



FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

IMPROVEMENT AND SCRUTINY COMMITTEE - RESOURCES

24 July 2024

Report of the Director - Legal and Democratic Services

Call in: Derbyshire County Council Funding to and Hosting of the Derby and Derbyshire Strategic Leadership Board.

1. Purpose

- 1.1 To consider a call-in in respect of the decision taken by Cabinet to approve the

2. Information and Analysis

- 2.1 The Council's Constitution provides for decisions to be called-in where Members consider that the decision-making principles set out in Article 7 (Decision-Making), which are set out at Appendix 2 to this report, have been breached. The Improvement and Scrutiny Procedure Rules set out in the Constitution require a call in to be requested by at least 4 councillors, from a minimum of 2 political groups
- 2.2 On 13 June 2024 the Cabinet considered a report of the Council's Managing Director and agreed to:
- (1) Withdraw the commitment to act as the host authority for the Joint Committee - Derby and Derbyshire Strategic Leadership Board;
 - (2) Withdraw the approval of the associated costs of taking forward the programme of work, the maximum cost of which currently stands at £156,324 per annum;
 - (3) Note the Council's intention at this time is to continue membership of the D2 Strategic Leadership Board and the delegated functions

as set out in the Functions and Responsibilities document in Appendix 1 to the report; Ongoing membership will be kept under review to enable the assessment of the impact of the new Board leadership arrangements and any subsequent changes in the future direction of the Board; and

- (4) Note that the Leader, Councillor Barry Lewis, will continue as the Council's representative on the D2 Strategic Leadership Board and the Deputy Leader, Councillor Simon Spencer, as substitute.

2.3 In accordance with the provisions of the County Council's Constitution, Councillors Dixon, George, Burfoot and Fordham have asked that the decision be called-in and considered by this Committee.

2.4 The call-in has been requested on the basis that the decision breaches Articles:

- 7.2 (a) due regard to all relevant and material considerations and without regard to any irrelevant considerations;
- 7.2 (b) where appropriate, the realistic evaluation of alternatives;
- 7.2 (c) proportionality (i.e. the action must be proportionate to the desired outcome);
- 7.2 (d) due consultation and the taking of professional advice from officers
- 7.2 (g) clarity of aims and desired outcomes.

2.5 The principal objections, as given in the call-in notice, were stated as follows:

- *The decision was announced by the Leader at the meeting of the SLB on the 16th May 2024 and consequently this decision is merely giving effect to a predetermined pronouncement that was taken without proper professional advice from officers.*
- *The decision was announced by the Leader in a fit of pique in response to him not being elected to the role of Chair of the SLB and consequently it is contrary to the Nolan Principles for ethical standards in public life and has not been taken for a proper purpose.*
- *The report fails to have regard to all relevant and material considerations by failing to detail the consequences of the decision both for the Authority, including its overarching strategic partnership approach, or for the residents of Derbyshire.*
- *The actions are not proportionate to the desired outcomes previously stated by the Leader when he proposed the creation of the EMCCA and of the SLB, or of the Cabinet report dated 22nd February 2024, and in*

particular the Council's commitment to improve the economic prosperity, transport links, housing, and green agenda in Derbyshire.

- *At its February meeting the Cabinet adopted the Terms of Reference of the SLB and encouraged other authorities to become SLB members and agree to the same ToRs. The template report used by councils to agree their participation in the SLB was drafted to a large degree by DCC officers. Other councils acted in good faith when joining the SLB and were entitled to take at face value both the wording of the articles of the Terms of Reference and of the Leader's public utterances regarding his and the Council's commitment to partnership working and the SLB being a Board of equals. At no point did the Leader or the Cabinet report of 22nd February 2024 state that DCCs offer to undertake the hosting arrangements or to fund the SLB were contingent upon the Leader chairing the SLB.*

There is no evidence to support the Leader's assertion that the District and Borough councils have assumed control of the agenda or change the direction of the Board.

- 2.6 The procedure to be adopted when a decision is called in is set out in the Call-in procedure set out in the Improvement and Scrutiny Procedure Rules at Appendix 5 to the Constitution. This is attached at Appendix 3 to this report.
- 2.7 The Committee will need to determine whether or not the decision-making principles set out in Article 7.2 (a), (b), (c), (d) and (g) have been breached in relation to the decision of Cabinet set out in paragraph 2.2 above.
- 2.8 If, having considered the matter, the Committee is satisfied that the principles have been followed, the decision of Cabinet can be implemented. If, however, the Committee concludes that the decision making principles have been breached, it may:
- refer the decision back to Cabinet for reconsideration; or
 - refer the matter to Full Council.

The Committee must state in writing the nature of the concerns regarding the decision.

- 2.9 As with all Improvement and Scrutiny Committee meetings, the call-in process should be inquisitorial not adversarial.

3. Consultation

3.1 Not applicable.

4. Alternative Options Considered

4.1 To not consider the call-in request, however this would result in the Council failing to comply with the Constitution.

5. Implications

5.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

6. Background Papers

6.1 None identified.

7. Appendices

7.1 Appendix 1 – Implications

7.2 Appendix 2 – Extract from Article 7 of the Constitution

7.3 Appendix 3 – Call in procedure set out in the Improvement and Scrutiny Procedure Rules

7.4 Appendix 4 – Report to Cabinet dated 13 June 2024

8. Recommendation

That the Committee consider the call-in of the decision made by Cabinet on 13 June 2024 and determine whether or not the decision-making principles set out in Article 7.2 (a), (b), (c) (d) and (g) have been breached.

9. Reasons for Recommendation

9.1 To comply with the Council's Constitution.

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Implications

Financial

1.1 None directly arising from the report.

Legal

2.1 The Council's Constitution sets out the procedures for 'call in' which must be followed and is based upon relevant paragraphs of the Local Government Act 2000 as follows:

- a) s9F(2) provides the general power for overview and scrutiny committees to review or scrutinise executive decisions;
- b) s9F(4) provides a specific power to review or scrutinise a decision made, but not implemented.

Human Resources

3.1 None directly arising from the report.

Information Technology

4.1 None directly arising from the report.

Equalities Impact

5.1 None directly arising from the report.

Corporate objectives and priorities for change

6.1 None directly arising from the report.

Other (for example, Health and Safety, Environmental, Sustainability, Property and Asset Management, Risk Management and Safeguarding)

7.1 None directly arising from the report.

7.2 Principles of decision-making

All decisions of the Council will be made in accordance with the following principles:

- (a) due regard to all relevant and material considerations and without regard to any irrelevant considerations;
- (b) where appropriate, the realistic evaluation of alternatives;
- (c) proportionality (i.e. the action must be proportionate to the desired outcome);
- (d) due consultation and the taking of professional advice from officers;
- (e) respect for human rights and equalities;
- (f) a presumption in favour of openness;
- (g) clarity of aims and desired outcomes; and
- (h) reasons being given for the decision, as appropriate.

