section applies, or of a committee or - sub-committee of such a body;
- (b) To use other means for enabling persons not present at such a meeting to see or hear proceedings at the meeting, as it takes place or later;
- (c) To report or provide commentary on the proceedings at such a meeting orally or in writing, so that the report or commentary is available, as the meeting takes place or later, to persons not present at the meeting.

19. Record of Attendance

19.1 Every Member of the Joint Committee attending a meeting or a meeting of a sub-committees of which s/he is a member, shall have their attendance recorded and published through the website of the host authority.

20. Appointment of Sub-Committees

20.1 The Joint Committee may establish such sub-committees as it deems appropriate or it is required to appoint by or under any statute.

20.2 Subject to any statutory provision in that behalf the Joint Committee:

- (a) shall not appoint any member of a sub-committee so as to hold office later than the next annual meeting of the Joint Committee;
- (b) may at any time dissolve a sub-committee or alter its membership; every vacancy on a sub-committee shall be reported by the Head of Paid Service of the host authority at the first meeting of the Joint Committee after the vacancy has arisen and the Joint Committee may thereupon proceed to fill the vacancy.

- 20.3 The Joint Committee may appoint sub-committees for purposes to be specified by the Committee and, subject to these Procedure Rules and to any resolution of the Joint Committee in that behalf, may delegate to any such sub-committee any power or duty delegated by the Joint Committee.
- 20.4 The Chair and Vice-Chair of the Joint Committee shall be ex-officio members of every sub-committee appointed by the committee.
- 20.5 The membership of a sub-committee may include persons who are not members of the Joint Committee by which the sub-committee was appointed, however where such persons are not Members of the Joint Committee, they shall be appointed as non-voting members.
- 20.6 A Joint Committee shall not appoint any member of a sub-committee so as to hold office later than the next annual meeting of the Joint Committee and may at any time dissolve a sub-committee or alter its membership.

21. Quorum of Sub-Committees

- 21.1 Except where ordered by the Joint Committee or authorised by statute, or set out in the specific terms of reference of a sub-committee, business shall not be transacted at a meeting of any sub-committee unless at least one third of the whole number of members of the sub-committee who are entitled to vote is present, provided that in no case shall the quorum of a sub-committee be less than three members.

22. Procedure Rules to Apply to Committees and Sub-Committees

- 22.1 These Procedure Rules shall, with any necessary modifications, apply to meetings of sub-committees.

23. Interpretation

- 23.1 The decision of the chair of the meeting on the question of the construction of the Procedure Rules and on any question of order not provided for by the Procedure Rules shall be final.
- 23.2 The inclusion or exclusion of any specific matters in any other regulation or resolution shall not be construed as limiting in any way the scope of these Procedure Rules.
- 23.3 Where the Monitoring Officer is not a solicitor holding a current practising certificate for the expression "Monitoring Officer" in these Procedure Rules there shall be substituted the expression "the solicitor to the Joint Committee" wherever it is appropriate and where there is a requirement at law that such action is to be taken by a solicitor.

24. Procedure Rules to be Given to Members

- 24.1 A printed copy of these Procedure Rules and any other documents in respect of governance of the Joint Committee shall be given by the Monitoring Officer

of the host authority to every Member of the Joint Committee on his/her first being appointed to the Joint Committee.

A short guide to the D2 Strategic Leadership Board (D2 SLB)

a) Aims and ambitions – what is it; and why should my council join?

D2 SLB is exactly as its name implies, a **leadership board**, bringing together Derby and Derbyshire's ten councils to lead and direct existing and new partnership agendas and activity:

- Providing collective **leadership for Derby and Derbyshire**, allowing our authorities to speak with a single, shared voice on matters of common concern at the county, regional and national level;
- Collaborating as partners to develop **joined-up approaches** to the complex, connected and challenging agendas where our councils share common interests; and
- Progressing **shared ambitions** for the people and places of Derbyshire, making decisions together to improve services and co-ordinate resources better and more sustainably.

All local authorities within Derby and Derbyshire are invited to join D2 SLB as constituent members and to play a full part in co-ordinating and driving agendas where it is recognised and agreed that more can be achieved for all our localities, and for Derbyshire as a whole, by our councils **working together**.

Those agendas will incorporate the remits of the dissolved D2 Economic Prosperity and Vision Derbyshire Joint Committees – including, **'place', regeneration, broader economic development, business and skills, and transport**, and strengthening the focus of wider agendas including **climate and the environment, and health and wellbeing**.

Legally, the D2 Strategic Leadership Board will be constituted as a **'Joint Committee'**. This means that, with decision making powers delegated to it by its constituent member councils, the Board will be empowered to jointly discharge and to exercise functions on their behalf within its agreed remit. (A Joint Committee is one comprising two or more councils established for the joint discharge of any functions of those councils in accordance with the Local Government Act 1972, s101.)

A further consideration behind the proposed D2 Strategic Leadership Board is the creation of a Combined County Authority for the East Midlands, which will bring new opportunities to improve outcomes for people and places throughout Derbyshire. Once established, it makes sense for D2 councils to come together to manage their interface with this new authority which is envisaged as having a

key role in determining agendas, such as an investment programme and adult education strategy for the East Midlands region. All Derby and Derbyshire's councils will have a stake in these agendas and shaping these effectively will be made more possible by doing so together.

b) Functions – what will it do; what is my Council agreeing to, getting from it; and giving up?

The D2 Strategic Leadership Board is intended to:

- achieve joined up approaches within and between **shared policy and service delivery agendas**, in the first instance, place, growth, regeneration and economic development – including business support, inward investment, skills and transport; and, potentially, oversight of related future funding from the new Combined County Authority or Government;
- rationalise and **simplify existing partnership and governance arrangements** related to these areas (with agreement that the work of existing County level committees (including the Vision Derbyshire Committee, the D2 Economic Prosperity Committee together with the proposed D2 Growth Board will be superseded by a single Derbyshire-wide partnership arrangement); and
- provide a possible forum for collaborative activity between councils in Derbyshire on matters relating to the anticipated new **Combined County Authority**; to generate and secure collective influence by providing a sounding board for Derby and Derbyshire's representatives on the CCA Board, especially concerning the CCA's investment and growth strategies; and additionally, because a mechanism is needed to agree nominations and appointments from Derbyshire Councils to the CCA Board (though this is subject to EMCCA delegation and further approvals).

By joining, Derby and Derbyshire's councils are, first, signalling their intention to work together in the provision of improved services for Derby and Derbyshire's residents and the general betterment of the city and county; and secondly, councils are enabling the D2 Strategic Leadership Board to act as the responsible decision-making body for such functions as those identified above that are conferred upon it by participating councils.

The County's local authorities have, therefore, nothing to lose and everything to gain from membership of the Strategic Leadership Board. The hope is that their active commitment and participation will allow the Board to mature into a truly authoritative, representative and collaborative partnership of all Derbyshire councils – while duly acknowledging the sovereignty of participating councils and recognising that each will have separate as well as shared interests in partnership working. This includes a choice about whether or not to participate in specific agendas (or indeed whether or not to participate at all).

c) Arrangements – how it will work in practice; how is my Council assured of getting a say?

Within the remit conferred upon it by participating Councils, it will be for the D2 SLB itself to determine its agenda and priorities, forward programme of activities together with the frequency of its meetings and working methods.

In doing so, the D2 SLB's guiding principles will be:

- Strong collective leadership which seeks to deliver better local outcomes and more joined-up public services
- Clear, transparent and accountable decision-making which will ensure best value for taxpayers' money and maintain strong ethical standards
- An inclusive model of governance reflecting the geographical footprint of Derbyshire
- Flexibility to work across organisational boundaries to deal with strategic and emergent challenges whilst maintaining local control; and last but not least
- Decision making by consensus.

Membership of the Board will comprise councillors from participating councils who will each be enabled to **appoint one Elected Member and one substitute**.

Although it is assumed that Councils joining the D2 Strategic Leadership Board will wish to delegate responsibilities for collective decision making in respect of agreed agendas identified above, whether or not Councils choose to do so is entirely a matter for them. Membership and participation by all Derbyshire's councils is welcome, including by councils who choose not to confer responsibilities in the way that is envisaged and who instead choose to retain full, separate local control.

