

FOR PUBLICATION

MEMBERSHIP OF COMBINED AUTHORITIES AND RATIFICATION OF THE SHEFFIELD CITY REGION DEVOLUTION DEAL (593 AND 594)

MEETING:	COUNCIL
DATE:	6 APRIL 2016
REPORT BY:	CHIEF EXECUTIVE
WARD:	ALL
COMMUNITY ASSEMBLY:	ALL
KEY DECISION REFERENCE (IF APPLICABLE):	593, 594

1.0 PURPOSE OF REPORT

- 1.1 To consider afresh options for the council's membership of existing and proposed combined authorities and the subsequent benefits for the communities of Chesterfield to take account of:
1. the full equality impact assessment that has been developed;
 2. the responses received from 2 authorities following a request to the authorities listed below for any response to the draft full equality impact assessment provided to them on 21st March 2016;
 3. the additional observations made by the Council to these responses as is appropriate; and
 4. additional developments since 3rd March as outlined below.

2.0 RECOMMENDATIONS

- 2.1 That the Council:
- rescinds the decisions made in this regard at the council meeting of 3rd March

- considers afresh the report dated 3rd March relating to this matter taking into account the full Equality Impact Assessment at appendix two and the new considerations contained in this report

and:

- agrees to ratify as an existing non-constituent member of the combined authority, the October 2015 Sheffield City Region Devolution deal
- agrees to apply to be a full constituent member of the Sheffield City Region Combined Authority in line with the statutory process
- agrees to apply to be a non-constituent member of a North Midlands Combined Authority, if formed
- agrees to put in place actions to mitigate the risks of becoming a full member of the Sheffield City Region Combined Authority, as set out in section 6 of the March 3rd 2016 report to Council
- agrees to delegate to the Chief Executive, in liaison with the Leader, authority to take further steps that are necessary as part of the process to put in place the above recommendations, subject to a regular report on progress being made to Cabinet and, where required, to Council.

3.0 **CHALLENGE TO DECISION**

- 3.1 A decision was taken by council on 3rd March regarding this issue. The report to council of 3rd March is included at appendix one and is put to council again as the basis for its decision and in support of the recommendations above, with the exception of specific changes highlighted in the remainder of this report.
- 3.2 Since making the decision on 3rd March, Derbyshire County Council has formally alleged that the council:
- failed to comply with its Public Sector Equality Duty
 - failed to keep an open mind with respect to its duty to consult the public under the combined authority legislation

3.3 A formal response to the challenge has been sent to the county council, advising that the council does not consider that the subsequent combined authority decision making process has been pre-determined. The first recommendation before council in this report has also been amended from that in the 3rd March report in order to make the status of the ratification clear.

4.0 **EQUALITY IMPACT ASSESSMENT**

4.1 Taking account of the allegations contained in the first issue raised by the county council, a full equality impact assessment has now been carried out with regard to the decisions before council. The council then provided a draft full equality impact assessment on 21st March 2016 to the following authorities so that they might respond to it: Nottinghamshire County Council, Derbyshire County Council, Nottingham City Council, Derby City Council, Sheffield City Region Combined Authority, Sheffield City Council, Barnsley Metropolitan Borough Council, Rotherham Metropolitan Borough Council and Doncaster Metropolitan Borough Council.

4.2 The assessment, the responses and the additional observations are contained at appendix two, and fully take account of the public sector equality duty.

4.3 As the EIA makes clear, it is difficult to assess specific impacts on protected groups that may result from either the SCR or proposed North Midlands deals. The nature of the deal documents is such that they describe outline commitments to devolve powers and funding to combined authorities and/or mayors, but with detail regarding programmes, projects and use of those powers and funding still to be developed and agreed, both by local partners and central government departments or agencies. This means that further impact assessments will be needed as the detail on the various deal commitments emerges.

4.4 The key points arising from the assessment can be summarised as follows:

- In the case of both deals, the areas where, at this stage, there are most likely to be impacts on protected groups are those relating to transport and to employment and skills. The assessment notes potential impacts, both positive and negative on the protected characteristics relating to age, disabled people, gender, pregnant women and people on maternity/paternity leave and ethnic groups.

