

North East Derbyshire

Council

29th January 2024

Derby and Derbyshire Strategic Leadership Board

**Report of Councillor N Barker, Leader of the Council and and Portfolio Holder
for Strategic Leadership and Finance**

Classification: Exempt – paragraphs 3 and 5 of Part 1 of Schedule 12A of the Local Government Act 1972

Report By: Councillor Nigel Barker, Leader of the Council

Contact Officer: Lee Hickin – Managing Director

PURPOSE / SUMMARY

To provide Council with an update on work taking place with Derby and Derbyshire Councils on a revised approach to collaborative and partnership working. To seek views from Council on whether Cabinet should approve the establishment and participation in a new Joint Committee of Derby and Derbyshire's Councils, the D2 Strategic Leadership Board (SLB), 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.

Whilst the decisions in relation to the SLB are Cabinet ones, given the nature of the report and the modification of existing arrangements, it was considered right to seek the views of the Council prior to the Council decision.

RECOMMENDATIONS

That Council:

- a) Recommends to Cabinet the approval of proposals for the establishment of the D2 Strategic Leadership Board (SLB) and the delegation of functions to this Joint Committee as set out in the Functions and Responsibilities document in Appendix 2.
- b) Notes the draft the Terms of Reference, including the Introduction and Context, Functions and Responsibilities, Procedural Rules, and Information Procedure Rules for the SLB as set out at Appendix 2 and the position detailed in those documents regarding scrutiny and co-option.
- c) Recommends to Cabinet that the Leader is appointed as the Council's representative on the D2 SLB and the Deputy Leader, as substitute.
- d) Notes the intention that the SLB 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 that this be the mechanism.

- e) Recommends agreement that the County Council 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 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 that the Constitution is amended accordingly.
- h) Agrees with the Council's active participation in the D2 Strategic Leadership Board and the associated costs of taking forward the programme of work, the maximum cost of which currently stands at £12,500 for NEDDC (assuming all Districts and Boroughs are members of the SLB) which is funded until at least March 2025 via the Business Rates pool.
- i) Notes that as the functions of the Committee are executive functions, 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.
- k) Notes the Cabinet will be asked to delegate authority to the Managing Director and Head of Paid Service in consultation with the Leader to agree the final terms of reference for the SLB and the other arrangements.

Approved by the Portfolio Holder – Leader of the Council

IMPLICATIONS

Finance and Risk: Yes No

Details:

Following the dissolution of the D2 EPC, the £734,449 remains from Retained Business Rates (RBR) fund, and responsibility for overseeing the remainder of the spend, will be transferred to the new D2 Strategic Leadership Board. Spend against the RBR 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.

The costs and contributions associated with meeting the required budget for the D2 SLB programme team is outlined below.

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 2023/24 and 2024/25 period. This proposal will ensure that funding is in place until March 2025. After March 2025, the SLB will be able to determine whether to continue to utilise the Business Rate Pool, which currently stands at

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£734,449, or to seek direct contributions from the Derbyshire districts. In this second scenario it is likely that the District Council will be required to contribute around £12,500 per annum, assuming all Districts are Joint Committee members.

The total costs to the Council in supporting current proposals are £12,500 as highlighted above – total costs of the proposals are set out below (inclusive of the £12,500).

Strategic Leadership Board Funding 24/25	£'s
County Council Funding (40%)	156,324
DEP Funding	135,000
Business Rate Pool Contribution	99,485
Total	390,890

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.

On Behalf of the Section 151 Officer

Legal (including Data Protection): **Yes** **No**

Details:

Section 101(5) of the Local Government Act 1972 (LGA 1972) and Regulations permit councils to make arrangements for two or more authorities to discharge any of their functions (including Executive functions) jointly and arrange for the discharge of those functions by a Joint Committee.

Under s102 LGA 1972 and Regulations 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.

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

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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 so that authorities would not be able to vote in respect of functions they have not delegated to the joint committee.

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.

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.

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.

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.

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.

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 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.

