

THE DERBYSHIRE STRATEGIC LEADERSHIP BOARD

Terms of Reference

1 INTRODUCTION

- 1.1 The Derbyshire Strategic Leadership Board (SLB) is established as a joint committee under section 101(5) of the Local Government Act 1972, section 9EB of the Local Government Act 2000 and regulation 11 of the Local Authorities (Arrangement for the Discharge of Functions) (England) Regulations 2012.
- 1.2 The SLB brings together the county's ten local authorities with a view to collaborative working across existing and new partnership activity. The SLB recognises that defining and delivering Derbyshire's future needs goes beyond the remit of individual local authorities, and those of their many partners, acting alone. It seeks to add value at a strategic level.
- 1.3 The SLB is not a self-standing legal entity nor a body corporate but is part of its constituent authorities. The SLB does not have the functions of acquiring or holding assets, employing staff or entering into contracts. For the avoidance of doubt, such functions should be undertaken by one of the councils, either the Host Authority or Derbyshire County Council (DCC) as Accountable Body for the Retained Business Rates, subject to their agreement as appropriate. The SLB will not hold funds or monies on behalf of the constituent authorities. Any legal commitment entered into pursuant of a decision of the SLB must be made by all constituent authorities.

Purpose

- 1.4 The SLB is established for the following purposes:
- (a) Formulate and collaborate on Derbyshire's local government reorganisation proposals
 - (b) Provide collective strategic leadership and improved joint working for local government in Derbyshire
 - (c) Collaborate as partners to develop joined-up approaches to complex, connected and challenging agendas where constituent authorities share common interests
 - (d) Progress shared ambitions for the area, co-ordinating resources better and more sustainably
 - (e) Provide an interface with the East Midlands Combined County Authority (EMCCA) to generate and secure collective influence by providing a sounding board for Derbyshire's representatives on the EMCCA Board

- (f) Be the nominated body for the purposes of making non-constituent body appointments to the EMCCA
- (g) Co-ordinate City, District, Borough and County agendas where there is common recognition in the value of tackling challenges together, in areas such as economic development and regeneration, business and skills, health and wellbeing, transport and the environment, etc
- (h) Provide strategic oversight for Derbyshire wide Economic Development projects, to include the approval of the workplan of the Derbyshire Economic Partnership officers, the approval of the use of the Retained Business Rates (held by DCC as the Accountable Body) and the approval of prioritisation of Economic Development projects at a county-level

1.5 Accordingly, the SLB will:

- (a) Achieve joined up approaches within and between a variety of shared policy agendas and service delivery agendas
- (b) Rationalise and simplify existing partnership and governance arrangements related to these areas and
- (c) Provide the lead forum for collaborative activity between councils in Derbyshire on matters relating to the EMCCA and local government reorganisation, to secure collective influence.

1.6 The overall aim of SLB is to be a collaborative and representative partnership of all Derby and Derbyshire councils, to maximise shared aims to the benefit of local citizens and businesses.

1.7 It is envisaged that collaboration based on these principles will enable constituent authorities to tackle challenges at regional, county and local place levels more effectively.

2 MEMBERSHIP

Constituent authorities

2.1 All local authorities within Derby and Derbyshire are eligible to join the SLB as constituent authorities (subject to agreement by each respective council), namely:

- (a) Amber Valley Borough Council
- (b) Bolsover District Council
- (c) Chesterfield Borough Council
- (d) Derby City Council

- (e) Derbyshire County Council
- (f) Derbyshire Dales District Council
- (g) Erewash Borough Council
- (h) High Peak Borough Council
- (i) North East Derbyshire District Council
- (j) South Derbyshire District Council

Members

- 2.2 All constituent authorities will appoint one elected member to the SLB and nominate one elected member as a substitute.
- 2.3 Each member shall have one vote (including substitute members). An authority's substitute member can only attend and vote if their member is not present.
- 2.4 All appointments as members or substitute members of the SLB shall be for a term of one year, but an individual may be reappointed to serve as a member or substitute member any number of times.
- 2.5 All constituent authorities 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 their place. Where a constituent authority exercises this power it shall give written notice of the new appointment and the termination of the previous appointment to the Monitoring Officer for the Host Authority and the new appointment shall take effect from the date specified in the notice.
- 2.6 Should a change of political control occur at a constituent authority, it will be for that authority to confirm any changes in appointments to the SLB in accordance with the constitutional arrangements of that authority. A member or substitute member of the 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 SLB, and the relevant authority shall as soon as practicable give written notice of this to the Monitoring Officer for the Host Authority and appoint another of its elected members in their place.
- 2.7 A person may resign as a member or substitute member of the SLB by written notice served on the Proper Officer of the authority that appointed them and the resignation shall take effect on receipt of the notice by the Proper Officer. The relevant authority shall as soon as practicable give written notice of this to the Monitoring Officer for the Host Authority and appoint another of its elected members in that person's place.