While the Board is envisaged as reaching decisions on the basis of consensus, formally, should there be circumstances where a vote is called for, no authority represented on the Board will be empowered to vote on or to discharge a function belonging to another for which it has no responsibility in law. Accordingly, the **Terms of Reference are drafted to ensure safeguards** are in place regarding Councils' discharge of their own statutory and non-statutory responsibilities.

All participating authorities, whether or not agreeing to delegate functions, will be required to contribute towards the costs of funding the Board. **It is proposed that the County Council will act as host Authority for the Board.**

Strategy and Policy Team, DCC, January 2024

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Agenda Item

FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

CABINET

22nd February 2024

Report of the Executive Director – Corporate Services and Transformation

Transfer of Land at Brookfield Community School

(Cabinet Member for Education)

1. Divisions Affected

1.1 Walton and West

2. Key Decision

2.1 This is not a Key Decision

3. Purpose

3.1 The purpose of this report is to seek Cabinet approval to transfer Council-owned land which was erroneously registered in the name of the Council as trustee for Chesterfield School Foundation Charity back to the Council, and to transfer the charitable land held by the Council in its capacity as trustee for the charity to Foundation Derbyshire.

3.2 In considering this report, Cabinet will be acting on behalf of the Council as Trustee of Chesterfield School Foundation.

4. Information and Analysis

4.1 Background

- 4.2 Until recently, the Council was the sole trustee for forty-seven charities with educational purposes. In 2020, the Council began the process of transferring these charities to Derbyshire Community Foundation (operating as Foundation Derbyshire) under the Charity Commission's Revitalising Trusts Programme, in order to ensure that they were effectively managed in the future. Foundation Derbyshire is a locally-based charity that promotes and encourages local philanthropy, creating funding sources for the hundreds of community groups and charities delivering vital services across the county.
- 4.3 Forty-four of the educational charities have now transferred to Foundation Derbyshire. One transferred to a parochial church council, and there are two which have remained with the Council and for which transfer to Foundation Derbyshire remains outstanding, owing to the issues around land that they own.
- 4.4 One of these is the Chesterfield School Foundation which benefits pupils and former pupils of the six secondary schools which were in the Borough of Chesterfield prior to a local government reorganisation in 1974. These are now Brookfield Community School, Outwood Academy Newbold, Parkside School, Outwood Academy Hasland Hall, St. Mary's RC High School and Whittington Green School.
- 4.5 One of the assets owned by Chesterfield School Foundation is the school land at Brookfield Community School and this land is to be transferred to Foundation Derbyshire.
- 4.6 In carrying out the background work to enable the transfer of the school land it has become apparent that the legal title to Brookfield Community School is registered at the Land Registry under the same title number as adjoining land owned by the Council under the name of the trustee of Chesterfield School Foundation. Upon a review of the title deeds, it was discovered that there was an error on first registration and the land owned by the Council and the land owned by the Council as trustee for the Chesterfield School Foundation charity should have been registered under different title numbers.
- 4.7 In order to rectify this situation, the legal title needs to be split into two and the Council land transferred from the trustee of Chesterfield School Foundation to the Council. Cabinet, in its capacity as trustee for the charity, is therefore asked to agree the transfer of the land edged red on the plan at Appendix 2 entitled 'Brookfield Community School – Derbyshire County Council Land' to the Council. The land that belongs to Chesterfield School Foundation can be seen edged red on the plan

entitled 'Brookfield Community School – Chesterfield School Charity Land'.

- 4.8 Cabinet is also asked to agree the transfer of the land owned by Chesterfield School Foundation to Foundation Derbyshire once the legal title has been rectified.

5. Alternative Options Considered

- 5.1 The alternative option available to the trustee of the charity is:

- a) To do nothing with the legal title. In this alternative, the Land Registry will continue to incorrectly reflect the legal ownership of the land. The Council is scheduled to transfer the school land to Foundation Derbyshire. When this transfer goes ahead, either the entire land will be transferred to Foundation Derbyshire incorrectly or there will be a parcel of land remaining still in the name of the Council as trustee of Chesterfield School Foundation.

6. Implications

- 6.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

7. Background Papers

- 7.1 None.

8. Appendices

- 8.1 Appendix 1- Implications.

9. Recommendation(s)

- 9.1 That Cabinet:

- a) in its capacity as trustee for the Chesterfield School Foundation, approves the transfer of the land to the Council edged red on the plan entitled 'Brookfield Community School – Derbyshire County Council Land' at Appendix 2 which has previously been incorrectly registered in the name of the Council as trustee of Chesterfield School Foundation;
- b) consequently approves the transfer of the land edged red on the plan entitled 'Brookfield Community School – Chesterfield School Charity Land' to Foundation Derbyshire; and

- c) Authorises the Director of Legal and Democratic Services to enter into all necessary documentation.

10. Reasons for Recommendation(s)

- 10.1 To rectify the legal title and ensure the Land Registry correctly reflects the correct ownership of land to facilitate the transfer of the charity land to Foundation Derbyshire.

11. Is it necessary to waive the call-in period?

No

Report Author:

Kathryn Zasada, solicitor

Contact details: kathryn.zasada@derbyshire.gov.uk

Implications

a) Financial

The total value of the fund and the assets does not include the area of land which should be in the legal ownership of the Council as such there will be no effect of the charitable fund or assets of the fund.

b) Legal

The Charities Act 2011 provides that charity trustees have a duty to ensure that charitable assets for which they are responsible are both invested appropriately and used for carrying out the charity's objects.

However, this particular asset is not an asset of the charity and has been registered incorrectly in the Council's name as trustee of the Chesterfield School Foundation charity. A transfer of the land to the Council will rectify the legal title and ensure the Land Registry is to be correctly reflect the correct ownership of the land.