On Behalf of the Solicitor to the Council

Staffing: Yes No

Details:

There are no direct staffing implications for the Council. As the host authority Derbyshire County Council will hold several proposed Programme Team posts, to be agreed by the D2 Strategic Leadership Board in its first meeting and on the commitment of the programme budget. 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. All new posts would be created on permanent basis, and as such, would be subject to the host council's redundancy and redeployment policies and procedures. 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.

On behalf of the Head of Paid Service

DECISION INFORMATION

Decision Information	
<p>Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds:</p> <p>BDC: Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input checked="" type="checkbox"/></p> <p>NEDDC: Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i></p>	No
<p>Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)</p>	No
District Wards Significantly Affected	None
<p>Consultation: Leader / Deputy Leader <input checked="" type="checkbox"/> Cabinet <input checked="" type="checkbox"/> SAMT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/></p>	Yes Details: Click here to enter text.

Links to Council Plan priorities or Policy Framework including Climate Change, Equalities, and Economics and Health implications.
All indirectly

REPORT DETAILS

Introduction

- 1.1 As work progresses towards the establishment of a proposed new East Midlands Mayoral Combined County Authority (EMCCA), which should 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.
- 1.2 All Derby and Derbyshire's Councils will have a stake in these agendas and there is recognition that shaping these effectively should be made more successful by doing so together.
- 1.3 As well as dovetailing with the new regional County Combined 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 (although NEDDC is not a constituent member of the Vision Derbyshire joint committee it has contributed to Vision Derbyshire work streams). It is important that the best aspects of current ways of working are carried forward and that all Councils have a full say in decisions as well as safeguards to protect their interests.
- 1.4 Notwithstanding this, there have been ongoing concerns regarding 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.
- 1.5 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.

Background

Vision Derbyshire

- 1.6 Over the last few years, Councils across Derbyshire have been working towards a collective model of local government collaboration, which was said to look beyond traditional partnerships and focused on achieving the greatest public value for local people and communities.

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- 1.7 This work began in July 2019 and included the various Councils across Derbyshire, including ours, working together to develop a shared set of priorities and to agree to strategically collaborate on the improvement of outcomes for people and places.
- 1.8 The programme subsequently resulted in the development of four key ambitions as follows:
- Seize innovation - pioneering skills and technologies for a sustainable future economy
 - Establish relentless ambition - creating opportunities for everyone in Derbyshire and making these visible
 - Build proactive communities - harnessing the energy in Derbyshire's communities and empowering people to make change
 - Live and work sustainably - committing to a zero-carbon footprint in our tourism, wider economy, and ways of working
- 1.9 In July 2020, the first iteration of the Vision Derbyshire document - the 'Case for Change' was circulated to all Leaders and senior officers who had been part of the process to date. All District and Borough Leaders across Derbyshire were asked to seek endorsement from their respective Councils to pursue Vision Derbyshire and the Case for Change as an alternative to structural reform. Although the 'Case for Change' was not presented as a detailed business case, this document would prove divisive and would result in some Councils moving away from Vision Derbyshire and not taking part in the months ahead.
- 1.10 Aligned to the 'Case for Change', Leaders were asked to sign a joint letter from all Leaders across Derbyshire (excluding City) to request a meeting with the Secretary of State at the time - Robert Jenrick, to discuss the approach as an alternative to structural reform. Due to the issues with the 'Case for Change' document highlighted above, some Leaders would agree only to sign up to an approach and not the document itself. The jointly signed letter was sent on 4 September 2020.
- 1.11 Recognising that whilst there was further work to be done, NEDDC approved Vision Derbyshire as the Council's preferred option to local government reform at the current time (November 2020).
- 1.12 NEDDC Officers and elected Members have been actively participating in the Vision Derbyshire meetings along with other Councils since, helping to shape the proposed approach and leading on some of the countywide work-streams including climate change for example.
- 1.13 During Phase 3 of the programme, the development of a new formal governance model for Vision Derbyshire took place which saw the creation of a new Joint Vision Derbyshire Committee at its centre. This was seen as a necessary requirement by some of the Councils involved in the programme for Government to take Vision Derbyshire seriously as an alternative to local government reform.

