



Council – 25 January 2024

DERBY AND DERBYSHIRE STRATEGIC LEADERSHIP BOARD

Report of the Chief Executive

Report Author and Contact Details

Paul Wilson, Chief Executive

01629 761126 or paul.wilson@derbyshiredales.gov.uk

Wards Affected

District-wide

Report Summary

To provide Council with an update on work taking place with Derby and Derbyshire councils on a revised approach to collaborative and partnership working and to seek approval from Council to participate in a new Joint Committee of Derby and Derbyshire's councils – the 'D2 Strategic Leadership Board'.

Recommendations

1. That Council notes the outcome of the governance review undertaken by the Vision Derbyshire Joint Committee and the proposals to merge appropriate governance structures into a single new framework for Derbyshire Councils, which will include a new formal decision-making Joint Committee called the Derbyshire Strategic Leadership Board.
2. That Council approves proposals for the establishment of the D2 Strategic Leadership Board and delegates functions to the Joint Committee as set out in the Functions and Responsibilities document in Appendix 2.
3. That Council notes the draft the Terms of Reference, including the Introduction and Context, Functions and Responsibilities, Procedural Rules and Information Procedure Rules for the Strategic Leadership Board as set out at Appendix 2 and the position detailed in those documents regarding scrutiny and co-option.
4. That Council approves the Council's active participation in the D2 Strategic Leadership Board and appoints the Leader of the Council - Cllr Steve Flitter, as the Council's representative on the D2 Strategic Leadership Board plus a substitute.
5. That Council notes the intention that the SLB be the body for the nomination of district and Borough representatives to the East Midlands Combined County

Authority, when established, further noting that this is subject to the CCA's agreement that this be the mechanism.

6. That Council notes the intention that the County Council will act as the host authority for the Joint Committee.
7. That Council notes the dissolution of the D2 Joint Committee for Economic Prosperity, the enactment of which is subject to the establishment of the D2 Strategic Leadership Board, and that the Council's Constitution is amended accordingly.
8. That Council notes the dissolution of the Vision Derbyshire Joint Committee, the enactment of which is subject to the establishment of the D2 Strategic Leadership Board, and that the Council's Constitution is amended accordingly.

List of Appendices

Appendix 1 – Proposed single framework for the D2 Strategic Leadership Board

Appendix 2 – Draft articles, functions and procedure rules for the proposed D2 SLB Joint Committee

Appendix 3 – A short guide to the D2 SLB

Background Papers

A Review of Vision Derbyshire - Final Report (July 2023)

Vision Derbyshire Joint Committee - 20th July 2023 and 14th December 2023

D2 Economic Prosperity Committee - 20th July 2023 and 14th December 2023

Consideration of report by Council or other committee

No

Council Approval Required

Yes

Exempt from Press or Public

No

Derby and Derbyshire Strategic Leadership Board

1. Background

- 1.1 As work progresses towards the establishment of a proposed new East Midlands Mayoral Combined County Authority (EMCCA), which will bring new opportunities to improve outcomes for people and places throughout Derby and Derbyshire, it is important to ensure that Derby and Derbyshire councils strategic approach to collaborative and partnership working continues, has the flexibility to evolve to meet changing circumstances and is fit for purpose in managing the interface with this new authority, which will have key responsibilities for major investment strategies and programmes for the East Midlands region.
- 1.2 All Derby and Derbyshire's councils will have a stake in these agendas and there is recognition that shaping these effectively will be made more successful by doing so together.

- 1.3 As well as dovetailing with the new regional County Combined Authority, it is recognised that any new county wide governance needs to build on the collaborative working which has been maturing through existing partnership approaches embodied by the Economic Prosperity and Vision Derbyshire joint committees. It is important that the positives of current ways of working are carried forward and that all councils feel they have a full say in decisions as well as safeguards to protect their interests.
- 1.4 Notwithstanding this, there have been ongoing concerns about a proliferation of partnership arrangements with similar or overlapping remits that have led to calls for their rationalisation to clarify roles and reduce the bureaucratic burden on all authorities moving forward.
- 1.5 The case for a new single leadership board comprising all Derby and Derbyshire's councils, working collectively to tackle the county's challenges and speak as a collective where possible, has been further strengthened by the challenging financial circumstances that many local authorities up and down the country are facing. With the ever pressing need to collaborate, create new ways of working, and be more effective in the delivery of services for places, residents and business, effective partnership working is critical.

2. Reviewing Current D2 Strategic Governance Arrangements

Vision Derbyshire

- 2.1 In 2019, Derbyshire councils came together to explore a future collaborative approach to partnership working in Derbyshire, shaping a shared, ambitious leadership vision focused on achieving the greatest public value for local people and communities.
- 2.2 This approach, 'Vision Derbyshire', has involved a significant investment of time, hard work and goodwill from participating councils, including Leaders and Officers.
- 2.3 It is now over four years since work on Vision Derbyshire commenced. There have been a number of significant achievements during this time, in particular driving forward the Vision Derbyshire Business Development programme, the development of the Vision Derbyshire Climate Change Strategy and supplementary Planning Policy Guidance and the creation of the Vision Derbyshire Joint Committee.
- 2.4 A light touch review of Vision Derbyshire was undertaken by East Midlands Councils in early 2023, tasked with gathering local councils' views on the current arrangements, challenges and opportunities and ambitions for the future.
- 2.5 A report submitted to the Vision Derbyshire Joint Committee on 28 July 2023 outlined the reviews key findings:
 - Vision Derbyshire has supported a collegiate, shared understanding of the common challenges facing councils across the county and how collectively these challenges may be addressed.