c) Human Resources

None

d) Equalities Impact

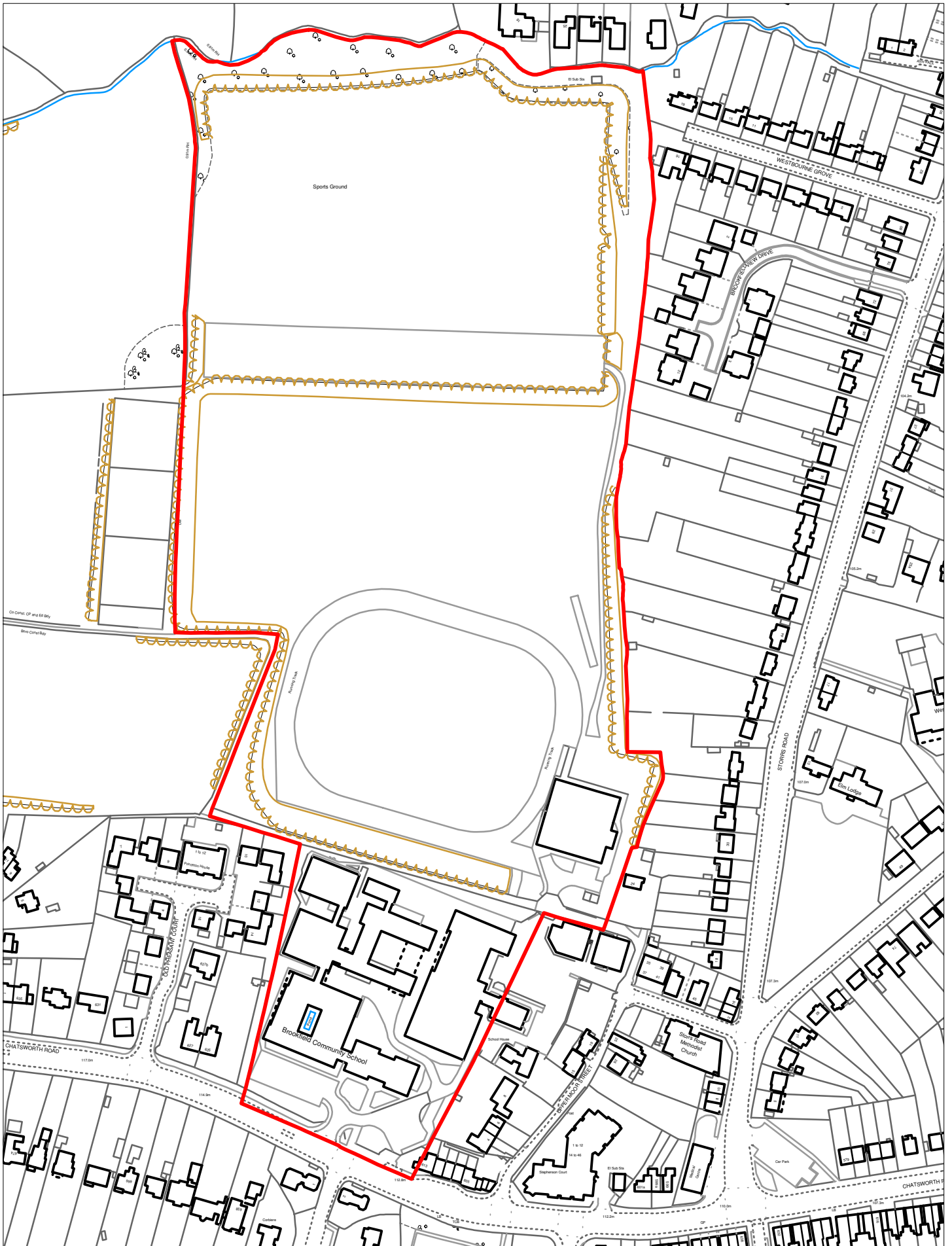
None

e) Corporate objectives and priorities for change

None

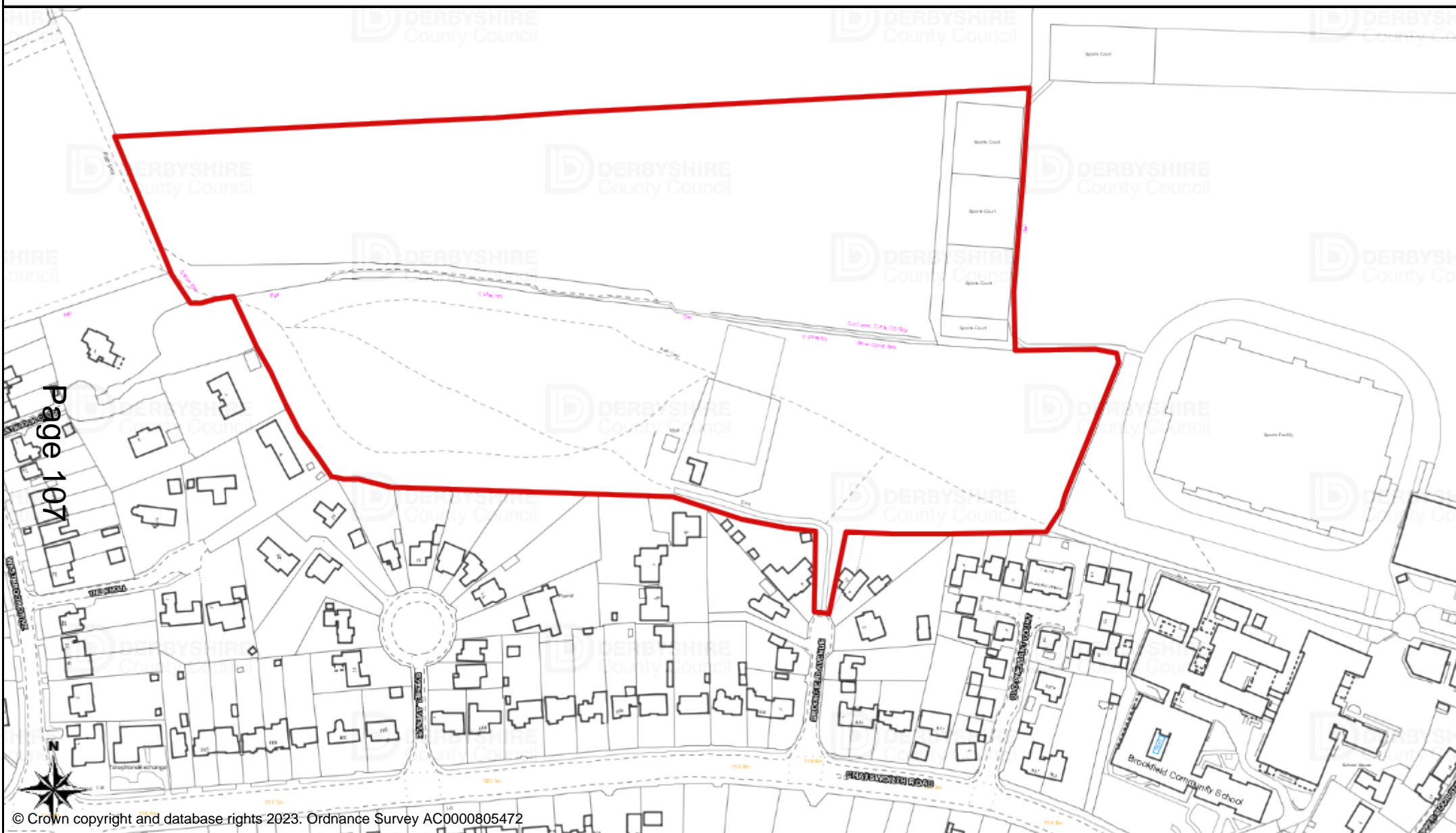
Other (for example, Information Technology Health and Safety, Environmental Sustainability, Property and Asset Management, Risk Management and Safeguarding)

None



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Brookfield Community School - Derbyshire County Council Land



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FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

CABINET

22nd February 2024

Joint Report of the Executive Director for Children's Services and Director of Finance & ICT

**Schools Block Funding Settlement 2024-25
(Education)**

1. Divisions Affected

1.1 County-wide.

2. Key Decision

2.1 This is a Key Decision because it is likely to result in the Council incurring expenditure which is, or savings which are significant, having regard to the budget for the service or function concerned (this is currently defined as £0.500m).

3. Purpose

3.1 Cabinet is asked to consider and approve the basis for calculating mainstream school and academy budgets for 2024-25.

4. Information and Analysis

Background

4.1 On 19th December 2023, the DfE published local authorities' Dedicated Schools Grant (DSG) allocations for 2024-25. Details of Derbyshire's allocation are summarised in Table 1 Below.

Table 1 – Derbyshire DSG Block Allocations 2024-25

Block	2024-25 £m	2023-24 £m	Change £m	Change %
Schools*	586.237	572.844	+13.393	+2.33
Schools - Pupil Growth	2.291	2.493	-0.202	-8.10
High Needs	117.009	111.255	+5.754	+5.17
Early Years**	75.203	44.910	+30.293	+67.45
Central School Services	4.441	4.412	+0.029	+0.66
Total DSG	785.181	735.914	+49.267	+6.69

*Comparative rates have been adjusted for the 2023-24 Maintained Schools Additional Grant (MSAG)

**Early Years grant in 2024-25 includes the expansion of entitlements for under 3-year-olds

4.2 The remainder of this report considers the Schools Block of the DSG which funds mainstream maintained and academy schools' formula budgets. The other DSG blocks will be the subject of further reports to Cabinet in March 2024.

Schools Block Settlement 2024-25

4.3 The 2024-25 allocation for Derbyshire is set out in Table 2 below.

Table 2- 2024-25 Schools Block allocation

	Primary		Secondary		
	2023-24	2024-25	2023-24	2024-25	
Primary & Secondary Units of Funding (PUF/SUF) per pupil	£5,041.46	£5,343.93	£6,146.50	£6,489.45	
Including MSAG	£177.00		£223.32		
£ increase in PUF/SUF		£125.47		£119.63	
% increase in PUF/SUF		+2.40%		+1.88%	
Oct 2022 & 2023 pupil counts	57,865	57,314	41,084	41,459	
Sub-total excl. premises (£m)	301.966	306.285	261.694	269.046	
Premises - PFI (£m)	0.000	0.000	2.870	3.239	
Premises - Split site (£m)	0.104	0.383	0.140	0.081	
Premises - Rates (£m)	3.535	4.274	2.475	2.796	2024-25
Premises – Except'nl site (£m)	0.046	0.042	0.092	0.090	Total £m
Total ex Pupil Growth Fund	305.648	310.984	267.272	275.252	586.237
Pupil Growth & Falling Rolls Fund	0.755	0.755	1.738	1.536	2.291
Total Schools Block	306.403	311.739	269.010	276.788	588.528

4.4 The primary and secondary allocations have been derived from the mainstream National Funding Formula (NFF). Details of the NFF multipliers used in these calculations are provided in Appendix 2. The 2023-24 figures have been adjusted for the £19.417m of Maintained Schools Additional Grant (MSAG) funding that has now been incorporated into the 2024-25 Schools Block and NFF multipliers.