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- 1.14 NEDDC has not formally signed up to the Vision Derbyshire Joint Committee, therefore remains as a 'non-constituent' member of the Joint Committee. Those who did sign up to the formal Vision Derbyshire arrangements and governance model – the 'constituent' members included Derbyshire County Council, Chesterfield Borough Council, Derbyshire Dales District Council and High Peak Borough Council. The inaugural meeting of the 'Vision Derbyshire Joint Committee' took place on the 4th April 2022.
- 1.15 In signing up, each Council was also required to make a financial contribution – something that is seen as necessary by the 'constituent' members of the Committee to adequately resource the ambitions and plans being developed.
- 1.16 Vision Derbyshire, has involved a significant investment of time, hard work, and goodwill from participating Councils, including Leaders and Officers.
- 1.17 There have been several 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.

Levelling Up and Devolution

- 1.18 Government had said a key ambition of theirs is to devolve powers closer to the areas they affect. To allow for such powers and finance to be devolved from central Government to a local level, it is recognised that local authorities must exist that are large enough to receive, administer and deliver them.
- 1.19 Late 2021, Derbyshire County Council along with Derby City submitted a formal expression of interest requesting that Derbyshire be considered as a potential County Deal pilot area through the Vision Derbyshire arrangement which could present a credible model to Government. The response back from the Secretary of State and DHLUC suggested the proposal met the conditions of being 'readily deliverable' and the letter noted 'innovative proposals' including recognition of the 'Vision Derbyshire' model.
- 1.20 Following this, the Government formally announced that Derbyshire and Derby City were one of 9 areas invited to agree new county deals, extending devolution across England.
- 1.21 The Devolution Framework identified three levels/tiers that a 'deal' could be sought and agreed, each had a different requirement along with a different range of powers.
 - Level 1 – Local Authorities working together across a functional economic area (FEA) or whole county area e.g. through a joint committee

- Level 2 – A single institution or County Council without a directly elected mayor (DEM) across a whole county area or FEA
- Level 3 – A single institution or County Council with a DEM across a FEA or whole county area

It was demonstrated that there are far greater powers and flexibilities on offer for level 3.

- 1.22 Invitations to apply for a County Deal had also been extended to Nottinghamshire and Leicestershire however, which provided the opportunity to pursue a wider Combined Authority (CA) deal at a regional level - to achieve the maximum powers provided through a Level 3 deal would require the need to progress governance through a DEM and a CA model.
- 1.23 At the end of March 2022, following discussions with government, the four D2N2 upper tier authorities submitted initial proposals for the establishment of an East Midlands Mayoral County Combined Authority (EMCCA), with a target agreement date of April 2023.
- 1.24 A draft agreement was reached during August 2022. Following departmental approval, the formal agreement was signed by the government and upper tier authorities at Rolls Royce in Derby on 30 August 2022.
- 1.25 During early November 2022, the four upper tier authorities sought and gained approval of their respective Councils to proceed to consult on the proposal. Consultation took place over 8 weeks, from 14th November 2022 to 9th January 2023. The Upper Tier Authorities then sought approval from their Authorities to proceed with the Combined Authority proposal.
- 1.26 On 26th October 2023, the Levelling-up and Regeneration Bill received Royal Assent and became law (now the Levelling-up and Regeneration Act 2023).

Reviewing current D2 strategic governance arrangements

Vision Derbyshire

- 1.27 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.
- 1.28 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.

1.29 In particular:

- a) There is an appetite for refreshed, collaborative activity between Councils in Derbyshire, particularly on matters relating to the County Combined 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 secure collective influence.
- d) There is a desire to discuss and share best practice in service delivery. However, progressing any consideration of shared services and procurement initiatives is best implemented through separate arrangements involving the relevant Councils.
- e) There is a consensus that to support a fresh approach, the 'Vision Derbyshire' brand should be 'retired' as partners move to fresh collaborative arrangements.

1.30 It is understood that the report's findings were welcomed by members of the Vision Derbyshire Joint Committee, in particular the clear recognition Councils' collaborative objectives remain relevant and worthy and that the approach has helped to consolidate county, district, and borough relationships.

