

Council  
14 October 2021

Report of the Director of Corporate & Customer Services and Monitoring Officer

## **VISION DERBYSHIRE JOINT COMMITTEE GOVERNANCE ARRANGEMENTS**

### **PURPOSE OF REPORT**

To consider revisions to the governance arrangements for the Vision Derbyshire Joint Committee, which the Council approved in July 2021, and the impact of these on the Council's own governance arrangements and functions.

### **RECOMMENDATION**

1. That approval be given to the revised governance arrangements for the Vision Derbyshire Joint Committee.
2. That approval be given to the consequential amendments required to be made to Part 3 (Responsibility for Functions) of the Constitution with the insertion of the terms of reference for the Vision Derbyshire Joint Committee.

### **WARDS AFFECTED**

District-wide

### **STRATEGIC LINK**

The 'Vision Derbyshire' non-structural reform initiative will enable the Council to explore more collaborative forms of working across traditional boundaries in an effort to improve the outcomes for Derbyshire Dales' residents and businesses. From a governance perspective, ensuring that robust arrangements for the discharge of functions are adopted by local authorities is critical to the success of the Vision Derbyshire initiative.

## **1 BACKGROUND**

- 1.1 At its meeting on 8 July 2021, Derbyshire Dales District Council became the first local authority in the county to adopt proposed governance arrangements for the Vision Derbyshire Joint Committee. Since that time further work has been undertaken between a number of authorities to refine these arrangements to ensure that they are suitable as a vehicle for the devolution of functions from central government.
- 1.2 During the meeting in July, Members expressed support for the Vision Derbyshire initiative and approved the governance arrangements for the Joint Committee, however a reservation was expressed in respect of the impact on the Council's governance arrangements and discharge of its functions in relation to Vision Derbyshire.

- 1.3 This report has been prepared in order for Members to consider and approve the revised arrangements, along with the changes needed to reflect these governance arrangements for the Joint Committee within the Council's Constitution

## **2 REPORT**

- 2.1 Having already approved the governance arrangements (articles, terms of reference and procedure rules) for the Vision Derbyshire Joint Committee, the Council has committed itself to the Vision Derbyshire initiative. Since then, Derbyshire County Council have adopted the governance arrangements with other districts and boroughs around Derbyshire intending to consider these throughout October and November 2021. The process of appointing representatives from authorities will also be determined by each Council in due course.

- 2.2 These governance arrangements should not be viewed as the final structure and rules for the operation of the Vision Derbyshire initiative. It is likely that these arrangements will grow to fit the needs of the initiative or any devolution arrangement from central government to authorities in the county. This could potentially lead to additional bodies being established requiring further or increased Member representation from the Council. At this stage, the Joint Committee has been established to formally progress the work that has already been undertaken by the Leaders of a number of authorities across the county and to provide central government with confidence that there are firm governance arrangements in place which can be built upon to advance the principles of Vision Derbyshire. Any future changes to these arrangements will require consideration and approval by the Council.

- 2.3 The revised governance arrangements for the Vision Derbyshire Joint Committee are set out at Appendix 1 of this report, the changes can be summarised as:

- Removal of participating and non-participating authorities. Membership will not be restricted, but only authorities which have delegated functions will have voting rights in respect of the discharge of functions
- Removal of provisions to delegate functions to individual authorities and confirmation that delegations would be limited to sub-committees of the Joint Committee or officers
- Confirmation that the Chair and Vice-Chair will be a Member of an authority(ies) that has/have delegated functions to the Joint Committee
- Confirmation that scrutiny of the Joint Committee will be undertaken according to the governance arrangements of each authority

- 2.4 Further clarification has also been provided in respect of the functions of the Joint Committee, having sought further advice from counsel. The functions of the Joint Committee are now set out as:

- Oversee the Vision Derbyshire Delivery Programme
- Determine the programme of projects and work streams, how those will be managed and communicated to stakeholders and the public
- Monitor and review performance in respect of services delivered through the Vision Derbyshire Joint Committee and authorise the publication of an annual report of performance and outcomes
- Commission strategic outline and full business cases for individual councils to consider opportunities for more collaborative working in respect of shared services
- Approve annual business plans for the delivery of shared services

- Provide or assume democratic oversight for existing joint committee and partnership arrangements
- Provide a platform for the devolution of powers from Government to authorities in Derbyshire
- Determine requests from individual authorities or groups of authorities to work collaboratively on specific projects or work streams
- 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
- Delegate functions and responsibilities to sub-committees or officers as the Committee deems appropriate.

