

# 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, ensuring our authorities are heard to speak with a single, shared voice 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, 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(including the Vision Derbyshire Committee, the D2 Economic Policy Committee together with the Growth Board will be superseded by a single Derby and Derbyshire-wide partnership arrangement); and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 authoritative and representative partnership of all Derby and 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, including a choice about whether or not to participate in this new venture.

### **Guiding Principles for the D2 SLB**

1.5 The joint committee will provide:-

- Strong collective leadership and seek 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 across an appropriate geographical footprint in Derby and Derbyshire
- Flexibility to work across organisational boundaries to deal with strategic and emergent challenges whilst maintaining local control

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.

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