- 2.8 Where a constituent authority operates Executive arrangements (within the meaning of the Local Government Act 2000), the appointment, removal and replacement of members and substitute members of the 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, including its Executive Leader or Elected Mayor.
- 2.9 All appointments, removals and replacements of members and substitute members of the SLB by constituent authorities shall be made by notice in writing addressed to the Monitoring Officer for the Host Authority. Any such notice shall be deemed to have been given when received by the Monitoring Officer.
- 2.10 Any constituent authority 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 their 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 An officer of each constituent authority may accompany the appointed member or their substitute to a meeting of the Board to provide advice to that member or substitute. The officer shall not be able to vote or take an active part in the meetings of the Board.

Roles and responsibilities

- 2.12 All SLB members (including any substitute members) will:
- (a) Collectively be the ultimate policy makers of the SLB (subject to the SLB's voting arrangements)
 - (b) Ensure that they have sufficient authority to represent their organisation on policy and practice issues, and to properly represent its views
 - (c) Maintain the highest standards of conduct and ethics
 - (d) Prepare for, attend and fully participate in meetings
 - (e) Ensure that all necessary approvals of their constituent authority are obtained
 - (f) Keep their constituent authority informed about progress and communicate effectively and accurately the outcomes of SLB meetings
 - (g) Ensure prompt progress and delivery on any agreed actions outside formal meetings

- 2.13 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.
- 2.14 No remuneration shall be payable to SLB members other than allowances payable in accordance with the Members' Allowances Schemes in operation at their constituent authorities.

3 CHAIR AND VICE CHAIR

- 3.1 The Chair of the SLB will be appointed annually by the SLB from among its voting members.
- 3.2 The SLB will appoint a Vice Chair to deputise for the Chair when the latter is not present or available.
- 3.3 In the event that there are more than two members nominated for the role of Chair (or Vice Chair), and there is not a clear majority of votes in favour of one member, then the name of the member with the fewest votes will be eliminated and that process will continue until a Chair (or Vice Chair) is elected with a majority of votes.
- 3.4 The Chair or Vice Chair of the SLB will cease to hold such office when they resign or cease to be a member of the SLB in accordance with the provisions set out at paragraphs 2.5 to 2.7 above.
- 3.5 A vacancy occurring in the positions of Chair or Vice Chair shall be filled by election at the next meeting of the SLB. The person elected will serve for the remainder of the term of office of the outgoing Chair or Vice Chair.
- 3.6 Where neither the Chair nor Vice Chair are in attendance, the SLB will appoint a Chair from amongst its members to preside over the meeting.

4 FUNCTIONS AND RESPONSIBILITIES

- 4.1 The SLB will be responsible for recommending improvements to the delivery of functions already within the remit of constituent authorities to improve the economic, environmental and social wellbeing of the areas within Derbyshire, including:
- (a) Provide a forum for consideration of opportunities for joint working across Derbyshire
 - (b) Provide or assume democratic oversight for existing SLB and partnership arrangements
 - (c) Act as a conduit to inform and support the work of the EMCCA, in particular feeding into the EMCCA-led Investment Strategy for the region

- (d) Determine the prioritisation of issues affecting Derby and Derbyshire to influence commissioning at a regional level
- (e) Commission strategic outline and full business cases for individual constituent authorities to consider opportunities for more collaborative working
- (f) Determine requests from individual authorities or groups of authorities to work collaboratively on specific projects or work streams
- (g) Provide a forum for constituent authorities and their representatives to provide challenge to each other with the aim of increasing collaboration to deliver efficient, effective and economic services
- (h) To oversee the alignment of relevant local authority action on climate change, waste and sustainability
- (i) To oversee the alignment of relevant local authority plans for economic prosperity
- (j) To oversee the alignment of local authority interaction with the health sector in Derbyshire
- (k) Communicate and, where unanimously agreed, align activity across Derbyshire on a range of other key public priorities that affect citizens
- (l) Delegate responsibilities to Sub-committees or officers as the SLB deems appropriate and keep any governance arrangements associated with the SLB under review
- (m) Approve the Derbyshire Economic Development Strategic Work Plan, the use of the Retained Business Rates (held by DCC as the Accountable Body) and the prioritisation of county wide Economic Development projects

Sub-Committees

- 4.2 The SLB may establish Sub Committees as required to enable it to execute its responsibilities effectively and delegate tasks as it sees fit to those groups, which may be formed of officers, SLB members or such third parties as the SLB considers appropriate.