2.5 Having agreed to become a founding member of the Vision Derbyshire Joint Committee, the District Council has already delegated the majority of the above functions to the Joint Committee which are to be discharged on its behalf. It should be noted that no specific service functions have been delegated to the Joint Committee, as the body effectively will act as a steering group for progressing the Vision Derbyshire initiative until such a time as formal functions are delegated by the Council. Every time a function is proposed to be delegated to the Joint Committee, this will need to be approved by the Council by way of a majority vote. In delegating any functions, the Council has the authority to remove itself from the Joint Committee and cease making financial contributions to the initiative by way of a majority vote at a meeting of the Council.

2.6 The sovereignty of the District Council has been maintained in the decisions taken on 8 July 2021 with the Council giving approval for Phase 4 of the Vision Derbyshire Delivery Programme. The agreement of the Council will enable the Joint Committee to progress and oversee the delivery of the programme. The Council will receive reports back on progress and decisions taken within the framework of those functions delegated to enable the delivery of the programme. Where the Joint Committee proposes that action be taken beyond the functions delegated or remit of the programme to which the Council has provided agreement, Members will be asked to consider reports to give authority for further delegation or delivery.

2.7 Like other joint committees, the Vision Derbyshire Joint Committee has been established in accordance with the Local Government Act 1972 and will be empowered to discharge functions on behalf of the authorities represented on the Joint Committee. To this end, it will be necessary to appoint a member and substitute member to serve on the Joint Committee and Council is recommended to make such appointments at this meeting. It is a matter for each authority to determine which Member or specific office holder should be appointed to serve on the Joint Committee, however it is understood that any such Member appointed to represent the Council on the Joint Committee will be expected to exercise their decision making powers on behalf of the District Council. This will also mean that the Member should ensure that the views of the District Council are fed into decisions and discussions at the Joint Committee. The Council cannot mandate how its representative will vote, but can provide a steer in respect of the position of the authority on a particular issue which the representative can be mindful of when exercising their decision making role on the Joint Committee.

- 2.8 Article 8 of the Council's Constitution details clearly the provisions for joint arrangements and the decision taken on 8 July 2021 to become a member of the Vision Derbyshire Joint Committee is consistent with these provisions. Article 8.02 sets out how the Council may enter into joint arrangements and how these arrangements will be recorded within Part 3 of the Constitution, known as 'Responsibility for Functions'. Similarly the provisions in respect of Access to Information in Part 4 of the Council's Constitution also apply to the Joint Committee and there is a requirement for all decisions relating to the delegation of functions to be approved by Members at a meeting of the Council. It is the view of the Monitoring Officer that the provisions set out in Article 8 do not require an explicit reference to the new arrangements for the Vision Derbyshire Joint Committee at this time. It is recognised that this position may change subject to the devolution of powers from central government and a possible need to reflect any new legislative requirements in future.
- 2.9 It is recommended that the Terms of Reference for the Vision Derbyshire Joint Committee are incorporated within Part 3 of the Constitution. This would ensure consistency with the provisions of Article 8, whilst providing clarity to citizens, councillors and officers within the district as to the role and remit of the Vision Derbyshire Joint Committee. These terms of reference will be subject to approval and adoption by the Council whenever any amendments are proposed and the Constitution will be updated accordingly.
- 2.10 The governance arrangements for Vision Derbyshire make clear that the decisions of the Joint Committee will be subject to the scrutiny arrangements in operation at each authority. In the case of Derbyshire Dales, as an authority operating a committee system where a Scrutiny Committee has not been established, such accountability will be exercised through meetings of the Council or by a body designated as having such authority by the Council. In practical terms, minutes of the Joint Committee will be reported to the Council and the representative of the Council will be expected to provide an update to Members on decisions taken by and the activities of the Joint Committee.

### **3 RISK ASSESSMENT**

#### **3.1 Legal**

Section 101(5) of the Local Government Act 1972 permits councils 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. 8.2 Participating councils may establish joint arrangements with one or more local authorities and/or their executives to exercise functions which are not executive functions in any of the participating councils or advise the Council. Such arrangements may involve the appointment of a joint committee with these other local authorities. The requirements of the relevant legislation have been and the legal risk is therefore considered to be low.

#### **3.2 Financial**

There are no specific financial implications associated with these governance arrangements, however the report to Council on 8 July 2021 set out the financial implications associated with the delivery of the Vision Derbyshire initiative. At that time Members were advised that a further report would be submitted once it was known how many authorities had determined to commit funding to Vision Derbyshire so that

a definitive figure could be approved by Members. At this time, the financial risk continues to be assessed as low to medium.

#### **4 OTHER CONSIDERATIONS**

- 4.1 In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

#### **5 CONTACT INFORMATION**

- 5.1 James McLaughlin - Director of Corporate & Customer Services  
and Monitoring Officer  
Tel: 01629 761281  
Email: [james.mclaughlin@derbyshiredales.gov.uk](mailto:james.mclaughlin@derbyshiredales.gov.uk)

#### **6 ATTACHMENTS**

- 6.1 Appendix 1 – Vision Derbyshire Governance Arrangements