Schools Block allocations 2024-25

4.5 Applying the NFF multipliers to the DfE's published school formula data is estimated to cost £587.966m, a shortfall of £1.729m compared to the Schools Block total allocation, excluding Pupil Growth Fund. The shortfall is largely due to increases in deprivation, as measured by the Ever 6 and free school meals indicators, business rate revaluations and low prior attainment.

4.6 The calculated cost assumes a Minimum Funding Guarantee (MFG) of 0.5% per pupil and no cap on individual schools' year on year gains. The MFG mechanism provides a minimum year on year per-pupil increase for each school and the DfE requires LAs to set their own rate within national parameters, 0% to +0.5% being the limits for 2024-25. The rate of +0.5% was proposed in the Authority's consultation with schools and was widely supported by respondents.

4.7 One option to help close the shortfall is to use resources within the Pupil Growth Fund (PGF) and a newly introduced Falling Rolls Fund (FRF) element of the Schools Block. In addition to providing general support for mainstream budgets, the purposes of the PGF are to:

- (i) support schools with significant in-year increases in pupil numbers;
- (ii) help individual schools meet Key Stage 1 class size requirements; and
- (iii) provide support to new Free Schools over and above their formula allocations whilst their numbers on roll build up.

4.8 The purposes of the FRF are to:

- (i) support schools with falling rolls between the previous and current academic year subject to criteria and eligibility

4.9 PGF allocations are a matter for the Schools Forum rather than the Council. The shortfall was anticipated and Schools Forum have already given consideration to the capacity within the PGF to support mainstream school formula budgets, at its meeting on 11th December 2023. The Schools Forum agreed a £0.400m contribution plus a further £0.300m to fund the increase in free schools' pupil numbers from September 2024.

4.10 The above allocations left the remainder of the PGF (£1.591m) available to meet the other responsibilities listed in (i) – (iii) above and the Forum agreed the following allocations for next year:

Table 4 Approved Pupil Growth allocations 2024-25

	2024-25
Budget	£m
In year pupil growth – Free Schools	0.300
Support for formula budgets	0.400
Contribution to Free School reserve	0.450
In year pupil growth – Other schools	0.300
Key Stage 1 class sizes	0.350
Falling Rolls Fund	0.140
Residual contingency*	0.351
Total	2.291

*A call on the in-year growth & contingency of £0.058m is already anticipated due to a growing infant school and higher than anticipated Free School in year pupil growth.

4.11 As a result of the School Forum's decisions, the total resources available next year has increased to £586.995m, leaving a residual shortfall of £0.971m. In order to contain the cost of school budgets within the total resources available, the balance of the shortfall will be met by a 0.18% pro-rata reduction in formula multipliers. Schools and Schools Forum were consulted on this in autumn 2023, and their response is summarised in section 5 below.

4.12 The indicative allocations for 2024-25 are summarised in Appendix 3.

De-delegated and top-sliced resources

4.13 Schools Forums are permitted to take-back monies delegated through the formula to mainstream schools to fund a range of prescribed functions. Academies' budgets are not subject to de-delegation and therefore remain responsible for meeting their own costs directly.

4.14 In September 2023 the Authority consulted maintained schools on which services should be funded via de-delegated resources for 2024-25 and the results were reported to the Schools Forum meetings in October 2023. Given the widespread support from schools, the Schools Forum agreed to approve the de-delegation of funds again in 2024-25. A list of the relevant services is provided in Appendix 4.

4.15 The decision to accept responsibility for costs funded from de-delegated and top-sliced resources is a matter for Cabinet and it is recommended that Cabinet agree to the Schools Forum's request for 2024-25.

4.16 The proposed de-delegation and top-slice rates for 2024-25 are summarised in Appendix 4.

5. Consultation

- 5.1 The Authority has previously consulted schools and academies on the distribution of the Schools Block and there has been general support for the Authority's approach of mirroring the NFF in its own local formula, as far as resources permit.
- 5.2 With regards to the proposals for 2024-25 in this report, schools, academies and the Schools Forum were consulted on the need to cap or scale NFF multipliers in order to make the local formula affordable with the School Block allocation. The majority of responses supported the Authority officers' recommendation to pare back all multipliers.
- 5.3 LA maintained schools were also consulted in the summer of 2023 on the de-delegation of resources for 2024-25 and there was general support to continue de-delegation.

6. Alternative Options Considered

- 6.1 None, the proposals will continue to ensure the LA's formula allocations mirror the NFF as closely as possible within available resources by using School Forum agreed methods for affordability. The option to do nothing is discounted because the Council has a statutory obligation to allocate school funding.

7. Implications

- 7.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

8. Background Papers

- 8.1 DfE document: - Schools revenue funding 2024 to 2025 Operational guide December 2023 Publication
- 8.2 Consultation de-delegation letter to schools 4 September 2023 - ref SK031
- 8.3 Derbyshire Consultation: Proposed Changes to School and Academy Funding 2024-25 Funding Consultation Autumn 2023 published 26th September 2023.
- 8.4 Schools Funding settlement announcement 19th December 2023

9. Appendices

- 9.1 Appendix 1 - Implications.
- 9.2 Appendix 2 - National Funding Formula multipliers 2024-25
- 9.3 Appendix 3 - Analysis of mainstream formula budgets 2024-25 by indicator
- 9.4 Appendix 4 - List of proposed de-delegated and top-slice funded services 2024-25

10. Recommendation(s)

That Cabinet:

- a) Notes the overall DSG settlement for 2024-25;
- b) Notes the Schools Block allocation for 2024-25;
- c) Notes the National Funding Formula multipliers set out in Appendix 2;
- d) Approves the local mainstream formula multipliers set out in Appendix 3 as the basis for calculating Derbyshire school and academy budgets;
- e) Approves a Minimum Funding Guarantee of 0.5% per pupil for 2024-25;
- f) Approves that no cap on individual school gains will be applied in 2024-25;
- g) Approves the request from the Schools Forum to de-delegate/top-slice funds from LA maintained primary and secondary schools' 2024-25 budgets for the services listed in Appendix 4;
- h) Notes the Pupil Growth Fund & Falling Rolls Fund settlement and the budget decisions approved by the Schools Forum.
- i) Approves that any matters of detail regarding the calculation of school budgets be delegated to the Executive Director for Children's Services and the Director of Finance & ICT in consultation with the Cabinet Member for Education.

j)

11. Reasons for Recommendation(s)

- 11.1 To ensure the Authority meets its statutory obligations in determining mainstream school and academy budgets for 2024-25.

12. Is it necessary to waive the call in period?

- 12.1 No.

Report Author: Eddie Grant

Contact details: eddie.grant@derbyshire.gov.uk

Implications**Financial**

- 1.1 The Authority has a current accumulated DSG deficit of £4.775m as at 31st March 2023 which is predicted to rise by £10.7m as per the Q3 budget monitoring. This deficit has arisen and continues to rise because of pressures faced in the High Needs Block of the DSG. This deficit can be separated from the Authority's wider financial position due to a statutory override in place until April 2026 which ring-fences the deficit from the Council's general reserves.
- 1.2 The proposals set out in sections 4.1 to 4.4 ensure that School Block allocations remain within the overall quantum of funding set by the DfE.
- 1.2 The funding formula proposals were submitted to the Education and Skills Funding Agency (ESFA) before 22nd January 2024 for approval and to ensure compliance with the regulations and associated guidance.

Legal

- 2.1 The Designated School Grant and allocation of block funding are made pursuant to the School and Early Years Finance (England) Regulations 2023, the Education Act 2002, the School Standards and Framework Act 1998 and the Education and Inspections Act 1998.