5 PROCEDURAL ARRANGEMENTS

- 5.1 The SLB will exercise all its powers and duties in accordance with the law, these terms of reference and in accordance with the Procedure Rules of the Host Authority. Where there is a conflict between the procedural Rules of the Host Authority and these terms of reference, these terms of reference will take precedence.

Meetings

- 5.2 The SLB shall meet in public at least quarterly throughout a municipal year in accordance with its agreed calendar of meetings, but additional meetings may take place should the need arise. In addition, SLB members may meet informally between meetings as necessary.
- 5.3 The Host Authority shall settle the agenda for any meeting of the SLB after consulting, where practicable, the Chair or in their absence the Vice Chair; and shall incorporate in the agenda any items of business and any reports submitted by the Chief Executive, Chief Finance Officer or Monitoring Officer of any of the constituent authorities.
- 5.4 The Chair may invite any person, whether a member or officer of one of the constituent authorities or a third party, to attend the meeting and speak on any matter before the SLB.
- 5.5 Where agenda items require independent experts or speakers, the officer or constituent authority proposing the agenda item should indicate this to the Host Authority with details of who is required to attend and in what capacity. The participation of independent experts or speakers in SLB meetings will be subject to the discretion of the Chair.

Quorum

- 5.6 The quorum shall be three members. No business will be transacted at a meeting unless a quorum exists at the beginning of a meeting. If at the beginning of any meeting, the Chair after counting the members present declares that a quorum is not present, the meeting shall stand adjourned.

Decisions

- 5.7 The SLB may make recommendations but shall not have the power to make decisions that would bind any of its constituent authorities.

Voting

- 5.8 While a guiding principle of the SLB is that decisions should be made 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 SLB shall have one vote, other than in the following circumstances:
- (a) Where matters reserved to upper tier authorities are to be discharged, e.g. waste or public transport functions that are reserved to county and unitary authorities
 - (b) Where matters reserved to lower tier authorities are to be discharged, e.g. planning or housing functions that are reserved to borough, district and unitary authorities
 - (c) Where matters reserved to specific geographies are to be discharged, e.g.

local planning functions that are reserved to the councils in that part of Derbyshire only

- (d) Where matters reserved in a combination of the above are to be discharged, e.g. shared services arrangements involving specific councils not others
- (e) Where matters are reserved to non-constituent bodies of the EMCCA including the nomination of non-constituent members to EMCCA.

5.9 In such circumstances members from authorities that have no formal remit will not be entitled to vote. No constituent authority represented on the SLB will be entitled to vote on or to discharge a function belonging to another for which it has no responsibility in law.

Vacancies

5.10 The proceedings of the 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.

6 RECORDS OF PROCEEDINGS

6.1 The SLB shall make arrangements for the names of members and substitute members present at any meeting to be recorded.

6.2 Minutes of the proceedings of a meeting of the SLB shall be kept in such form as the SLB may determine.

6.3 Any such minutes are to be agreed as a true record and signed at the same or next suitable meeting of the SLB by the member chairing that meeting.

6.4 A member of the SLB has the right to have their vote on any matter recorded in the minutes of the meeting at which the vote was cast.

6.5 Minutes of all SLB meetings will be published on the websites of all constituent authorities or a link published on the Host Authority website.

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 will serve as the statutory officers in support of the SLB.

7.2 The SLB may call upon any officer of any of the constituent authorities for advice and assistance, as it considers necessary to carry out its functions.

8 SCRUTINY

- 8.1 Any constituent authority may call-in for scrutiny any decision of the SLB in accordance with that authority's constitution but within the timeframe and in accordance with the Procedure Rules provided in the Host Authority's constitution. Whilst a decision of the SLB is subject to call-in by any constituent authority, no action shall be taken to implement that decision unless the call-in process upholds it.

9 WINDING UP OF THE SLB AND CESSATION OF MEMBERSHIP

- 9.1 The SLB may be wound up immediately by a unanimous vote of all constituent authorities.
- 9.2 Where a constituent authority determines through its own governance arrangements that it no longer wishes to be a member of the SLB, that authority may cease its membership with effect from the date of its decision. However, constituent authorities will remain liable for any previously agreed financial contributions until the end of the financial year for which those contributions were agreed regardless of any decision to cease membership.