CALL-IN PROCEDURES

Procedure to be Adopted when a Decision is Called-In

1. The Director of Legal & Democratic Services on receiving a request for the call-in will check that the call-in notice is signed by the requisite number of Members. The call-in notice must identify which principle(s) of decision making in Article 7 of the constitution have allegedly been breached and give reasons. This requirement will be checked by the Director of Legal & Democratic Services.
2. The Director of Legal & Democratic Services will arrange a meeting of the appropriate Committee, in consultation with the Chairman of that committee.
3. The Director of Legal & Democratic Services will acknowledge the call- in notice and notify the appropriate Cabinet member.
4. The Scrutiny Officer will invite the signatories to the call-in notice, the relevant Council Cabinet member(s) and the relevant Strategic Director to attend the call-in meeting. The call-in signatories and the relevant Council Cabinet member or a Cabinet member nominee would be expected to attend. The relevant Strategic Director may nominate a second or third tier officer to attend in his/her place. If none of the call-in signatories attend, the Committee will decide whether to proceed. If the Committee decides not to proceed, then the call-in will be decided on the basis that the Committee does not have any concerns it wishes to refer to the Council Cabinet, and the Council Cabinet will not be required to reconsider the decision.
5. The Scrutiny Officer will send copies of the call-in notice, minute of Cabinet/record of the Cabinet Member decision and any associated reports to members of the Committee with the agenda for the meeting.
6. The Scrutiny Officer will liaise with the Chairman and the Vice Chairman of the Committee over any other appropriate arrangements for the call-in, e.g. additional information, witnesses etc. If the Chairman or Vice Chairman have signed the call-in notice, the SO will liaise with another member of the Committee nominated by the Chairman or Vice Chairmen.
7. The aim of the Committee meeting when the call-in is considered should be inquisitorial not adversarial. The Meeting Procedure for a call-in of a Council Cabinet decision will be adopted.

Meeting Procedure for a Call-in of a Council Cabinet Decision The role of the Chair

1. This procedure shall be implemented at the meeting by the Chairman and any deviation from this procedure will be at the discretion of the Chairman. The Chairman will advise attendees at a Call-in meeting of any reasonable intention to deviate from the procedure at the start of the meeting where possible.

2. In the absence of the Chairman, the meeting will be led by the Vice Chairman. In the absence of both, the Monitoring Officer or their representative shall facilitate a vote of Members so that a Chairman shall be appointed. The appointed Member will chair for the duration of the meeting or until the Chairman or Vice Chairman is present.

3. Where the Chairman is in attendance, the Vice Chairman shall be treated in the same way as every other Member of the Board.

Role of signatories to the Call-in notice and the Council Cabinet member

4. Signatories to the Call-in notice and the Council Cabinet Member will be invited to provide evidence to the Committee, both in terms of a presentation and by answering questions put to them by the Committee.

5. There is no provision for either the signatories to the Call-in or the Cabinet Member to question each other, either directly or through the Chairman.

Role of officers in attendance

6. Supporting Officers will be present from Democratic Services (providing procedural advice to the Chairman and Committee as required and recording decisions) and Improvement and Scrutiny (advising the Chairman and the Committee as required on relevant scrutiny of the decision under consideration). The Monitoring Officer or their representative may also be present and may undertake any of these duties in addition to providing any legal advice if required.

7. The Managing Director, Executive Directors or Assistant Directors or Heads of Service may provide support to the Council Cabinet Member and contribute to the meeting as required by advising the Committee on the strategic,

technical or operational basis of decisions taken or considerations given relevant to the Call-in, or by responding to questions referred by the Council Cabinet Member to them.

Procedure at the meeting

8. The signatories to the Call-in notice will be invited to address the Committee on the Call-in and will be required to focus on justifying why they considered the council's decision-making principles to have been breached as raised in the signed Call-in Notice lodged with the Monitoring Officer. The order in which signatories are invited to speak will be at the discretion of the Chair. Signatories shall limit their contributions to the reasons for the call-in

9. After all signatories have made their contributions, members of the Committee will be invited to put questions to the signatories and receive responses to those questions.

10. The Council Cabinet Member will then be invited to address the Committee on the call-in by the Chairman and will be required to respond to the assertions relating to the council's decision-making principles as set out in the Call-in notice.

11. Members of the Committee to make any contributions they may wish prior to the vote being taken. Each member of the Committee shall be permitted to make one speech lasting no more than ten minutes.

Voting on whether decision-making principles have or have not been breached

12. The Chairman shall then ask each Member in turn to state whether they consider the decision-making principles identified in the Call-in Notice were, or were not, breached giving reasons. Where a Member considers that a principle has been breached, they will be required, at this stage, to state which principles they consider to have been breached. This information shall be recorded by the Monitoring Officer or their representatives.

13. The Chairman may, at their discretion, state whether they believe the decision-making principles identified in the Call-in Notice were or were not breached, giving reasons.

Finding of no breach

14. In the event that a majority of Members consider that there was not a breach, the Chairman will state that the Committee has resolved that the

Council Cabinet Decision identified in the Call-in Notice did not breach the decision-making principles and close the meeting.

Finding of a breach

15. In the event that a majority of Members consider that there was a breach in the decision-making procedure, the Chairman will invite the Monitoring Officer or their representative to address the Committee. The Monitoring Officer or their representative will state which decision-making principles were individually identified by Committee members as having been breached, and which of those principles were identified by a majority of Members present as having been breached.

16. The Chairman will declare the outcome of the vote and the resultant resolution and close the meeting referring the decision back to the next meeting of the Council Cabinet.

Consideration of multiple Call-in notices in relation to the one decision of Council Cabinet

17. In the event that more than one Call-in notice is received in relation to a single matter, the Chairman will use their discretion to vary the procedure accordingly to afford signatories to all Call-in notices equal opportunity to state their case.



FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

CABINET

13 June 2024

Report of the Managing Director

Derby and Derbyshire Strategic Leadership Board
(Strategic Leadership, Culture, Tourism and Climate Change)

1. Divisions Affected

1.1 County-wide

2. Key Decision

2.1 This is a not a Key Decision.

3. Purpose

3.1 To provide Cabinet with an update on the Council's participation of the Derby and Derbyshire Strategic Leadership Board.

3.2 To seek approval from Cabinet to withdraw its previously agreed role as Host Authority of the Derby and Derbyshire Strategic Leadership Board for reasons outlined in the report.

3.3 To seek approval from Cabinet to withdraw £175,000 of Council funding allocated to the resourcing of the Derby and Derbyshire Strategic Leadership Board for reasons outlined in the report.

4. Information and Analysis

4.1 Cabinet previously agreed a series of recommendations concerning the establishment of the Derby and Derbyshire Strategic Leadership Board (SLB) and nominated the Leader to represent the Council on the SLB with the Deputy Leader nominated as substitute (22 February 2024).

4.2 The SLB was agreed as the successor to the two, now dissolved, joint committees Vision Derbyshire and D2 Economic Prosperity, and promised a streamlined, refreshed and fully inclusive approach to collaborative working across existing and new partnership activity.

4.3 Given the role the Council had played in the establishment of the new Board, Cabinet agreed that the Council would act as the Host Authority. As Host Authority the Council would be responsible for the administration of meetings, holding funding on behalf of the Board and acting as the employing authority for the purposes of team supporting the Board, including its Statutory Officers.

4.4 Cabinet also agreed the associated costs of taking forward the programme of work, the maximum cost of which stood at £156,324 per annum. This decision was in recognition of the need for capacity and capability, through the establishment of a programme team, to support the Board, however was based on a proposed programme team structure and programme budget that required further approval by the SLB.

4.5 At its first meeting of the SLB on 16 May 2024 the Leader for North Derbyshire District Council Cllr Nigel Barker, was appointed to the role of Chair by the Board.

4.6 The Council's Leader had previously held the role of Chair for both the Vision Derbyshire Joint Committee and the D2 EPC. The Council was also the Host Authority of both those predecessor bodies immediately before their dissolution, providing the informal role of secretariat, coordinating and driving the agenda, monitoring progress and providing a significant amount of wider executive support to both, all in kind – a significant management overhead.