Human Resources

- 3.1 None

Information Technology

- 4.1 None

Equalities Impact

- 5.1 None

Corporate objectives and priorities for change

- 6.1 The proposals will support the Council's objective to work creatively together to inspire and empower children, young people and their families and communities to be the best they can be: safe, healthy, happy, learning and working.

Other (for example, Health and Safety, Environmental Sustainability, Property and Asset Management, Risk Management and Safeguarding)

- 7.1 None

National Funding Formula Multipliers 2024-25

Appendix 2

All multipliers are rounded.	2024-25 Multiplier	2023-24 Multiplier	Increase	Increase
Primary	£	£	£	%
Basic Entitlement per pupil: KS 1 & 2 ¹	3,562.00	3,513.00	49.00	1.40%
Deprivation: Current Free School Meals	490.00	480.00	10.00	2.10%
Deprivation: Ever 6 Free School Meals ¹	820.00	809.00	11.00	1.40%
Deprivation: IDACI F	235.00	230.00	5.00	2.20%
Deprivation: IDACI E	285.00	280.00	5.00	1.80%
Deprivation: IDACI D	445.00	440.00	5.00	1.10%
Deprivation: IDACI C	485.00	480.00	5.00	1.00%
Deprivation: IDACI B	515.00	510.00	5.00	1.00%
Deprivation: IDACI A	680.00	670.00	10.00	1.50%
Low Prior Attainment	1,170.00	1,155.00	15.00	1.30%
English as an Additional Language (EAL)	590.00	580.00	10.00	1.70%
Mobility	960.00	945.00	15.00	1.60%
Lump Sum ¹	134,400.00	132,510.00	1,890.00	1.40%
Sparsity	57,100.00	56,300.00	800.00	1.40%
Split Site:Site	53,700.00	N/A		
Split Site:Distance	26,900.00	N/A		
Minimum Per Pupil Level ¹	4,610.00	4,548.00	62.00	1.40%
	2024-25 Multiplier	2023-24 Multiplier	Increase	Increase
Secondary	£	£	£	%
Basic Entitlement per pupil: Key Stage 3 ¹	5,022.00	4,953.00	69.00	1.40%
Basic Entitlement per pupil: Key Stage 4 ¹	5,661.00	5,583.00	78.00	1.40%
Deprivation: Current Free School Meals	490.00	480.00	10.00	2.10%
Deprivation: Ever 6 Free School Meals ¹	1,200.00	1,182.00	18.00	1.50%
Deprivation: IDACI F	340.00	335.00	5.00	1.50%
Deprivation: IDACI E	450.00	445.00	5.00	1.10%
Deprivation: IDACI D	630.00	620.00	10.00	1.60%
Deprivation: IDACI C	690.00	680.00	10.00	1.50%
Deprivation: IDACI B	740.00	730.00	10.00	1.40%
Deprivation: IDACI A	945.00	930.00	15.00	1.60%
Low Prior Attainment	1,775.00	1,750.00	25.00	1.40%
English as an Additional Language (EAL)	1,585.00	1,565.00	20.00	1.30%
Mobility	1,380.00	1,360.00	20.00	1.50%
Lump Sum ¹	134,400.00	132,510.00	1,890.00	1.40%
Sparsity	83,000.00	81,900.00	1,100.00	1.30%
Split Site:Site	53,700.00	N/A		
Split Site:Distance	26,900.00	N/A		
Minimum Per Pupil Level ¹	5,995.00	5,910.00	85.00	1.40%

Note 1 – 2023-24 maintained additional schools grant multipliers have been added before applying % increase shown.

Analysis of mainstream formula budgets 2024-25 by indicator

Appendix 3

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Indicator	Primary			Secondary		
	2024-25	2024-25	2024-25	2024-25	2024-25	2024-25
	Count	Multiplier	Budget	Count	Multiplier	Budget
		£	£		£	£
Per Pupil – Key Stage 1 & 2	57,398.23	3,555.38	204,072,519	-	-	-
Per Pupil – Key Stage 3				25,398.00	5,012.67	127,311,793
Per Pupil – Key Stage 4				16,071.00	5,650.48	90,808,864
Current FSM	16,433.70	489.09	8,037,559	11,096.00	489.09	5,426,943
Ever 6FSM	16,737.92	818.48	13,699,657	11,847.00	1,197.77	14,189,981
IDACI F	4,882.92	234.56	1,145,337	3,548.98	339.37	1,204,417
IDACI E	6,885.14	284.47	1,958,616	4,623.00	449.16	2,076,466
IDACI D	2,603.44	444.17	1,156,369	1,882.66	628.83	1,183,872
IDACI C	3,053.13	484.10	1,478,018	2,194.51	688.72	1,511,405
IDACI B	2,998.54	514.04	1,541,371	2,054.93	738.63	1,517,834
IDACI A	757.06	678.74	513,845	537.18	943.24	506,691
Low Prior Attainment	17,750.64	1,167.83	20,729,725	9,364.51	1,771.70	16,591,108
English as an Additional Language	1,682.94	588.90	991,081	396.80	1,582.06	627,766
Mobility	278.98	958.22	267,324	3.26	1,377.44	4,490
Lump Sum	353.70	134,150.28	47,448,954	45.00	134,150.28	6,036,763
Sparsity	50.04	56,993.91	2,852,024	0.24	82,845.79	19,607
Split site: School		53,600.23	321,601	1.00	53,600.23	53,600
Split site: Distance		26,850.02	60,797	1.00	26,850.02	26,850
Private Finance Initiative	-	-				3,063,579
Rates			4,188,579			2,718,267
Exceptional Circumstances			57,423			86,007
Minimum Per Pupil Level			1,023,139			396,495
Minimum Funding Guarantee <small>see note 2</small>			88,128			0
Total Formula Budgets			311,632,065			275,362,798
TOTAL BOTH SECTORS						586,994,863

Note 1 – The multipliers are below the national rates in Appendix 2 as they have been reduced in line with the LA’s consultation to pare back multipliers in order to make the formula affordable with the overall schools block allocation, taking into account the £0.758m from the growth fund.

Note 2 – the Minimum Funding Guarantee has been set at 0.5% per pupil in accordance with the LA’s consultation.

List of proposed de-delegated and top-sliced funded services 2024-25

Appendix 4

			2024-25 Proposed		2023-24	
<u>Item</u>	<u>Purpose</u>	<u>Basis</u>	<u>Primary</u>	<u>Secondary</u>	<u>Primary</u>	<u>Secondary</u>
School Contingency Fund	e.g. schools in financial difficulty, exceptional unforeseen costs, unreasonable for a GB to meet	Per pupil	6.00	6.00	6.00	6.00
Insurance	Includes premises, cash in transit, public liability and employers' liability	Per pupil	24.75	24.75	22.75	22.75
Staff Costs: Maternity	Cover costs for staff on maternity, paternity or adoption leave	Per pupil	16.61	N/A	15.60	N/A
Staff Costs: Public Duties	Cover costs for staff on jury service.	Per pupil	0.22	N/A	0.21	N/A
Staff Costs: Trade Unions	Cover costs for staff undertaking union duties	Per pupil	4.56	4.56	4.28	4.28
School Improvement	Services include Leadership forums, single named contact for advice, guidance, signposting & support, e-noticeboard, reduced rate attendance at courses and conferences plus core package of 3 days of school improvement activity plus governor support package	Lump sum	3,075.00	3,075.00	2,950.00	2,950.00
Redundancy (top-sliced)	Cost of release where agreed by LA as necessary	Per pupil	4.25	4.25	4.00	4.00
Former ESG (top-sliced)	Funds a range of HR, Finance, pensions, ICT and asset management functions	Per pupil	30.25	30.25	29.00	29.00

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FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

CABINET

Thursday, 22 February 2024

Report of the Executive Director - Children's Services

**Section 106 Funding Allocations
Expansion Project for Heanor Gate Spencer Academy**

(Cabinet Member for Education)

1. Divisions Affected

1.1 Horsley

2. Key Decision

2.1 This is a key decision because it is likely to result in the Council incurring expenditure over £500,000.

3. Purpose

3.1 To request approval for funding of a capital project at Heanor Gate Spencer Academy to meet the demands of housing growth.