D2 Joint Committee for Economic Prosperity (EPC)

1.31 In November 2013 the Council approved the establishment, with Derby City Council, Derbyshire County Council, and the Derbyshire Districts of a Joint Committee to deliver economic growth and prosperity across the geographical county of Derbyshire.

1.32 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.

1.33 The Joint Committee also maintained and supported ongoing dialogue with key strategic partners, relevant bodies whose work impacts on the area, including the D2 business community.

- 1.34 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.
- 1.35 During 2023 the Committee agreed that a governance review was to 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)
- 1.36 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 determined that there should be a single decision-making arena that included all Leaders.

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

- 1.37 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.
- 1.38 The Committee is proposed as 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; and, additionally, accommodating the proposed D2 Growth Board alongside the proposed D2 Business Board. This means that the DERB and the DEP would also no longer exist.
- 1.39 The proposed structure for the new Board can be found at **Appendix 1**. The draft Terms of Reference, including the Articles, Procedure Rules and Access to Information Procedure Rules are attached at **Appendix 2**. A short Guide to the D2 SLB is at **Appendix 3** and provides a simple, accessible description of the D2 SLB's ambition and functions, and how it will work in practice.
- 1.40 This new Joint Committee would bring together Derby and Derbyshire's ten Councils to:

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- Provide collective leadership for Derby and Derbyshire, ensuring where appropriate our authorities 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 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.
- 1.41 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.
- 1.42 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.
- 1.43 The Board, on behalf of the participating authorities, would be responsible for improving the delivery of functions already within the remit of local authorities through statute to improve the economic, environmental, or social wellbeing of the areas within Derbyshire.
- 1.44 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.
- 1.45 In this context, it would be for the Board to establish any sub committees it chooses 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.
- 1.46 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.)
- 1.47 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 the 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.

- 1.48 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

- 1.49 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 should bring benefits to Derby and Derbyshire, including a Devolution Investment Fund ('Gainshare'), the Adult Education Budget and a consolidated transport budget.
- 1.50 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 maximised by doing so together.
- 1.51 It is therefore suggested that the D2 Strategic Leadership Board in the future, will act as the platform in which to:
- Collectively discuss, agree, and align Derby and Derbyshire councils' positions on EMCCA business
 - Agree and then feed in Derbyshire's perspective and collective priorities via its representatives on the CCA Board
 - Exercise all functions that the EMCCA is granting.
- 1.52 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 arrangements establishing the EMCCA, Derbyshire's District and Borough Councils collectively will be entitled to two seats on the EMCCA board, with the City and County each having one seat by virtue of being Constituent Member Authorities. It is proposed that the D2 Strategic Leadership Board be designated the formal nominating body for appointments from non-constituent Councils to the EMCCA board. The specific process for nominations will need to be developed and agreed with the EMCCA and is therefore subject to further approvals. However, assuming this is agreeable, it will be for districts and boroughs 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 and not solely of the District or Borough for which they are a Councillor.
- 1.53 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

- 1.54 The draft articles, functions, and procedure rules for the proposed D2 SLB Joint Committee are attached at **Appendix 2**, for consideration by Council 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.
- 1.55 These terms of reference are draft and need to be considered by Councils before they can be ratified by the D2 SLB when it convenes.
- 1.56 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 all functions that it agrees to accept from the Combined County Authority, once established.
 - Enable improved agility, timeliness and effectiveness in decision making
- 1.57 As the Board's role develops, consideration is likely to 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. Members may therefore at a future date, need to consider the extent to which they would wish to delegate any functions currently exercised by the Council to the Joint Committee.
- 1.58 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 preserve 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 i.e. Members will not be able to vote on matters where they have not delegated the function.
- 1.59 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 currently delegate only those 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 2**.