- Vision Derbyshire provided a helpful platform upon which Derbyshire councils were able to develop and deliver elements of their collective programme response to the Covid-19 pandemic.
- The fulcrum for activity has likely accelerated the delivery of joint programmes and has been of benefit to wider work in Derbyshire.
- However, only a limited number of councils (including Derbyshire Dales) are full contributory members.
- The absence of some councils inhibits the ability of Vision Derbyshire to be an authoritative and representative partnership of all councils.
- Nevertheless, there is a potential appetite and opportunity to move forward.

2.6 In particular:

- a) There is an appetite for refreshed, collaborative activity between councils in Derbyshire, particularly on matters relating to the Combined Authority.
- b) There is an appetite to see existing partnership and governance arrangements in Derbyshire simplified and rationalised with a single Derbyshire-wide partnership vehicle comprising all Derbyshire councils.
- c) There is recognition that a future partnership approach should specifically align with proposals for the East Midlands Mayoral Combined County Authority to secure collective influence.
- d) There is a desire to discuss and share best practice in service delivery though progressing any shared services and procurement initiatives.
- e) There is a consensus that in order to support a fresh approach, the 'Vision Derbyshire' brand should be 'retired' as partners move to a fresh collaborative arrangement.

2.7 The report's findings were welcomed by members of the Vision Derbyshire Joint Committee, in particular the clear recognition that Council's collaborative objectives remain relevant and worthy and that the approach has helped to lock together county, district and borough relationships.

D2 Joint Committee for Economic Prosperity (D2 EPC)

2.8 In November 2013, Derby and Derbyshire Council's approved the establishment of a Joint Committee – the D2 Joint Committee for Economic Prosperity, to deliver economic growth and prosperity across the geographical county of Derbyshire.

2.9 The D2 EPC's purpose was to act as the local public-sector decision-making body for strategic economic development at the D2 level and to oversee the planning, alignment, development, and delivery of investment related to economic growth and prosperity for the area, utilising funding from Government, the D2 Local Enterprise Partnership and the European Union.

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

2.11 Key achievements and successes have included: establishment of a D2 investment pipeline; leadership of economic recovery from the COVID pandemic, targeted work on key sectors such as the rural economy and low carbon transport; support to businesses and inward investment activity; development of growth, skills and employment and transport strategies; delivery of regeneration programmes such as town deals; and management of the retained business rates pool. The development of strategic approaches in

response to Government initiatives such as the Freeport and HS2 have also occurred through D2 EPC.

2.12 During the course of 2023, the Committee agreed that a governance review be undertaken in which the work, purpose and terms of reference of the existing Boards was evaluated:

- The D2 Joint Committee for Economic Prosperity (D2 EPC)
- The Derbyshire Economic Recovery Board (DERB)
- The Derbyshire Economic Partnership (DEP)

2.13 While the review floated the idea of bringing together the EPC, DERB and DEP within what, at that stage, was to be called the Growth Board - with a Business advisory board potentially envisaged as sitting alongside – it was recognised that there needed to be a single decision-making arena that included all Leaders.

3. Future Strategic Governance Arrangements : The Strategic Leadership Board

3.1 Informed by the above reviews, the D2 Strategic Leadership Board (D2 SLB) is proposed as the successor to two existing joint committees, promising a streamlined, refreshed and fully inclusive approach to collaborative working across existing and new partnership activity.

3.2 The Committee is proposed as offering a single framework for discussion and decision making across agendas incorporating the remits of the Vision Derbyshire Joint Committee and the D2 Economic Prosperity Committee; and, additionally, accommodating the proposed D2 Growth Board alongside the proposed D2 Business Board. This means that the DERB and the DEP would also no longer exist.

3.3 The proposed structure for the new Board can be found at **Appendix 1**. The draft Terms of Reference, including the Articles, Procedure Rules and Access to Information Procedure Rules are attached at **Appendix 2**. A short Guide to the D2 SLB is at **Appendix 3** and provides a simple, accessible description of the D2 SLB's ambition and functions, and how it will work in practice.

3.4 This new Joint Committee would bring together Derby and Derbyshire's ten councils to:

- Provide collective leadership for Derby and Derbyshire, ensuring our authorities speak with a single, shared voice at the county, regional and national level.
- Collaborate as partners to develop joined-up approaches to the complex, connected and challenging agendas where our councils share common interests; and
- Progress shared ambitions for the people and places of Derbyshire, making decisions together to improve services and co-ordinate resources better and more sustainably.

3.5 All local authorities within Derby and Derbyshire would be invited to join D2 SLB as constituent members and to play a full part in co-ordinating and driving agendas where it is recognised and agreed that more can be achieved for all our localities, and for Derbyshire as a whole, by our councils working together.