4. Information and Analysis

4.1 As a result of a number of planning applications within the school's normal area, the Authority has currently secured £1,185,023 from Section 106 agreements. The school have employed a specialist firm to draw up an expansion scheme to deliver a new two storey building which will provide additional teaching and support spaces, to accommodate the additional pupils from the housing development.

5. Consultation

- 5.1 The school is an Academy and the Trust is aware of its responsibility to ensure the relevant Significant Change process has been undertaken in line with the Department for Education guidance 'Making significant changes to an open academy', dated January 2022.

6. Alternative Options Considered

- 6.1 Not to proceed – The school to retain its current capacity and be unable to admit the pupils from the local housing development.

7. Implications

- 7.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

8. Background Papers

- 8.1 These are held on file in the Children's Services Development Section.

9. Appendices

- 9.1 Appendix 1 – Implications

10. Recommendation(s)

That Cabinet approves the allocation of £1,185,023 of Section 106 funding and £459,874 of Basic Need funding 2016-17 towards the proposed expansion of Heanor Gate Spencer Academy.

11. Reasons for Recommendation(s)

- 11.1 To permit the expansion of the school to meet the demand from housing growth in its normal area.

12. Is it necessary to waive the call in period?

- 12.1 No

Report Jill Beacham, Jenny Contact Jill.Beacham@derbyshire.gov.uk,
Author: Webster details: Jenny.Webster@derbyshire.gov.uk

Implications

Financial

- 1.1 The financial implications are explained in the Information and Analysis section above. The Section 106 funding is held by the council.

Legal

- 2.1 The projects are agreed in line with the individual S106 legal agreements.
- 2.2 Pursuant to section 14 of the Education Act 1996 the local authority is required to provide sufficient school places for primary and secondary education in its area.

Human Resources

- 3.1 The School will be responsible for providing the staff to teach the additional pupils on completion of the project.

Information Technology

- 4.1 None

Equalities Impact

- 5.1 No Impact

Corporate objectives and priorities for change

- 6.1 Not applicable

Other (for example, Health and Safety, Environmental Sustainability, Property and Asset Management, Risk Management and Safeguarding)

- 7.1 Not applicable

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FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

CABINET

22 February 2024

Report of the Director – Schools & Learning

Children's Services Determined Admissions Arrangements 2025 - 2026
(Education)

1. Divisions Affected

County Wide

2. Key Decision

This is a Key Decision as it is likely to be significant in terms of its effects on communities living or working in an area comprising two or more electoral divisions in the county area.

3. Purpose

- 3.1 To report on the consultation on the proposed changes to admission arrangements and to seek Cabinet approval for the proposed determined admission arrangements for the academic year 2025/26.

4. Information and Analysis

- 4.1 The School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012 and the statutory Department for Education 'School Admissions Code'

(September 2021) requires that the admission arrangements for the 2025/26 academic year are consulted for a minimum of 6 weeks between October 2023 and 31 January 2024 and determined no later than 28 February 2024.

5. Consultation

Consultation information was posted on the Derbyshire County Council website from 11 October 2023, setting out the proposed changes to admission arrangements for the 2024/25 academic year.

The following were also consulted:

- (a) Community, Voluntary Controlled, Academy, Voluntary Aided and Foundation primary and secondary schools in Derbyshire.
- (b) Neighbouring Local Authorities and Diocesan Authorities.
- (c) Neighbouring authority schools which are adjacent to the County boundary and may be affected by Derbyshire's arrangements.

The consultation was publicised by schools' extranet and e-mail on 17 October 2023. The consultation period finished on 24 November 2023 and there were no responses.

Oversubscription criteria for voluntary controlled church schools

The consultation included a proposed change to the oversubscription criteria in the case of voluntary controlled church schools, with the criteria for children whose parents request a place on religious grounds at community and controlled schools being removed from 2025.

A copy of the proposed arrangements is available on the Derbyshire County Council website. [School admission arrangements 2025 to 2026 - Derbyshire County Council](#)

Published Admission Numbers [PANs]

The consultation included a number of proposed changes to school Published Admission Numbers (PANs), the removal of a Year 3 PAN and amendments to normal areas. Listed in Appendix 2. These have all been requested by schools and are in line with revised net capacity assessments. No objections have been received through the

consultation period. The changes recommended to go forward are listed in Appendix 2.

Fair Access Protocols

There are no changes to the Fair Access Protocols. Copies of the Primary and Secondary Fair Access Protocols are available on the Derbyshire County Council website.

<https://www.derbyshire.gov.uk/education/schools/school-places/admissions/admission-arrangements.aspx>

Co-ordinated Admissions Scheme.

It is proposed to make no significant changes to the Co-ordinated Admissions Scheme, other than to bring forward relevant dates into the 2025/26 admission rounds.

6. Alternative Options Considered

N/A

7. Implications

- 7.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

8. Background Papers

School Admissions Code (DfE September 2021).

Schools Admissions Appeals Code (DfE October 2022).

2025/26 Consultation documents.

Proposed Admission Arrangements for community and voluntary controlled schools in Derbyshire for the 2025/26 academic year.

9. Appendices

- 9.1 Appendix 1 – implications
9.2 Appendix 2 - Proposed changes to Published Admission Numbers (PANs), the removal of Year 3 PAN and amendments to normal areas as per the consultation.

10. Recommendation(s)

That Cabinet:

- 10.1 Considers the outcome of the consultation and approves the proposed determined admission arrangements for the academic year 2025/2026.
- 10.2 approves the changes to PANs and normal areas as detailed in Appendix 2.

11. Reasons for Recommendation(s)

- 11.1 To ensure legal compliance with the statutory obligations for school admissions as defined in the DfE School Admission Code (2021)

12. Is it necessary to waive the call-in period?

12.1 'No'

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Implications

a) Financial

There are no direct financial implications arising from this report.

b) Legal

Under the School Admissions Code admission authorities must determine admission arrangements annually. Where changes are proposed to admission arrangements, the Local Authority as the admission authority must first publicly consult on those arrangements. Consultation must be for a minimum of 6 weeks and must take place between 1 October and 31 January of the school year before those arrangements are to apply (the determination year).

The Local Authority must determine their admission arrangements by 28 February. Once the Local Authority has determined arrangements it must publish them on the Council's website by 15 March.

c) Human Resources

None identified

d) Equalities Impact

5.1 Not applicable

e) Corporate objectives and priorities for change

6.1 None identified

Other (for example, Information Technology Health and Safety, Environmental Sustainability, Property and Asset Management, Risk Management and Safeguarding)

None identified.

Appendix 2

Published Admission Numbers for Community and Controlled Schools for 2025/26

Primarily as a result of a review of the accommodation of the schools and the net capacity assessment of the buildings, proposed changes to Published Admission Numbers (PANs) for 2025/26 are as follows –

<u>School</u>	<u>Movement of PAN</u>	<u>Details</u>
Reductions		
Bakewell CE (Controlled) Infant School	43 to 40	Review of accommodation
Bradwell CE (Controlled) Infant School	24 to 20	In line with net capacity
Hartington CE (Controlled) Primary School	10 to 8	In line with capacity
St Andrew's CE (Controlled) Junior School	65 to 60	In line with capacity
Increases		
Horsley CE (Controlled) Primary School	11 to 14	review of capacity
Mapperley VC (Controlled) Primary School	8 to 10	review of capacity

Removal of Y3 PAN

A Y3 PAN is currently in place at Shirland Primary School in order to provide key stage 2 places for pupils from the former Mickley Village Infant and Nursery School.

This will no longer be required as of September 2025, at which point places will be provided in all primary year groups at Mickley Village Primary and Nursery School. The adjustment to the Net Capacity and PAN for Shirland Primary School will follow on from this.

Proposed amendments to normal areas

Mickley Village Primary and Nursery School - removal of shared normal area for Key Stage 2 with Shirland Primary School

An extension of age range underway at the former Mickley Infant and Nursery School, now Mickley Village Primary and Nursery School, is such that the school will provide for all primary age groups as of September 2025.

It is therefore proposed that the shared normal area that is currently in place with Shirland Primary School for key stage 2 provision be removed.