- 4.7 The Council's position as Chair was part of an overall leadership and strategic approach, which had the aim of supporting the effective working of both former committees and providing an inclusive refresh of partnership arrangements (the SLB), alongside the delivery of a number of projects and programmes. This work was also intended to ensure that the evolving SLB would have alignment to, and a relationship with, EMCCA, an important mechanism for district and borough councils who are non-constituent authorities.
- 4.8 In taking the decision to elect a new Leader as Chair, district and borough councils have signalled their intention to assume control of the agenda and provide new leadership and direction for the Board. Whilst this is a legitimate position for member councils to take in relation to the agreed Terms of Reference for the Board, this has put the County Council in a different and more challenging position regarding implementing the overall strategic partnership approach which Cabinet previously agreed in February 2024 and is described above.
- 4.09 It is proposed to Cabinet that the Host Authority function and any partnership support should, in principle, appropriately sit with the authority providing overall leadership and direction to the Board, especially as it is a formal Joint Committee. There is no longer advantage or value for money for the Council in absorbing the management overhead that attaches to being the Host Authority (including the employing authority for the programme team) nor in being the only member council to commit new funding (up to a maximum allocation of £175,000) which would provide for the majority of the costs of the proposed programme team.
- 4.10 Finally, the Council does not have a role within SLB in relation to its EMCCA nominating body designation – the Council does not participate in those decisions which are for the Districts and Boroughs; and while the envisaged role of SLB being a forum for discussing EMCCA related matters will remain beneficial for the Council to participate in, these are not dependent on the Council being the Host Authority and providing funding to support the programme team alongside.
- 4.11 It is therefore recommended that Cabinet agree to withdraw its previously agreed role as Host Authority of the Derby and Derbyshire Strategic Leadership Board for reasons outlined above.

4.12 It is also recommended that Cabinet agree the £156,324 funding returned to the Council following the dissolution of the Vision Derbyshire Joint Committee is not now allocated to the resourcing of the programme of work of the Derby and Derbyshire Strategic Leadership Board for reasons outlined above. The SLB has not yet determined the programme team structure and programme budget and therefore the Council's contributions are not committed.

Next steps (moving forward)

4.13 The principle of working effectively in partnership with others is core value of the Council an important part of the Council's overall strategic approach. The Council puts significant amount of elected member, executive, strategic and officer support into partnership working generally and therefore it is currently proposed that the Council's cooperation with the Board will continue. The Council will continue to work through the Board where is relevant and beneficial to do so to meet its priorities – such as business, economy and place. The Council will also consult with the Board on matters relating to the EMCCA where required, as a constituent EMCCA member.

4.14 However, it is also recognised that the change in the chairing arrangements signals the intention of district and borough councils to assume control of the agenda and provide new leadership and direction for the Board. In these circumstances, it is appropriate for the county council to keep its ongoing membership under review to ensure it remains aligned with the plans and aspirations of the county.

4.15 It is therefore recommended that at this point the Council continues to be a member of the SLB, with the delegated functions as set out in the Functions and Responsibilities document in Appendix 1 as agreed by Cabinet on 22 February 2024, with the same agreed representatives on the Board.

4.16 It will be for the Board and its members to explore different funding and/or operational models (such as secondments) to provide additional resources to the Board and its workstreams, if deemed necessary. Equally, the Board may decide to rein in its ambition to explore new agendas with less resourcing available to it. It is anticipated that this will be for the new Chair, alongside the new Host Authority and identified secretariat function, to determine how this is achieved in practice.

4.17 Whilst the commitment to funding for the Board will be withdrawn, the Council can still make this funding available to support strategic partnership working with EMCCA. It will be for the Strategy and Policy team as budget holders of this funding to determine and agree a future approach through appropriate delegations.

5. Consultation

5.1 Any variations to employee working arrangements may require consultation and engagement with those affected, to explain changes to the work they undertake.

6. Alternative Options Considered

6.1 The Council could take the option to not withdraw its role as Host Authority and the allocation of funding for the Board, however as has been outlined in the report, this option is not preferred as it would not be the best use of resources that can be deployed in a different way to deliver the Council's best interests.

6.2 The Council could take the option to cease its membership of the SLB. This option is not preferred as there is significant continued interest in collaboratively and partnership working with Derby and Derbyshire Councils to tackle the county's challenges and speak as a collective where possible, including providing an arena for discussion of EMCCA business.

7. Implications

7.1 **Appendix 1** sets out the relevant implications considered in the preparation of the report.

8. Background Papers

8.1 Establishing the Derby and Derbyshire Strategic Leadership Board – 22 February 2024

9. Appendices

9.1 Appendix 1 – Implications

9.2 Appendix 2 – Articles, functions and procedure rules for the D2 SLB Joint Committee

10. Recommendations

That Cabinet:

- a) Withdraws its commitment to act as the host authority for the Joint Committee - Derby and Derbyshire Strategic Leadership Board (SLB)
- b) Withdraws its approval of the associated costs of taking forward the programme of work, the maximum cost of which currently stands at £156,324 per annum.
- c) Notes the Council's intention at this time is to continue membership of the D2 Strategic Leadership Board and the delegated functions as set out in the Functions and Responsibilities document in Appendix 1. Ongoing membership will be kept under review to enable assessment of the impact of the new Board leadership arrangements and any subsequent changes in the future direction of the Board.
- d) Notes that the Leader, Cllr Barry Lewis, will continue as the Council's representative on the D2 Strategic Leadership Board and the Deputy Leader, Cllr Simon Spencer, as substitute.

11. Reasons for Recommendations

- 11.1 To support the most effective use of the Council's resources.
- 11.2 To enable the Council to participate fully in all decision making and programme activity that will take place under the remit of the proposed D2 Strategic Leadership Board.
- 11.3 To ensure the Council has appropriate lead Elected Member representation on the proposed D2 Strategic Leadership Board.

12. Is it necessary to waive the call in period?

- 12.1 No

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Implications

Financial

- 1.1 The Strategy and Policy Budget has an allocation of £175,000 to support the Council Plan objective of establishing and implement effective partnership arrangements with EMCCA. This funding has not yet been committed and no spend has been made against this allocation to date.
- 1.2 This funding can be utilised to support work associated with strategic partnership working and it will be for the Strategy and Policy team to determine and agree a future approach through appropriate delegations.

Legal

- 2.1 The SLB is a joint committee that has been established under Section 101(5) of the Local Government Act 1972.
- 2.2 On 22 February 2024, Cabinet approved the Council's membership of the SLB and the Terms of Reference of the SLB, including the Introduction and Context, Functions and Responsibilities, Procedural Rules and Information Procedure Rules. Those Terms of Reference include a number of guiding principles; in particular the requirement that all participating authorities, whether or not agreeing to delegate functions, will be required to contribute towards the costs of funding the D2 SLB. As a member of the SLB the Council will therefore be required to make a contribution, as will all other participating councils.
- 2.3 The Joint Committee is not a legal entity in its own right and therefore to establish and operate, a host organisation is required. The role of host authority can be performed by any of the participating authorities.

Human Resources

- 3.1 The County Council currently employees 2FTE Grade 11 Senior Economic Development Officers who work for the Derbyshire Economic Partnership. Whilst their job description, person profile and line

management will not change, they will now be required to support the priorities of the D2 Strategic Leadership Board and its associated work, which would have previously agreed and commissioned by DEP. As the Council is not withdrawing its commitment to the work originally associated with DEP, these posts will be unaffected by this report.

Information Technology

4.1 None

Equalities Impact

5.1 An EIA is not needed as the report relates to an administrative decision rather than an issue of policy.

Corporate objectives and priorities for change

6.1 Establish and implement effective partnership arrangements with EMCCA to maximise the benefits of a devolution deal for Derbyshire is Strategic Object 18 of the Council Plan 2024-2025.