- 1.60 It is recommended that Derbyshire County Council will act as the Strategic Leadership Board host authority. It is also recommended that the Leader of the Council be nominated to represent the District Council on the Joint Committee once it is formed and the Deputy Leader, be nominated as substitute.
- 1.61 The full legal implications for the establishment of the SLB can be found at the Legal section at the front of this report, and while it is assumed that Council representation on the Board will be undertaken by the Leader, it is recommended that Council 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

- 1.62 The Joint Committee is not a legal entity 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.
- 1.63 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

- 1.64 On 14 December 2023 members of the D2 EPC approved the dissolution of the Joint Committee, for the purposes of establishing the D2 Strategic Leadership Board, to be ratified by constituent member Councils.
- 1.65 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 sum be absorbed into the Strategic Leadership Board's responsibilities. Spend against the remainder sum will 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.
- 1.66 Council is asked to note the dissolution of the D2 Joint Committee for Economic prosperity.

Winding up the Vision Derbyshire Joint Committee

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- 1.67 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 ratified by constituent member Councils.
- 1.68 As at the time of the dissolution of this Committee no commitments to the Vision Derbyshire budget were made. Surplus outstanding funding will be returned to the constituent authorities on the basis from which they paid in.
- 1.69 Council is asked to note the dissolution of the Vision Derbyshire Joint Committee.

The delivery programme and resource for the D2 SLB

- 1.70 There is a recognition 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
 - Work with thematic delivery leads to identify, develop, and deliver programmes and projects across the Boards collectively agreed priorities
 - Shape the future programme and support align with the proposed EMCCA, if it is established, to optimise benefits for Derbyshire.
- 1.71 As the host authority, Derbyshire County Council will be responsible for the establishment of the team, the implications for which can be found at the Finance and Staffing sections at the front of this report. The team will be comprised of several permanent Programme Team posts, to be agreed by the D2 Strategic Leadership Board when it convenes and on the commitment of the programme budget.
- 1.72 The D2 Strategic Leadership Board, once established will direct the work of the programme team and several 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 below.

	£'s
Strategic Leadership Board Funding	
County Council Funding (40%)	156,324
Derbyshire Economic Partnership Funding	135,000
Business Rate Pool Contribution	99,485
 Total	 390,890

- 1.73 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 2023/24 and 2024/25 period. This proposal will ensure that funding is in place until March 2025. After March 2025, the SLB will be able to determine whether to continue to utilise the Business Rate Pool, which currently stands at £734,449, or to seek direct contributions from the

Derbyshire Districts (Members attention is drawn to paragraph 1.7 in Appendix 3). In this second scenario it is likely that the District Council will be required to contribute around £12,500 per annum, assuming all Districts are Joint Committee members.

- 1.74 Whilst there is clearly some risk of additional revenue costs falling to the Council in future, this needs to be balanced against the significant risks that would be incurred should the Council choose not to be a member of the Joint Committee. This is likely to include reduced access to external funding streams, a lack of influence in shaping programmes that will impact on North East Derbyshire Residents, and very little input into the work and direction of the EMCCA. Nonetheless, attention will need to be given to ensuring that the Programme Team is not allowed to grow (and therefore cost more), without a clear demonstration of direct benefits to North East Derbyshire residents and the Council.
- 1.75 It will therefore be recommended to Cabinet that delegated authority is given to the Managing Director in consultation with the Leader of the Council to agree future associated costs of the D2 Strategic Leadership Board as set out in this report, the maximum cost of which currently stands at £12,500 per annum.

Next Steps – Taking Forward Proposals

- 1.76 All Derby and Derbyshire Councils are now being asked to agree to join and participate in the D2 Strategic Leadership Board.
- 1.77 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.
- 1.78 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.

3 Reasons for Recommendations

- 3.1 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.
- 3.2 To enable Council to give its views to Cabinet on committing the financial resources required to support the D2 Strategic Leadership Board and work activity.

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- 3.3 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 and advise the Cabinet of their views.
- 3.4 To ensure the Council has appropriate lead Elected Member representation on the proposed D2 Strategic Leadership Board via the appointment of suitable Cabinet Members.