A map of the normal area of Mickley Village Primary and Nursery School in relation to that of Shirland Primary School is attached to this page.

Re-establishment of the normal area of Sale and Davy's CE (Controlled) Primary School and continuation of current shared normal area between Chellaston Fields Spencer Academy and Sale and Davy's CE (Controlled) Primary School

The normal area of Chellaston Fields Spencer Academy historically sat within the normal area of Sale and Davys CE (Controlled) Primary School before the development of the housing and the new school.

We previously consulted to create a discrete normal area for Chellaston Fields from September 2020, removing it from that of Sale and Davys. It then became necessary to temporarily designate the normal area of Chellaston Fields as a shared normal area with Sale and Davys, to ensure that, due to the gradual opening of year groups at Chellaston Fields, children of all primary ages could be allocated a normal area school. This shared arrangement needed to stay in place until September 2025.

This consultation is to propose that from that date Sale and Davy's normal area revert permanently back to its original boundaries. The area of residential development at Chellaston Fields, covered also by the normal area for Chellaston Fields Spencer Academy, would remain within the normal area boundaries of both schools, providing parents with a choice of 2 normal area schools and providing more scope for securing a normal area primary school place.

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FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

CABINET

22 February 2024

Report of the Executive Director - Place

Appointment of Members to the East Midlands County Combined Authority

(Cabinet Member for Strategic Leadership, Culture, Tourism and Climate Change)

1. Divisions Affected

1.1 County-wide.

2. Key Decision

2.1 This is not a Key Decision.

3. Purpose

3.1 To seek approval for the appointment of Derbyshire County Council Members to the East Midlands Combined County Authority in readiness for its inaugural meeting.

4. Information and Analysis

4.1 A devolution deal for the creation of a new East Midlands Combined County Authority (EMCCA) was agreed between the four “Constituent Councils” (Derbyshire County Council, Derby City Council, Nottinghamshire County Council and Nottingham City Council) and the Government, on 30 August 2022.

- 4.2 The Levelling-up and Regeneration Act 2023 received Royal Assent in October 2023, following which, formal approval was given in December 2023 by the four Constituent Councils to the making of the Regulations to bring EMCCA into existence and provide it with necessary powers to function effectively.
- 4.3 The Department for Levelling Up, Housing and Communities (DLUHC) laid the EMCCA Regulations prior to Christmas, which if passed, are expected to come into force at the end of February/beginning of March 2024. Once the Regulations come into force, the EMCCA will immediately come into existence and the first election for Mayor of the EMCCA will take place on 2 May 2024.
- 4.4 Once created, the EMCCA will need to hold meetings to make decisions and carry out its functions. The draft Regulations agreed by the four Councils require that each Constituent Council must appoint two of its elected members to act as members of the CCA and one of those members must be designated as a Lead Member (expected but not required to be the Leader of each Constituent Council). In addition, there must be two nominated substitute members to ensure adequate representation for meetings is available.
- 4.5 So that there is no delay to the first meeting of the EMCCA once it has been created, it is necessary for each Constituent Council to secure their approvals in advance.
- 4.6 In light of the above, it is proposed that, subject to the passing of the EMCCA Regulations, Cabinet:
- a. Appoints the Leader of the Council to act as a member of the EMCCA;
 - b. Designates the Leader of the Council to act as the Lead Member on behalf of Derbyshire County Council;
 - c. Appoints the Deputy Leader of the Council to act as a member of the EMCCA; and
 - d. Appoints the Cabinet Member for Infrastructure and Environment and Cabinet Member for Clean Growth and Regeneration to act as a substitute member of the EMCCA in the absence of either of the above members (if required).
- 4.7 Further nominations to other Committees and/or Advisory Boards of the EMCCA are likely to be required once the make-up of those bodies has been determined by the EMCCA as part of approval of its Constitution. Where political proportionality is required (for example as will be required for any Overview and Scrutiny Committee and the Audit

Committee), the membership of each of those Committees, taken as a whole, will reflect so far as reasonably practicable the balance of political parties for the time being prevailing among members of the Constituent Councils when taken together. This means that their proportionality will reflect the overall political balance across the membership of all four Constituent Councils and nominations may be required from different political groups in order to achieve that balance. It is anticipated that the Monitoring Officer of the EMCCA will notify each Council of the balance requirements and the nominations will be sought accordingly. Cabinet is to note that there is no requirement for political balance to be achieved in making this decision to appoint elected members to act as members of the CCA.

5. Consultation

5.1 None required.

6. Alternative Options Considered

6.1 None. Appointments are required to enable the EMCCA to function effectively in line with primary and secondary legislation relating to Combined County Authorities.

7. Implications

7.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

8. Background Papers

8.1 Report to Council, Consent to the East Midlands Combined County Authority Regulations 2023, dated 7 December 2023.
<https://democracy.derbyshire.gov.uk/documents/s22853/Consent%20to%20the%20East%20Midlands%20Combined%20County%20Authority%20Regulations%202023-%20Full%20Council%2007.12.23.pdf>

9. Appendices

9.1 Appendix 1 – Implications

10. Recommendations

That, subject to the passing of the EMCCA Regulations, Cabinet:

- a) Appoints the Leader of the Council to act as a member of the EMCCA;
- b) Designates the Leader of the Council to act as the Lead Member on behalf of Derbyshire County Council;
- c) Appoints the Deputy Leader of the Council to act as a member of the EMCCA; and
- d) Appoints the Cabinet Member for Infrastructure and Environment and Cabinet Member for Clean Growth and Regeneration to act as a substitute member of the EMCCA in the absence of either of the above members (if required).

11. Reason for Recommendations

- 11.1 It is a requirement of the EMCCA Regulations, when passed, that the Constituent Councils nominate the necessary members to EMCCA to enable its proper and effective functioning and representation from each of its Constituent Council members.

12. Is it necessary to waive the call in period?

- 12.1 No.

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Implications

Financial

- 1.1 The EMCCA will be responsible for the payment of allowances to elected members appointed by the Council which are incurred in their role as a member of the EMCCA, such as attending meetings. The allowances will be set out in the Members' Allowances Scheme approved by the EMCCA in due course.
- 1.2 By virtue of Schedule 1 to the EMCCA Regulations, no remuneration can be paid by the EMCCA to its members other than allowances for travel and subsistence paid in accordance with its approved Allowances Scheme.

Legal

- 2.1 The Levelling Up and Regeneration Act 2023, which received royal assent on 26 October 2023, establishes a new type of combined county authority. This is distinct from a combined authority that can be created under the Local Democracy, Economic Development and Construction Act 2009. Whilst the Constituent Councils agreed a devolution deal with Government, the creation of a new East Midlands Combined County Authority is subject to the approval of the East Midlands Combined County Authority Regulations 2024 (EMCCA Regulations).
- 2.2 Schedule 1 to the EMCCA Regulations require each Constituent Council to appoint two of its elected members to act as members of the CCA, designate one of those members appointed as Lead Member and appoint another two of its elected members to act as members of the CCA in the absence of the other members appointed.
- 2.3 A person will cease to be a member or substitute member of the CCA if they cease to be an elected member of the Council. A person may resign as a member or substitute member of the CCA. A constituent member may also terminate the appointment of a member or substitute member at any time and appoint another member.
- 2.4 The EMCCA Regulations set out those decisions taken by the CCA which will require the consent of the Lead Member.

Human Resources

- 3.1 None identified.

Information Technology

4.1 None identified.

Equalities Impact

5.1 No specific equality implications have been identified. Membership of external bodies is a governance matter.

Corporate objectives and priorities for change

6.1 *“Work with partners and central government to deliver an East Midlands Combined County Authority and devolution deal to create jobs opportunities for training, improve the local economy, transport, and housing, and accelerate our route to reduce emissions to net”* is a key action included in the Council Plan Refresh 2023-25. The creation of the EMCCA will ensure that much needed and long-awaited investment is available in Derbyshire to secure better outcome for local people and communities.