THE DERBY AND DERBYSHIRE STRATEGIC LEADERSHIP BOARD

TERMS OF REFERENCE

ARTICLES

1. Introduction and Context

- 1.1 The **Derby and Derbyshire Strategic Leadership Board** (D2 SLB) brings together the County's ten local authorities in what is a **joint committee** with a refreshed and fully inclusive approach to collaborative working across existing and new partnership activity. D2 SLB will:
- Provide collective leadership for Derby and Derbyshire, allowing our authorities to speak with a single, shared voice on matters of common interest at the county, regional and national level;
 - Collaborate as partners to develop joined-up approaches to the complex, connected and sometimes challenging agendas where our councils share common interests; and additionally
 - Progress shared ambitions for the area, co-ordinating resources better and more sustainably.
- 1.2 With the creation of the East Midlands Mayoral Combined County Authority bringing new opportunities to improve outcomes for people and places throughout Derby and Derbyshire, it makes sense for D2 councils to come together to manage their interface with this new authority as well as coordinating City, District, Borough and County agendas which are envisaged as becoming the remit of D2 SLB including economic development and regeneration, business and skills, health and wellbeing, transport and the environment and potentially wider agendas where there is common recognition in the value of tackling challenges together.
- 1.3 Accordingly, the D2 SLB will:
- Achieve joined up approaches within and between a variety of **shared policy agendas and service delivery agendas**, including but not restricted to place and economic development;

- Rationalise and **simplify existing partnership and governance arrangements** related to these areas (with agreement that the work of existing County level committees (including the Vision Derbyshire Committee, the D2 Economic Prosperity Committee together with the Growth Board will be superseded by a single Derby and Derbyshire-wide partnership arrangement); and
- Provide the lead forum for collaborative activity between councils in Derbyshire on matters relating to the new **Combined County Authority** primarily to secure collective influence, especially concerning investment and growth.

1.4 In this context, the overall ambition of D2 SLB is to mature into a truly collaborative and representative partnership of all Derby and Derbyshire councils, to maximise shared aims to the benefit of local citizens and businesses.

Guiding Principles for the D2 SLB

1.5 The joint committee will provide:

- Strong, collective and inclusive leadership which seeks to deliver better local outcomes and more joined-up public services
- Clear, transparent and accountable decision-making which will ensure best value for taxpayers' money and maintain strong ethical standards
- Flexibility to work across organisational boundaries to deal with strategic and emergent challenges.

1.6 It is envisaged that collaboration and decision making based on these principles will enable Derby and Derbyshire's local authorities to tackle challenges at regional, county and local place levels more effectively.

1.7 The D2 SLB will act as the responsible decision-making body for functions delegated to it by participating Councils within Derby and Derbyshire and, accordingly, membership of the D2 SLB will comprise councillors appointed by those participating authorities. Councils may choose to appoint members to the D2 SLB while not delegating decision-making responsibilities for functions. However, all participating authorities, whether or not agreeing to delegate functions, will be required to contribute towards the costs of funding the D2 SLB.

1.8 Councils participating in the D2 SLB are committed to the provision of improved services. It is considered that this will, in certain instances, be best achieved by the joint provision of services, joint working and/or the development of common standards and protocols. All proposals for the

setting up of any new services or the discharge of functions are in the first instance to be subject to an investigation into the suitability of providing such services or discharging such functions, as a joint service for all participating Councils.

2. Membership of the D2 SLB

- 2.1 All local authorities within the Derby and Derbyshire are invited to join the D2 SLB as constituent members (subject to agreement by respective councils) namely:
- Derbyshire County Council
 - Derby City Council
 - Amber Valley Borough Council
 - Bolsover District Council
 - Chesterfield Borough Council
 - Derbyshire Dales District Council
 - Erewash Borough Council
 - High Peak Borough Council
 - North-East Derbyshire District Council
 - South Derbyshire District Council
- 2.2 All participating councils within Derby and Derbyshire will be permitted to appoint one elected member to the D2 SLB and to nominate one elected member as a substitute, whether or not they are delegating functions to the D2 SLB.
- 2.3 A Substitute Member will have the same rights to receive meeting papers and to access information as the Member for whom s/he is a substitute.
- 2.4 All appointments as Members or Substitute Members of the D2 SLB shall be for a term of one year from the Annual Meeting, but an individual may be re-appointed to serve as a Member or Substitute Member any number of times.
- 2.5 All councils shall be entitled at any time to terminate the appointment of a Member or Substitute Member appointed by it and to appoint another of its Elected Members in that person's place. Where a Council exercises this power it shall give written notice of the new appointment and the

termination of the previous appointment to the Monitoring Officer responsible for the D2 SLB and the new appointment shall take effect from the point specified in the written notice.

- 2.6 Should a change of political control occur at a participating local authority, usually arising from local elections, it will be for that local authority to confirm any changes in appointments to the D2 SLB's membership in accordance with the constitutional arrangements of that Council. A Member or Substitute Member of the D2 SLB who ceases (for whatever reason) to be an Elected Member of the Council that appointed them shall immediately cease to be a Member or Substitute Member of the D2 SLB, and the relevant Council shall as soon as practicable give written notice of this to the Monitoring Officer responsible for the D2 SLB and appoint another of its Elected Members in that person's place.
- 2.7 A person may resign as a Member or Substitute Member of the D2 SLB by written notice served on the Proper Officer of the Council that appointed them and the resignation shall take effect on receipt of the notice by the Proper Officer. The relevant Council shall as soon as practicable give written notice of this to the Monitoring Officer responsible for the D2 SLB and appoint another of its Elected Members in that person's place.
- 2.8 Where an appointing Council operates executive arrangements (within the meaning of the Local Government Act 2000), the appointment, removal and replacement of Members and Substitute Members of the D2 SLB shall be decided in accordance with the constitutional requirements of that Council, but it is anticipated that all Members and Substitute Members appointed by it shall be Members of its executive and will include its executive leader or elected mayor.
- 2.9 All appointments, removals and replacements of Members and Substitute Members of the D2 SLB by Councils shall be made by notice in writing addressed to the Monitoring Officer responsible for the D2 SLB. Any such notice shall be deemed to have been given when received by the Monitoring Officer.
- 2.10 Any individual council that does not operate executive arrangements and that wishes to co-opt an additional member or members can only do so following consultation with and a majority vote of all voting members of the Joint Committee and shall have no voting rights. An individual's co-option shall terminate as soon as her/his involvement with the organisation that gave rise to the co-option ceases; and such co-option shall be endorsed annually by the Joint Committee and subsequently confirmed formally by the appointing authority.

2.11 All Members of the D2 SLB (including any Substitute Members acting in place of Members of the D2 SLB) will:

- a) (subject to the D2 SLB's voting arrangements) collectively be the ultimate policy makers of the D2 SLB;
- b) bring views of their Councils into the D2 SLB's decision-making process; and
- c) maintain the highest standards of conduct and ethics.

2.12 Members will at all times observe the Code of Conduct for Members in force in their own Council and any breaches will be reported to the Monitoring Officer of their own Council.

2.13 No remuneration shall be payable to D2 SLB Members other than allowances for travel and subsistence in accordance with the Members' Allowances Schemes in operation at participating Councils. (It is acknowledged that a participating Council may, in accordance with its own procedures, pay a special responsibility allowance to any Elected Member appointed by it to the D2 SLB in respect of duties and responsibilities undertaken as a Member or Substitute Member of the D2 SLB.)

3 Chairing the D2 SLB

3.1 The Chair of the D2 SLB will be appointed by the D2 SLB.

3.2 In the event that there are more than two Members nominated for the role of Chair, and there is not a clear majority of votes in favour of one Member, then the name of the Member with the least number of votes will be eliminated and that process will continue until a Chair is elected with a majority of votes.

3.3 The D2 SLB will appoint a Vice-Chair to deputise for the Chair when the latter is not present or available.

3.4 In the event that there are more than two Members nominated for the role of Vice-Chair, and there is not a clear majority of votes in favour of one Member, then the name of the Member with the least number of votes will be eliminated and that process will continue until a Vice-Chair is elected with a majority of votes.