- If levels of current service provision that deliver a proportionately positive impact are not sustained following the implementation of deal proposals, then there is the potential for negative impacts on some or all of those protected groups. Conversely, if the devolution of powers and funding result in improved and/or additional services then there is the potential for enhancing positive impacts.
- Mitigation includes ensuring that the combined authority in question is ready to deliver an improved service as it receives powers and funding, which will include further impact assessment of specific programmes and policies as they are developed.
- Mitigation will also include working closely across local partners to consider the potential impacts of programmes that make use of devolved powers and funding; examples of groups with which Chesterfield and either CA would work as part of that mitigation are included within the assessment.

4.5 In considering the report afresh Council should disregard paragraph 8.1 of the 3rd March report and instead consider the full assessment provided at appendix two.

5.0 **FURTHER ADDITIONAL INFORMATION**

5.1 Since the decision on 3rd March, the following additional information is provided to council, to be taken into account in its decision.

5.2 The 3rd March meeting noted that High Peak, South Derbyshire, and Amber Valley councils had all taken decisions not to join a North Midlands combined authority. North East Derbyshire and Bolsover councils had taken decisions to be part of a North Midlands combined authority and continue to maintain non-constituent membership of the SCR combined authority.

5.3 Since the meeting, a decision was made by Derbyshire Dales, to remain as a non-constituent member of SCR and apply to be a constituent member of a North Midlands combined authority subject to 'an equitable balance of local authorities'.

5.4 Decisions have also been made by Erewash council, which decided not to join a North Midlands combined authority, and Bassetlaw council which decided to apply to be a full member of the SCR combined authority and to be a non-constituent member of a North Midlands combined authority once formed. All four south Yorkshire authorities have now ratified the SCR devolution deal following the public consultation process and this will go to the SCR combined authority for decision on 31st March.

5.5 A meeting of North Midlands leaders held on 4th March noted the decisions that had been taken by the councils across the area. Those decisions meant that only 13 of the 19 authorities had decided to become full members of a North Midlands combined authority. The leaders decided to continue to discuss and negotiate with government regarding a potential combined authority and deal for the area. On 18th March, some North Midlands Leaders met with the DCLG permanent secretary who confirmed that government was still open to discussing options for a combined authority and deal for the area, including linking with Leicester and Leicestershire.

5.6 The 2016 Budget was published on 16th March. There was no announcement of a deal for the North Midlands. A summary of the announcements of relevance to SCR and the North Midlands is set out in appendices three and four.

6.0 **ADVICE TO MEMBERS**

6.1 Members are being asked to take their decision on this matter again. However, it is important that they look at all the matters under consideration afresh.

6.2 This report is submitted to members so that they can consider anew the options for the council's membership of existing and proposed combined authorities taking fully into account the information contained and referred to in this report, the full Equalities Impact Assessment and the original report to council of 3rd March.

6.3 In taking their decision members should disregard their previous decision of 3rd March and consider the matter as if they were taking the decision for the first time.

7.0 **RECOMMENDATIONS**

7.1 That the Council:

- rescinds the decisions made in this regard at the council meeting of 3rd March
- considers afresh the report dated 3rd March relating to this matter taking into account the Equality Impact Assessment at Appendix two and the new considerations contained in this report
- agrees to ratify as an existing non-constituent member of the combined authority, the October 2015 Sheffield City Region Devolution deal
- agrees to apply to be a full constituent member of the Sheffield City Region Combined Authority in line with the statutory process
- agrees to apply to be a non-constituent member of a North Midlands Combined Authority, if formed
- agrees to put in place actions to mitigate the risks of becoming a full member of the Sheffield City Region Combined Authority, as set out in section 6 of the March 3rd 2016 report to Council
- agrees to delegate to the Chief Executive, in liaison with the Leader, authority to take further steps that are necessary as part of the process to put in place the above recommendations, subject to a regular report on progress being made to Cabinet and, where required, to Council.

HUW BOWEN
CHIEF EXECUTIVE

You can get more information about this report from
Michael Rich, Tel: 01246 345461

List of appendices

- Appendix 1 Membership of Combined Authorities and Ratification of The Sheffield City Region Devolution Deal. (Report submitted to Council on 3 March, 2016)
- Appendix 2 Full Equality Impact Assessment on the decision regarding Membership of the combined authorities and ratification, as an existing non-constituent member, of the Sheffield City Region Devolution deal and responses from other local authorities regarding the draft Equality Impact Assessment
- Appendix 3 D2N2 LEP Board - Budget Briefing
- Appendix 4 Sheffield City Region Budget Briefing 2016