Other (for example, Health and Safety, Environmental Sustainability, Property and Asset Management, Risk Management and Safeguarding)

7.1 None identified.



FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

CABINET

Thursday, 22 February 2024

Report of the Director - Public Health

Use of Contain Outbreak Management Fund to provide additional support to food banks

(Cabinet Member for Health and Communities)

1. Divisions Affected

County-wide

2. Key Decision

2.1 This is not a Key Decision

3. Purpose

To seek Cabinet approval to use Contain Outbreak Management Funding to support food insecurity work across Derbyshire as follows:

- £0.400m to Foundation Derbyshire for the purpose of supporting food bank work across Derbyshire.

4. Information and Analysis

4.1 Food insecurity has increased amongst families over the last few years, and more people are turning to food banks for support. Nationally, the State of Hunger Report 2019 found that around 11% of children aged under-16 live in food insecure households and around 36% of food parcels distributed by the Trussell Trust's network of food banks go to

children. The End Child Poverty Report in 2019 found that over 42% of Derbyshire children were living in poverty.

- 4.2 Covid-19 has magnified this issue, and this has then been exacerbated by the recent inflationary price rises and increased cost of food and fuel. The Food Foundation estimates that close to 5 million adults are currently food insecure, compared with 4 million last year and 2 million prior to the Covid-19 pandemic, with 1.7 million children living in these households. Also there has been an increase in the number of families eligible for Free School Meals, an indication that family income is reducing. The latest figure for Derbyshire was 26.6% (England 23.8%) of families eligible for Free School Meals in 2022/2023 compared to 24.7% in 2021/2022 (22.5% for England).
- 4.3 Those experiencing food insecurity are amongst the most vulnerable in society and are disproportionately likely to be experiencing poor health outcomes, poor nutrition, and low resilience to illness. Those living in deprived areas experienced higher levels of mortality from Covid-19. These individuals are more likely to have low Covid-19 vaccination uptake rates and are least likely to be able to self-isolate when required. They are highly likely to have had high exposure to the virus due to having to attend workplaces in person or themselves and colleagues needing to choose between attending work with symptoms of Covid-19 or to be able to afford to eat due to zero-hour contracts and lack of sick pay/job insecurity. Car sharing or use of public transport is also higher within the demographic which increase the risk of transmission of infection.
- 4.4 The Covid-19 response: Living with Covid-19 also outlines that local authorities should work to increase mental health and wellbeing of those most affected by the pandemic and promote safer behaviours to reduce future risk of infection. The additional mental burden of food insecurity magnifies the effects of the pandemic such as furlough, job loss and bereavement. In terms of health protecting behaviours, people experiencing food insecurity need support to ensure their adequate nutrition and bolster their health and wellbeing, to improve their resilience in advance of any future outbreaks. Products to enable safer environments (for example soap, hand gel, face masks) are less likely to be a priority over food, so if food insecurity can be reduced then people are more likely to be able to buy these products.

Crisis Support via Food Banks

- 4.5 The Feeding Derbyshire Network connects 34 food banks and there are many more food banks across the county that are not part of this network that the Council has supported since March 2020. Food

projects, including food banks in the Feeding Derbyshire Network, have been an essential support mechanism for many individuals, families, and communities during the Covid-19 pandemic and continue to do so through current cost of living challenges.

- 4.6 Derbyshire County Council has provided a series of grants administered by Foundation Derbyshire totalling £0.850m to support food banks, since March 2020. Foundation Derbyshire is the operating name for Derbyshire Community Foundation, an independent charity, building an endowment fund to provide grant funding to voluntary and community groups across the county. 44 food banks/projects have benefitted over four phases. Demand for this support has been extremely high with the fourth phase of £0.200m taken up by 25 food projects between December 2022 and October 2023. There is a low administrative overhead charged by Foundation Derbyshire.
- 4.7 The additional funding requested in this report will allow Foundation Derbyshire to:
- Continue to administer a grants scheme for Derbyshire food banks who supply food to Derbyshire residents who are in financial crisis.
 - Maintain appropriate administrative processes for financial payments to organisations and put in place effective monitoring and evaluation mechanisms.
 - Ensure that the grant will be used to support the availability and accessibility of food for Derbyshire's vulnerable residents who are experiencing financial hardship.
- 4.8 Funding outlined in this report will be used to cover food, volunteer and staffing expenses, fixtures and fittings and fuel costs. Local intelligence indicates that food banks are struggling to get or keep volunteers and that donations have reduced both from individuals and supermarkets as a result of ongoing cost of living pressures.
- 4.9 As part of this work, Foundation Derbyshire will continue to encourage and support food banks who apply for funding to become part of the Feeding Derbyshire network, where they are not already a member.
- 4.10 Rural Action Derbyshire (who provide the Feeding Derbyshire network) have committed to working closely with Foundation Derbyshire and DCC Public Health to plan sustainability of food projects over the course of 2024 and this will be reflected in the service specification that is put in place with Foundation Derbyshire for this last allocation of funding from Contain Outbreak Management Funding. Groups will need to

demonstrate sustainability planning and participation in strategic sustainability activity in order to receive funding.

- 4.11 Funds not provided to food projects by Sep 2024 will be reviewed by Derbyshire County Council Public Health and likely timescales for allocation of funds to groups will be assessed. If required within the terms and conditions of the Contain Outbreak Management Fund these funds will be returned to Derbyshire County Council. This will be added to the grant agreement.
- 4.12 There will be robust monitoring and evaluation by Derbyshire County Council Public Health of the use of funds.

5. Consultation

- 5.1 Foundation Derbyshire have been consulted and discussed how they are able to administer this further grant.

6. Alternative Options Considered

- 6.1 Do nothing- this would mean that Derbyshire food banks continue to struggle due to the current low levels of donations and difficulties recruiting and retaining volunteers, whilst experiencing high levels of demand from vulnerable populations experiencing food insecurity and limit the ability of the council to increase the resilience of these vulnerable populations to future waves of Covid-19.

7. Implications

- 7.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

8. Background Papers

- 8.1 [21 September 2022 - Cabinet Member Report: Use of Contain Outbreak Management Fund to strengthen Food Banks and provide additional wrap around support in Derbyshire](#)
- 8.2 [23 January 2023 – Cabinet Member Report: Use of Contain Outbreak Management Fund to provide additional support to food banks](#)

9. Appendices

9.1 Appendix 1 – Implications

10. Recommendation(s)

That Cabinet:

- a) Approve grant funding of £0.400m to Foundation Derbyshire for the purpose of supporting food bank work across Derbyshire.

11. Reasons for Recommendation(s)

- 11.1 To enable food banks and community pantries to purchase emergency supplies of food and cover other costs in order to ensure provision of food to vulnerable families and individuals during ongoing cost of living pressures. To improve their nutrition and increase their health and wellbeing resilience to bolster their protection from any future waves of Covid-19.

12. Is it necessary to waive the call in period?

- 12.1 No

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Implications

Financial

- 1.1 Since the start of the pandemic, the Council has received a number of different grants to support the response to Covid-19. One of these - the Contain Outbreak Management Fund (COMF) - is managed by Public Health. £0.400m will be allocated from the COMF grant to fund the additional support to food banks. This funding will be administered by Foundation Derbyshire.

Legal

- 2.1 The Council has power to provide grants under the general power of competence set out in section 1 of the Localism Act 2011.
- 2.2 The Council's Financial Regulations state that grants above £0.100m require Cabinet authorisation.
- 2.3 The Council's standard grant agreement shall be used to set out the terms and conditions for which the grant is made. This includes conditions for clawback of funding in certain circumstances and states that the Council is not liable for any employment liabilities.

Human Resources

- 3.1 Foundation Derbyshire have confirmed that they are happy to distribute this further amount of money to food banks and would require an 8% administration fee to conduct this work.

Information Technology

- 4.1 There are no additional information technology implications

Equalities Impact

- 5.1 N/A

Corporate objectives and priorities for change

- 6.1 The recommendations in this paper support delivery of the following priorities for the next year in the Council Plan:

- Provided support to people and communities in need, including financial help from our Discretionary Fund, and other activities that promote financial inclusion
- Continued to deliver the ongoing Covid-19 response and recovery in relation to health protection, alongside wider partnership action to tackle health inequalities
- Worked with partners to promote positive mental wellbeing and improve support for local people, with a particular focus on children and young people at both school and in the community

Other (for example, Health and Safety, Environmental Sustainability, Property and Asset Management, Risk Management and Safeguarding)

7.1 N/A

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

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