3.5 The Chair or Vice-Chair of the D2 SLB will cease to hold such office when they cease to be a Member of the D2 SLB, in accordance with the provisions set out at paragraphs 2.6 to 3.7 above.

4. Procedural Arrangements

- 4.1 The D2 SLB shall meet in accordance with its agreed calendar of meetings throughout a municipal year, but additional meetings may take place should the need arise.
- 4.2 While a guiding principle of D2 SLB will be decision making by consensus, which will lead the Board to coalesce around agendas where there is a shared view about how to proceed, should there be circumstances where a vote is required each Member of the D2 SLB shall have one vote, other than in the following circumstances:
- a) where matters reserved to upper tier authorities are to be discharged, eg. public transport functions that are reserved to county and unitary authorities;
 - b) where matters reserved to lower tier authorities are to be discharged, eg. housing functions that are reserved to borough, district and unitary authorities;
 - c) where matters reserved to specific geographies are to be discharged, eg. local planning functions that are reserved to Derbyshire councils only
 - d) where matters reserved in a combination of the above are to be discharged, eg. shared services arrangements involving specific councils not others.
- 4.3 In such circumstances Members from authorities that have no formal remit will not be entitled to vote. No authority represented on the Board will be empowered to vote on or to discharge a function belonging to another for which it has no responsibility in law. No authority will be entitled to vote on a matter to which they have not formally delegated to the D2 SLB.
- 4.4 The proceedings of the D2 SLB shall not be invalidated by any vacancy among its Members or Substitute Members or by any defect in the appointment or qualifications of any Member or Substitute Member.

5. Records of Proceedings

- 5.1 The D2 SLB shall make arrangements for the names of Members and Substitute Members present at any meeting to be recorded.
- 5.2 Minutes of the proceedings of a meeting of the D2 SLB, or any subcommittee, shall be kept in such form as the D2 SLB may determine.

- 5.3 Any such minutes are to be agreed as a true record and signed at the same or next suitable meeting of the D2 SLB or sub-committee by the Member chairing that meeting.
- 5.4 A Member of the D2 SLB, or any sub-committee, has the right to have their vote on any matter recorded in the minutes of the meeting at which the vote was cast.
- 5.5 Minutes of all minutes will be published on the websites of all participating Councils.

6. Sub-Committee

- 6.1 The D2 SLB may establish such sub-committees as it thinks fit to discharge its functions.

7. Officers

- 7.1 The Section 151 Officer (appointed under Section 73 of the Local Government Act 1975) and Monitoring Officer (appointed under section 5 of the Local Government and Housing Act 1989) of the host authority for the D2 SLB will serve as the statutory officers in support of the D2 SLB.
- 7.2 The D2 SLB may call upon any officer of any of the local authorities who have members on the D2 SLB for advice and assistance, as it considers necessary to carry out its functions.

8. Scrutiny of decisions

- 8.1 Each constituent authority which operates executive arrangements will be able to scrutinise the decisions of the D2 SLB in accordance with that constituent authority's overview and scrutiny arrangements. Any authority that operates a committee system model of governance will have the discretion to scrutinise decisions of the D2 SLB according to its own specific governance arrangements.

9 Winding up of the D2 SLB and Cessation of Membership

- 9.1 The D2 SLB may be wound up immediately by a unanimous vote of all constituent authorities.
- 9.2 Where an authority determines through its own governance arrangements that it no longer wishes to be a member of the D2 SLB, that authority may cease its membership with effect from the date of its decision. However, authorities will remain liable for any previously agreed financial contributions until the end

of the financial year for which those contributions have been agreed regardless of any decision to cease membership. Where long term liabilities, such as any Pension Fund shortfall, exists they will be calculated at the point membership ceases and any council exiting the arrangement will pay the host authority an amount to cover their share of that liability.

FUNCTIONS AND RESPONSIBILITIES

- a. The D2 SLB is established pursuant to Section 101(5) of the Local Government Act 1972, which permits local authorities to make arrangements for two or more authorities to discharge functions jointly, so long as it is a function that the law reserves to a specified committee. The D2 SLB is established for the following purposes:
 - Provide collective strategic leadership for local government in Derby and Derbyshire
 - Drive forward shared ambition and collective priorities for local government across Derby and Derbyshire
 - Improve joint working across local government in Derby and Derbyshire
 - Form a collective view on matters impacting Derby and Derbyshire
 - Enable agile, timely and effective decision making.

- b. The D2 SLB, on behalf of the participating authorities, will be responsible for improving the delivery of functions already within the remit of local authorities through statute or through specific collaborative work to improve the economic, environmental or social wellbeing of the areas within Derby and Derbyshire from the following broad definitions:
 - Incorporating existing partnership arrangements
 - Areas for collaborative system changes across authorities
 - Specific thematic projects and priorities

- c. Within those broad definitions, the D2 SLB will:
 - i) Provide a forum for consideration of opportunities for joint working across Derby and Derbyshire

 - ii) Provide or assume democratic oversight for existing joint committee and partnership arrangements

 - iii) Inform and support the work of the East Midlands Mayoral Combined County Authority, in particular feeding into the EMCCA led Investment Strategy for the region

- iv) Determine the prioritisation of issues affecting Derby and Derbyshire to influence commissioning at a regional level
- v) Determine commissioning arrangements on matters for which funding is provided on a sub-regional basis
- vi) In particular, act as the local public sector decision-making body for strategic economic development across Derby and Derbyshire (including potential alignment of resources, commissioning, and performance / contract management) in respect of
 - (a) Skills and training
 - (b) Inward Investment
 - (c) Investor Development
 - (d) Sector Development
 - (e) Regeneration Delivery
 - (f) Climate Change and Low carbon
 - (g) Supporting debates on Land Use policy
 - vii) Own, monitor and review the Derbyshire Growth Plans and associated investment plans
- viii) Act as the accountable body for decision making on funding streams allocated to the D2 SLB by other bodies
- ix) Oversee the planning, alignment and performance of delivery partners and organisations to achieve more effective and efficient commissioning, monitoring and implementation, and ultimately better outcomes
- x) Engage and maintain an active, ongoing dialogue with the Derby and Derbyshire business community through relevant economic advisory boards
- xi) Hold to account relevant bodies whose work impacts on the economic well-being of Derbyshire

- xii) Determine the programme of projects and work streams, how those will be managed and communicated to stakeholders and the public
 - xiii) Monitor and review performance in respect of services delivered in partnership through the D2 SLB and authorise the publication of an annual report of performance and outcomes
 - xiv) Commission strategic outline and full business cases for individual councils to consider opportunities for more collaborative working
 - xv) Determine requests from individual authorities or groups of authorities to work collaboratively on specific projects or work streams
 - xvi) Provide a forum for councils and their representatives to provide challenge to each other with the aim of increasing collaboration to deliver efficient, effective and economic services, which equally improve the offer and outcomes to residents and businesses
 - xvii) Delegate functions and responsibilities to sub-committees or officers as the D2 SLB deems appropriate and keep any governance arrangements associated with the D2 SLB under review.
- d. In the above context, it will be for the Board to establish any sub committees it chooses to in order to provide support with specific tasks within the Board's work programme and for the Board to determine the membership of such sub committees. Any sub committees will report into the full Board.
- e. The D2 SLB will exercise all its powers and duties in accordance with the law and these terms of reference and procedure rules.
- f. The authorities appointing to the D2 SLB are:
- Derbyshire County Council
 - Derby City Council
 - Amber Valley Borough Council
 - Bolsover District Council
 - Chesterfield Borough Council
 - Derbyshire Dales District Council
 - Erewash Borough Council
 - High Peak Borough Council
 - North-East Derbyshire District Council
 - South Derbyshire District Council

[MEMBERSHIP TO BE AGREED BY RESPECTIVE AUTHORITIES]

- g. It is for individual Councils participating in the D2 SLB to determine which functions and responsibilities they are willing to delegate to the D2 SLB in accordance with their own decision-making arrangements. Conversely, the D2 SLB in determining its agenda, priorities and forward programme will wish to take a view on whether or not to accept such responsibilities.
- h. No authority represented on the D2 SLB may participate in voting upon or discharging a function for which it has no responsibility in law.

