

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

Report Author: Robert Lowe

Contact details: robert.lowe@derbyshire.gov.uk

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 previous 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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