

Vision Derbyshire Joint Committee

Draft Final Terms of Reference for the Derby and Derbyshire Strategic Leadership Board

Date:	14 December 2023
Key ambition area:	Whole Programme
Sponsors:	Emma Alexander
For publication:	Yes

1.0 Purpose of the report

- 1.1 To update the Joint Committee on the latest draft Articles and Terms of Reference for the proposed D2 Strategic Leadership Board (D2 SLB) - a new joint decision-making committee envisaged as including all Derbyshire Councils – following the Committee’s earlier consideration of these (28 Sept) and ahead of the final approval stages to establish the D2 SLB, which will require agreement by all Derbyshire Councils.

2.0 Recommendations

- 2.1 To note the proposed Articles, procedures and Terms of Reference for the new D2 Strategic Leadership Board (**Appendix A**) which will subsequently be put to the new Board for determination.
- 2.2 To recommend to all Derby and Derbyshire Councils that they agree to the creation of a new joint Committee through their respective governance arrangements.

3.0 Reason for recommendations

- 3.1 To advise the Committee of the proposed terms of reference for the proposed new joint committee to enable the Committee to agree to support a proposal to each Councils to create a new joint committee.

- 3.2 In amalgamating two existing joint committees, to avoid duplication and increase efficiency as demonstrated by the draft terms of reference.
- 3.3 To ensure that the governance arrangements are inclusive, streamlined and fit for purpose in facilitating collaborative working across a range of county-wide issues.

4.0 Report details

Background

- 4.1 The Joint Committee at its most recent meeting (28 Sept), having agreed in principle that the Vision Derbyshire Joint Committee and the D2 Economic Prosperity Committee be dissolved and their remits assumed by the new D2 Strategic Leadership Board, reviewed initial draft Articles and Terms of Reference for the proposed Board, and **being broadly content with the thrust of these agreed that they should be finalised.**
- 4.2 Issues needing resolving as identified by Members in the discussion about the draft Articles and Terms of Reference concerned:
- the document's readability in articulating the overall ambition for the D2 SLB;
 - any further clarity being possible on the D2 SLB's prospective role in relation to the proposed new East Midlands Combined County Authority (EMCCA) should it proceed; and
 - the scope of the D2 SLB versus the safeguards and protections afforded to Councils wishing to maintain local control.

Progress

- 4.3 The revised draft final Articles & Terms of Reference, including the Articles, Procedure Rules and Access to Information Procedure Rules are attached at **Appendix A**. A short Guide to the D2 SLB is at **Appendix B**. The purpose of the latter is to provide a simple, accessible description of the D2 SLB's ambition and functions, and how it will work in practice, with a view to providing colleagues (Members and Officers) who feel they might benefit from it with a short primer.

4.4 On readability:

- A fresh introduction is provided as guidance for the reader in describing the background to and overall aims and ambition informing creation of the new D2 SLB (in addition to the separate short Guide that may act as a frontispiece);
- Technical terminology has been replaced where possible with more 'accessible' language or clarification given on its meaning – although ultimately Members will appreciate this remains a governance document;
- The document has been considered by Monitoring Officers at all individual prospective participant Councils.

4.5 On the D2 SLB's role, the draft final Articles and Terms of Reference provide a sufficiently robust and flexible framework for the D2 Strategic Leadership Board to operate as the future decision-making body for matters where Derbyshire Councils choose to work collaboratively:

- Providing collective leadership for Derbyshire
- Progressing shared ambitions for the area (with the aim of delivering improved, joined up local outcomes for residents)
- Working together to tackle common issues and challenges
- Enabling resources to be co-ordinated to enhance effective, clear, transparent and accountable decision making

4.6 Without assuming a role in relation to the proposed East Midlands Combined County Authority, it is anticipated that the D2 Strategic Leadership Board will potentially have one if CCA is established. The nature of this role, such as in relation to the CCA's investment strategy and programme, can only be determined if and when the CCA is established; and specific responsibilities can only be added into the Terms of Reference at the appropriate time.

- 4.7 The aims of the D2 SLB's will be to support councils to work across organisational boundaries to tackle strategic challenges and to reach collective decisions on aspects of the delivery of functions where there is consensus. On protections for participating councils, while the D2 SLB as a joint committee will have the ability to take decisions on agreed functions delegated to it, these will be concurrent with councils, the intention being not to fetter the discretion of Councils in relation to either the discharge of their own functions or in determining their own priorities more generally. Accordingly, the draft Terms of Reference aims to ensure safeguards are in place regarding Councils' discharge of their own responsibilities and no authority represented on the D2 SLB will be able to participate in voting on or discharging a function for which it has no responsibility in law.
- 4.8 It will be for the D2 SLB to determine its priorities, agenda and forward programme. The D2 SLB will have the ability to take decisions and discharge functions, in relation to agreed areas where a shared, collegiate approach is seen to be desirable (eg, Inward Investment) and also to simplify decision processes.
- 4.9 It is recommended that members of the Joint Committee consider the draft final Terms of Reference and support a recommendation to each Derbyshire Council for a new joint committee to be created on these terms following the dissolution of the Vision Derbyshire Joint Committee and the D2 Economic Prosperity Committee.
- 4.10 It will be for the new joint committee to determine at the outset and then review its Terms of Reference as necessary. It is anticipated that an early review will be required in order to reflect functions and responsibilities that are delegated to the Board once it is constituted.

Next steps

- 4.11 All participating Councils will need to seek approval to establish the proposed D2 Strategic Leadership Board through their respective decision-making processes, including consideration of the draft Articles and Terms of Reference that are the subject of this report and that will need to be approved by the SLB itself when it convenes.

4.12 It is proposed that Councils be invited to agree establishment of the new Board and to agree to dissolution of existing joint arrangements (VDJC and EPC) as early as possible in the new year in anticipation of an inaugural meeting of the new Board to be scheduled accordingly. A template report to support Councils with this process is the subject of a separate report to VDJC and is intended to be shared with Councils following the Committee's consideration and approval.

5.0 Alternative options

5.1 The Committee could choose not to support a recommendation to individuals Councils to agree to the creation of a new Committee.

6.0 Implications for consideration – Financial and value for money

6.1 There are no implications for the Vision Derbyshire Programme budget linked to this report.

7.0 Implications for consideration – Legal

7.1 There are no legal implications around this decision.

8.0 Implications for consideration – Human Resources

8.1 There are no HR issues related to this specific decision.

9.0 Implications for consideration – Climate Change

9.1 There are no Climate Change issues related to this decision.

10.0 Implications for consideration – Equality and Diversity

10.1 There are no Equality and Diversity issues relating to this decision.

11.0 Implications for consideration – Risk Management

Description of the Risk	Impact	Likelihood	Mitigating Action	Impact	Likelihood
NA	NA	NA	NA	NA	NA

Document information

Report author
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Background documents These are unpublished works which have been relied on to a material extent when the report was prepared.
None
Appendices to the report
Appendix 1 – Draft Final Articles and Terms of Reference