PROCEDURE RULES

These procedure rules apply where appropriate to the Joint Committee and SubCommittees established by the Joint Committee.

1. Name

- 1.1 The name of the Joint Committee shall be the 'Derby and Derbyshire Strategic Leadership Board (D2SLB)'.

2. Membership

- 2.1 The membership of the Joint Committee shall be determined in accordance with the provisions of Article 2.

3. Meetings

- 3.1 The Annual Meeting of the Joint Committee shall be held each year on such a day in the month of March, April, May or June as the Joint Committee may fix, to deal with any other business normally transacted at an annual meeting.
- 3.2 The Joint Committee shall meet throughout the municipal year in accordance with its agreed calendar of meetings, but additional meetings may take place should the need arise. The dates and times of meetings of the Joint Committee (including the Annual Meeting and extraordinary meetings) shall be determined by the Joint Committee. Such meetings shall be held at a venue determined by the Chair. Save as provided elsewhere in these Procedure Rules all meetings of the Joint Committee, sub-committees and working party meetings shall be summoned by the Proper Officer of the host authority.
- 3.3 An extraordinary meeting of the Joint Committee may be called at any time by the Chair. If the Chair refuses to call an extraordinary meeting of the Joint Committee after a requisition for that purpose signed by three Members of the Joint Committee has been presented to him/her or if, without so refusing, the

Chair does not call an extraordinary meeting within seven days after the requisition has been presented to him/her then any three Members of the Joint Committee, on that refusal, or on the expiration of those seven days, as the case may be, may forthwith call an extraordinary meeting of the Joint Committee.

- 3.4 No business shall be considered at any extraordinary meeting save such as is specified in any requisition of the Joint Committee calling such meeting, or as the case may be, in the requisition presented to the Chair by Members.

4. Chair and Vice-Chair

4.1 Article 4 sets out the arrangements for the appointment of Chair and Vice-Chair of the Joint Committee.

4.2 If the Chair is absent from a meeting the Vice-Chair, if present, shall preside.

4.3 If both the Chair and Vice-Chair are absent from a meeting of the Joint Committee, such Member as the Members of the Joint Committee present so choose, shall preside.

4.4 Any power or duty of the Chair in relation to the conduct of a meeting may be exercised by the person presiding at the meeting.

5. Quorum

5.1 The quorum for a meeting will be one third of the total of the members of the Committee who are entitled to vote.

5.2 If during a meeting the Chair, after counting the number of Members present, declares that there are not one third of the Members present, who are entitled to vote, the meeting shall stand adjourned. The names of those Members who are present shall be recorded in the minutes of the meeting. Consideration of any business not transacted shall be adjourned to a date and time fixed by the Chair at the time the meeting is adjourned, or if s/he does not so fix a date and time, to the next meeting of the Joint Committee.

6. Chair's Announcements

6.1 No discussion shall take place on any announcement made by the chair of the meeting, but any Member shall be at liberty to move a motion, without notice, to refer the subject matter of any such announcement to the next ordinary meeting of the Joint Committee and such motion, on being seconded, shall be at once put to the vote.

7. Order of Business

7.1 Except as otherwise provided by paragraph 7.2 of this Rule, the order of business at every meeting of the Joint Committee other than the annual meeting and any extraordinary meeting shall be:-

- (a) To choose a person to preside if the Chair and Vice-Chair are absent;
- (b) Apologies for absence;
- (c) To receive disclosures by Members of interests in matters under consideration;
- (d) To approve as a correct record and sign the minutes of the last meeting of the Joint Committee;
- (e) To deal with any business expressly required by statute to be done;
- (f) Chair's announcements;
- (g) To dispose of business, if any, remaining from the last meeting;
- (h) To receive minutes of sub-committees;
- (i) To receive and consider reports, if any, from sub-committees;
- (j) To receive and consider reports from constituent authorities;
- (k) To receive minutes of and recommendations from other bodies;
- (l) To consider motions, if any, in the order in which notice has been received;
- (m) To deal with other business, if any, specified in the summons.

7.2 The Chair may at any meeting vary the order of business so as to give precedence to any business as seems appropriate and/or which in his/her opinion is of special urgency but such a variation shall not displace any business falling under items (a), (b), (d) or (e) in paragraph 7.1 of this Rule.

7.3 At any extraordinary meeting of the Joint Committee the minutes of the last ordinary meeting of the Joint Committee will not be considered. The minutes of an extraordinary meeting of the Joint Committee will be submitted where possible to the next ordinary meeting of the Joint Committee.

8. Notice of Motion

8.1 Except as provided by Rule 9, every notice of motion shall be in writing, signed by the Member or Members of the Joint Committee giving the notice and delivered by email or in person at least seven clear days before the next meeting of the Joint Committee at the office of the Head of Paid Service of the host authority, by whom it shall be dated, numbered in the order in which it is received and a

record kept, which shall be open to the inspection of every Member of the Joint Committee during normal office hours.

8.2 Every motion shall be relevant to some matter in relation to the Joint Committee's powers or duties.

8.3 The Head of Paid Service of the host authority shall set out in the summons for every meeting of the Joint Committee motions of which notice has been duly given in the order in which they have been received, unless the Member(s) giving such notice intimated in writing, when giving it, that s/he proposed to move it at some later meeting or has withdrawn it in writing.

8.4 If a motion set out in the summons is not moved either by a Member who gave notice thereof or by some other Member on his/her behalf, it shall, unless postponed by consent of the Joint Committee, be treated as withdrawn and shall not be moved without fresh notice.

9. Motions which may be moved without notice

9.1 The following motions may be moved without notice:

- (a) Appointing a Chair of the meeting at which a motion is moved;
- (b) Motions relating to the accuracy of the minutes;
- (c) That an item of business specified in the summons has precedence;
- (d) Appointment of a sub-committee or members thereof occasioned by the appointment;
- (e) That leave be given to withdraw a motion;
- (f) That leave be given to withdraw in whole or in part or amend the minutes or proceedings of the Joint Committee or any sub-committee;
- (g) That the Joint Committee proceeds to the next business;
- (h) That the question be now put;
- (i) That the debate be now adjourned;
- (j) That the Joint Committee does now adjourn;
- (k) Amendments to any motion to approve the Minutes or proceedings of the Joint Committee or any sub-committee any part of which has been withdrawn or amended in accordance with Rule 9(f);
- (l) Suspending Procedure Rules in accordance with Rule 18;
- (m) A motion, under Part 1 of Schedule 12A to the Local Government Act 1972 (relating to admission to meetings of local authorities);
- (n) That a Member named under Rule 12 be not further heard or do leave the meeting;
- (o) Giving consent or leave of the Joint Committee where the consent or leave of the Joint Committee is required by these Procedure Rules;

- (p) That the subject matter of an announcement made by the chair of the meeting be referred to the next meeting of the Joint Committee or the appropriate sub-committee;
- (q) Approval or amendment of recommendations of Officers and any consequential resolutions.

10. Amendments to Motions

10.1 Normally, no motion to amend a motion other than a motion which may be moved without notice under Rule 9 shall be moved at any meeting of the Joint Committee unless not less than 24 hours' notice in writing of the motion, signed by the Member(s) giving notice, is delivered to the Monitoring Officer of the host authority. The Head of Paid Service of the host authority shall inform the Chair of the Joint Committee of any such amendments so received.