4 Alternative Options and Reasons for Rejection

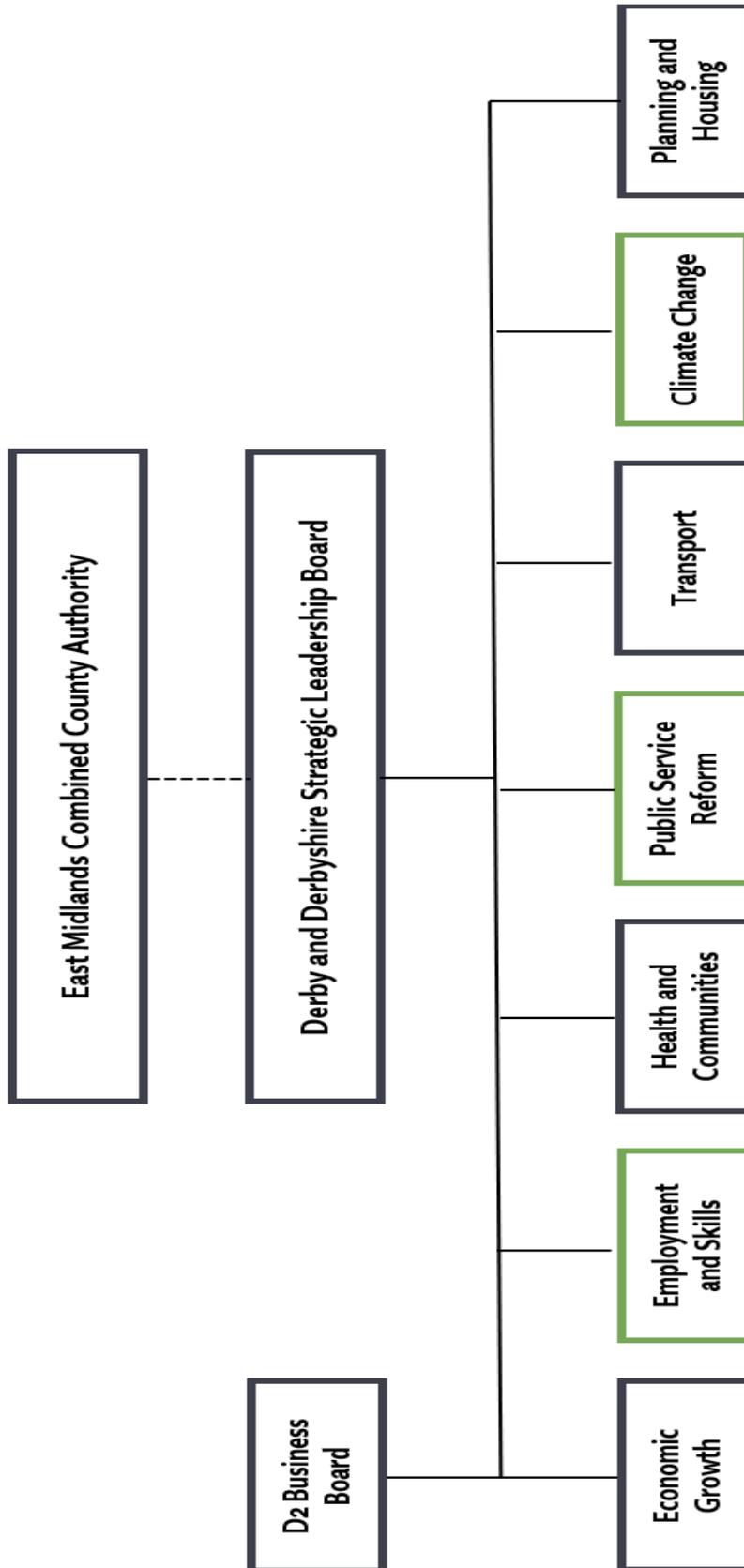
- 4.1 Existing Joint Committees having been dissolved, the Council could take the option to not create a successor committee. There would still however, need to be an alternative vehicle to make nominations to the CCA when established.
- 4.2 Existing Joint Committees having been dissolved, the Council 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.

DOCUMENT INFORMATION

Appendix No	Title
1	Draft structure SLB,
2	Draft Terms of Reference,
3	Guide to SLB
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet you must provide copies of the background papers)	
Click here to enter text.	
None	

Draft Structure for the D2 SLB

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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:

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- 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

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(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

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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.

---- *Ends* ----

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**, ensuring our authorities speak with a single, shared voice 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 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, especially concerning 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.**

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