11. Rules of Debate

11.1 A motion or amendment shall not be discussed unless it has been proposed and seconded.

11.2 An amendment shall be relevant to the motion and shall be either:—

- (a) to refer a subject of debate to the next meeting of the Joint Committee or the sub-committee for consideration or re-consideration; or
- (b) to leave out words and insert or add others; or
- (c) to insert or add words; but such omission, insertion or addition of words shall not have the effect of negating the motion before the Joint Committee.

11.3 Only one amendment may be moved and discussed at a time and no further amendment shall be moved until the amendment under discussion has been disposed of.

11.4 When an amendment has been lost, other amendments may be moved on the original motion. If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the motion to which any further amendment may be moved.

11.5 When a motion is under debate no other motion shall be moved except the

following:-

- (a) to amend or withdraw the motion provided that the notice of amendment has been properly given in accordance with these Procedure Rules;

- (b) to adjourn the meeting;
- (c) to proceed to the next business;
- (d) that the question be now put; (e) that a Member be not further heard.

11.6 The ruling of the Chair on a point of order or on the admissibility of a personal explanation shall not be open to discussion.

11.7 A Member who does not have the right to vote on a matter shall have the same rights to speak on a matter as a Member with the right to vote on that matter.

ACCESS TO INFORMATION PROCEDURE RULES

These rules are a summary of rights to attend meetings of the D2 Strategic Leadership Board, its sub-committees, and of access to documents. The host authority for the Joint Committee will keep at its principal office a summary of various rights to attend meetings and to inspect documents in the possession of that authority on behalf of the Joint Committee, conferred by law.

1. Access

1.1 A meeting of the Joint Committee (including meetings of its sub-committees) is open to the public, except as stated in Rules 1.2 and 1.3 below.

1.2 The public must be excluded from a meeting during any item of business whenever it is likely that, if they were present, confidential information would be disclosed in breach of the obligation of confidence. Confidential information means information provided on a confidential basis by a government department, and information the disclosure of which is prohibited by statute or by Court order.

1.3 The public may be excluded by resolution during an item of business whenever it is likely that there would be disclosure to them of 'exempt information'. Exempt information is defined to cover such matters as personal information, financial and business affairs of people or companies with whom the Authority has dealings, action likely to lead to criminal proceedings, matters relating to industrial relations consultations and negotiations and matters relating to legal proceedings. A description of 'exempt information' is set out in Schedule 12A to the Local Government Act 1972, as amended.

2. Access to Agendas and Reports

2.1 Copies of the agenda and reports for a meeting of the Joint Committee or of any of its sub-committees must be open for inspection by the public, except for any report on an item during the consideration of which the meeting is not likely to

be open to the public. Documents must be available five clear days before the meeting, or as soon as the meeting is convened, or the item added to the agenda, if that is less than five clear days before the meeting. The papers will be available through the following website (insert link) and at the offices of the host authority.

2.2 A reasonable number of copies of agendas and reports must be available for members of the public present at a meeting. The agendas and reports must also be made available to the media on request.

3. Key Decisions

3.1 A “Key Decision” means a decision of a decision maker, which is likely—

- (a) to result in the incurring of significant expenditure, or the making of significant savings, having regard to the Joint Committee’s budget for the service or function to which the decision relates; or
- (b) to be significant in terms of its effects on persons living or working in an area comprising two or more wards or electoral divisions in the area of the participating authorities

In relation to expenditure or savings referred to in 3.1(a), as a guide, this will ordinarily be taken to mean that a Key Decision will result in expenditure or savings in excess of £0.25M.

4. Procedures before taking Key Decisions

4.1 Notice – Where a decision maker intends to make a Key Decision that decision must not be made until a notice has been published which states:

- (a) that a key decision is to be made in relation to the discharge of functions which are the responsibility of the Joint Committee;
- (b) the matter in respect of which the decision is to be made;
- (c) the decision maker’s name, and title if any;
- (d) the date on which, or the period within which, the decision is to be made;
- (e) a list of the documents submitted to the decision maker for consideration in relation to the matter in respect of which the key decision is to be made;
- (f) the address from which, subject to any prohibition or restriction on their disclosure under Rule 1.3, copies of, or extracts from, any document listed is available;
- (g) that other documents relevant to those matters may be submitted to the decision maker; and
- (h) the procedure for requesting details of those documents (if any) as they become available

4.2 Subject to Rule 10 (general exception) and Rule 11 (special urgency), a key decision may not be taken unless:

- (i) the notice referred to at 4.1 above has been published — (a) if the Joint Committee has a website, on its website; or
- (b) otherwise, in such manner as it thinks is likely to bring the notice to the attention of persons who live in its area; and made available for inspection by the public at the offices of the host authority;
- (ii) at least twenty eight clear days have elapsed since the publication of the notice; and
- (iii) where the decision is to be taken at [or in the presence of] a meeting of the Joint Committee or its sub-committees, notice of the meeting has been given in accordance with 2.1 (notices of meetings) above.

4.3 Where, in relation to any matter—

- (i) the public may be excluded under section 100A of the Local Government Act 1972 from the meeting at which the matter is to be discussed; or
- (ii) documents relating to the decision need not, because of Rule 6 (confidential information), be disclosed to the public, the notice referred to above must contain particulars of the matter but may not contain any confidential information or exempt information.

5. Notice of a Key Decision – Cases of Special Urgency

5.1 Where the date by which a key decision must be made makes compliance with Rule 4 impracticable, the decision may only be made where the decision maker has obtained agreement from the Chair of the Joint Committee or, in the absence of the Chair, the Vice-Chair of the Joint Committee that the making of the decision is urgent and cannot reasonably be deferred.

5.2 As soon as reasonably practicable after the decision maker has obtained agreement under paragraph 5.1 that the making of the decision is urgent and cannot reasonably be deferred, the decision maker must –

- (a) make available to the public at the offices of the host authority a notice setting out the reasons why the meeting is urgent and cannot reasonably be deferred; and
- (b) publish that notice on the Joint Committee’s website, if it has one.

6. Inspection of Background Papers

6.1 Members of the public may also inspect a list of background papers for any report (except those reports containing ‘confidential’ or ‘exempt’ information) and a copy of each of the documents included in that list. This right is available as soon as the report to which the list relates is published, and continues for four years from the date of the meeting. (In the case of the public right to inspect background papers, the right is subject to their production as soon as is

reasonably practicable after the request is made). Background papers disclosing confidential or exempt information are not required to be listed, but, if they are listed, they will not be open to inspection.

6.2 Background papers are documents which relate to the subject matter of a report, disclose any fact or matter on which the report is based, and have been relied on to a material extent in preparing the report - but exclude any published work. Requests for inspection of such documents should be made to the Monitoring Officer of the host authority who will arrange for the production of such documents as soon as reasonably practicable after the request.

7. Additional Access for Members of the Joint Committee

7.1 Any document in the possession or under the control of the Joint Committee which contains material relating to any business to be transacted at a meeting is open to inspection by a member of the Joint Committee.

7.2 Where a document discloses certain specified categories of exempt information it need not be open to inspection by a member. These categories relate mainly to personal information relating to crime or legal proceedings, or matters concerned with negotiations or industrial relations.

8. Publication of additional information

8.1 The host authority for the Joint Committee must maintain a register stating the name of every member of the Joint Committee and sub-committees and their appointing council. The register is published on the website and is also open to inspection by the public at the offices of the host authority.

8.2 The host authority for the Joint Committee will maintain a list specifying the powers delegated to individual authorities or specific officers, and stating the title of the officer by whom each of those powers is exercisable. The list is published on the website of the host authority and also open to public inspection, but excludes delegations of less than six months' duration.

9. Documents deposited with the Joint Committee

9.1 Documents may be required to be deposited with a proper officer of the host authority for the Joint Committee, either under an Act of Parliament or statutory instrument, or pursuant to the Standing Orders of either House of Parliament. A person interested in any such document may inspect it. Requests should be made to the Monitoring Officer.

10. Other Documents

10.1 Any report received from the Local Government Ombudsman under section 30 of the Local Government Act 1974 must normally be open to public inspection for a period of three weeks, but the Ombudsman may direct that a particular report shall not be publicly available.

10.2 Where a public inquiry is to be held into a compulsory purchase order made by the Joint Committee, a statement of the Joint Committee's case to the inquiry, together with copies of any documents it intends to submit to the inquiry, must be made available for inspection by any person on request.

10.3 The Local Government (Inspection of Documents) (Summary of Rights) Order 1986 lists many other statutory provisions under which documents are required to be made available to the public.

11. Fees

11.1 No fee will be charged for providing the facility of inspecting background papers.

11.2 A person who is entitled to inspect a document may (unless copyright law forbids it) make copies of, or extracts from it, or require a photographic copy of, or extract from, the document. The host authority for the Joint Committee reserves the right to make a charge for providing copies of documents.

12. Disorderly Conduct

12.1 If at a meeting any Member of the Joint Committee in the opinion of the Chair misconducts himself/herself by persistently disregarding the ruling of the Chair or by behaving irregularly, improperly, or offensively, or by wilfully obstructing the business of the Joint Committee, the Chair may move 'That the Member named be not further heard' and the motion if seconded shall be put and determined without discussion.

12.2 If the Member named continues his/her misconduct after a motion under the foregoing paragraph has been carried the Chair shall either move 'That the Member named do leave the meeting' (in which case the motion shall be put and determined without seconding or discussion), or adjourn the meeting of the Joint Committee for such period as s/he in his/her discretion shall consider expedient.

12.3 In the event of general disturbance which in the opinion of the Chair renders the due and orderly dispatch of business impossible, the Chair in addition to any power vested in him/her may, without question put, adjourn the meeting of the Joint Committee for such period as s/he in his/her discretion shall consider expedient.

13. Rescission of Previous Resolution

13.1 No motion to rescind any resolution passed within the preceding six months, and no motion or amendment to the same effect as one which has been rejected within the preceding six months shall be proposed unless the notice thereof given in pursuance of Rule 8 bears the names of at least five Members of the Joint Committee. When any such motion or amendment has been disposed of by the Joint Committee, it shall not be open to any Member to propose a similar motion within a further period of six months.

13.2 Provided that this Rule shall not apply to motions moved by the Chair or other Members of the Joint Committee in pursuance of a recommendation of a subcommittee.

14. Mode of Voting

14.1

(a) Every proposition shall, unless otherwise required by these Procedure Rules or statute, be determined by show of hands.

(b) In taking the votes on any proposition, only those Members who are present in the room when the proposition is put from the chair shall be entitled to vote.

(c) After a proposition is put from the Chair but before the vote is taken, any three Members by show of hands may require that the voting shall be recorded in the minutes of the meeting so as to show whether each Member present gave his/her vote for or against that proposition or abstained from the voting.

(d) Except where a recorded vote has been taken, any Member who is present when the vote was taken may require that his/her vote for or against the question or abstention shall be recorded in the minutes by notifying the Head of Paid Service of the host authority.

14.2 Where there are more than two persons nominated for any position to be filled by the Joint Committee and of the votes given there is not a majority in favour of one person, the one having the least number of votes shall be struck off the list and a fresh vote shall be taken, and so on, until a majority of votes is given in favour of one person.

14.3 In the case of an equality of votes the Chair shall have a second or casting vote.

15. Urgent Business

15.1 The Head of Paid Service, Chief Financial Officer and the Monitoring Officer of the host authority shall each be empowered individually to take any action which is required as a matter of urgency in the interests of the Joint Committee, after consultation (where practicable) with the Chair of the Joint Committee, on behalf of and within the powers and duties of the Joint Committee. All such action shall be reported to the next meeting of the Joint Committee.

16. Variation and Revocation of Procedure Rules

16.1 Any motion to add to, vary or revoke these Procedure Rules shall when proposed and seconded stand adjourned without discussion to the next ordinary meeting of the Joint Committee, provided that this Rule shall not apply to any review of Procedure Rules at the annual meeting of the Joint Committee.

17. Suspension of Procedure Rules

17.1 No Rule shall be suspended at any meeting of the Joint Committee except on the vote of a majority of the members then present.

18. Recordings at Meetings

18.1 The Local Audit and Accountability Act allows persons:

- (a) To film, photograph or make sound recordings of proceedings at a meeting of a body to which this section applies, or of a committee or - sub-committee of such a body;
- (b) To use other means for enabling persons not present at such a meeting to see or hear proceedings at the meeting, as it takes place or later;
- (c) To report or provide commentary on the proceedings at such a meeting orally or in writing, so that the report or commentary is available, as the meeting takes place or later, to persons not present at the meeting.

19. Record of Attendance

19.1 Every Member of the Joint Committee attending a meeting or a meeting of a sub-committees of which s/he is a member, shall have their attendance recorded and published through the website of the host authority.

20. Appointment of Sub-Committees

20.1 The Joint Committee may establish such sub-committees as it deems appropriate or it is required to appoint by or under any statute.

20.2 Subject to any statutory provision in that behalf the Joint Committee:–

- (a) shall not appoint any member of a sub-committee so as to hold office later than the next annual meeting of the Joint Committee;
- (b) may at any time dissolve a sub-committee or alter its membership; every vacancy on a sub-committee shall be reported by the Head of Paid Service of the host authority at the first meeting of the Joint Committee after the vacancy has arisen and the Joint Committee may thereupon proceed to fill the vacancy.

20.3 The Joint Committee may appoint sub-committees for purposes to be specified by the Committee and, subject to these Procedure Rules and to any resolution of the Joint Committee in that behalf, may delegate to any such sub-committee any power or duty delegated by the Joint Committee.

20.4 The Chair and Vice-Chair of the Joint Committee shall be ex-officio members of every sub-committee appointed by the committee.

20.5 The membership of a sub-committee may include persons who are not members of the Joint Committee by which the sub-committee

was appointed, however where such persons are not Members of the Joint Committee, they shall be appointed as non-voting members.

20.6 A Joint Committee shall not appoint any member of a sub-committee so as to hold office later than the next annual meeting of the Joint Committee and may at any time dissolve a sub-committee or alter its membership.

21. Quorum of Sub-Committees

21.1 Except where ordered by the Joint Committee or authorised by statute, or set out in the specific terms of reference of a sub-committee, business shall not be transacted at a meeting of any sub-committee unless at least one third of the whole number of members of the sub-committee who are entitled to vote is present, provided that in no case shall the quorum of a sub-committee be less than three members.

22. Procedure Rules to Apply to Committees and Sub-Committees

22.1 These Procedure Rules shall, with any necessary modifications, apply to meetings of sub-committees.

23. Interpretation

23.1 The decision of the chair of the meeting on the question of the construction of the Procedure Rules and on any question of order not provided for by the Procedure Rules shall be final.

23.2 The inclusion or exclusion of any specific matters in any other regulation or resolution shall not be construed as limiting in any way the scope of these Procedure Rules.

23.3 Where the Monitoring Officer is not a solicitor holding a current practising certificate for the expression "Monitoring Officer" in these Procedure Rules there shall be substituted the expression "the solicitor to the Joint Committee" wherever it is appropriate and where there is a requirement at law that such action is to be taken by a solicitor.

24. Procedure Rules to be Given to Members

24.1 A printed copy of these Procedure Rules and any other documents in respect of governance of the Joint Committee shall be given by the Monitoring Officer of the host authority to every Member of the Joint Committee on his/her first being appointed to the Joint Committee.