- 3.6 Accordingly, D2 SLB's remit would include 'place', regeneration, broader economic development, business and skills, and transport, and wider agendas including climate and the environment, and health and wellbeing.
- 3.7 The Board, on behalf of the participating authorities, would be responsible for improving the delivery of functions already within the remit of local authorities through statute to improve the economic, environmental or social wellbeing of the areas within Derbyshire.
- 3.8 The Board would also provide an opportunity to explore rationalisation and alignment of existing partnership structures and approaches, which will be essential given limited capacity and expertise and reducing public sector resources.
- 3.9 In this context, it would be for the Board to establish any sub committees it chooses in order to provide support to the Board's work programme and for the Board to determine the membership of these sub committees. Any such sub committees would report into the full Board.
- 3.10 From a legal perspective, the Strategic Leadership Board would be constituted as a 'Joint Committee'. This means that, with decision making powers delegated to it by its constituent member councils, the Board would be empowered to jointly discharge and to exercise functions on their behalf within its agreed remit. (A Joint Committee is one comprising two or more councils established for the joint discharge of any functions of those councils in accordance with the Local Government Act 1972, s101.)
- 3.11 All local authorities would be encouraged to delegate functions to enable D2 SLB to act as the responsible decision-making body for those functions that participating councils confer upon it and to ensure full collaboration across the range of proposed activities that would form D2 SLB's agenda. The ambition is that through councils' active commitment and participation the Board will mature into a truly authoritative, representative and collaborative partnership of all Derby and Derbyshire councils – while duly acknowledging the sovereignty of participating councils and recognising that each would have separate as well as shared interests in partnership working.
- 3.12 It is proposed that membership and participation be open to all Derby and Derbyshire's councils, including councils who choose not to confer responsibilities in the way that is envisaged and who instead choose to retain full, separate local control.

Relationship to the proposed EMCCA

- 3.13 Once the East Midlands Combined County Authority is established it is vital that D2 councils come together to manage their interface with this new authority, which will lead the development and delivery of key expenditure programmes all of which will bring benefits to Derby and Derbyshire, including a Devolution Investment Fund ('Gainshare'), the Adult Education Budget and a consolidated transport budget.
- 3.14 All Derby and Derbyshire's councils will have a stake in these agendas and successfully influencing and shaping the CCA's thinking, planning and decision

making on local investment priorities is likely to be optimised by doing so together.

- 3.15 It is therefore suggested that the D2 Strategic Leadership Board in the future, will act as the platform in which to:
- Collectively discuss, agree and align Derby and Derbyshire councils' positions on EMCCA business.
 - Agree and then feed in Derbyshire's perspective and collective priorities via its representatives on the CCA Board.
 - Exercise all functions that the EMCCA is granting.
- 3.16 Additionally, the Board is envisaged as providing a potentially appropriate mechanism for agreeing formal nominations for district and borough representation on the proposed EMCCA. Under the arrangements establishing the EMCCA, Derbyshire's District and Borough Councils collectively will be entitled to two seats on the CCA board, with the City and County each having one seat by virtue of being Constituent Member Authorities. It is proposed that the D2 Strategic Leadership Board be designated the formal nominating body for appointments from non-constituent councils to the CCA board. The specific process for nominations will need to be developed and agreed with the EMCCA and is therefore subject to further approvals. However, assuming this is agreeable, it will be for districts and borough to determine their two nominations via the D2 SLB. These non-constituent members will sit on the EMCCA board as representatives of all Districts and Boroughs and not solely of the District or Borough for which they are a Councillor.
- 3.17 If the D2 SLB consents to the designation as a nominating body, the terms of reference of the D2 SLB will need to be amended to include the function of nominating non-constituent representatives to the proposed EMCCA and other associated committee/advisory group representatives as and when requested.

Terms of Reference for the SLB

- 3.18 The draft articles, functions and procedure rules for the proposed SLB Joint Committee are attached at **Appendix 2**, for consideration and agreement by Council as they include proposed delegations from Councils. These provide a framework for the Joint Committee to operate as the future joint decision-making body for matters where Derby and Derbyshire councils will work collaboratively.
- 3.19 These terms of reference are draft and need to be considered by all participating Councils before they can be ratified by the D2 SLB when it first convenes which is likely to be March / April 2024. They may therefore be subject to change before they are finalised.
- 3.20 The articles set out the main aims of the D2 SLB, which will:
- Provide collective strategic leadership for local government in Derby and Derbyshire.
 - Drive forward shared ambition and collective priorities for local government across Derby and Derbyshire.

- Improve joint working across local government in Derby and Derbyshire.
 - Form a collective view on matters impacting Derby and Derbyshire.
 - Ensure the proposed EMCCA is aware of Derby and Derbyshire's collective views and interests and exercise all functions that it agrees to accept from the Combined County Authority, if it is established.
 - Enable agile, timely and effective decision making.
- 3.21 As the Board's role develops, consideration will be given to the Joint Committee taking on additional responsibilities as these emerge and develop. This will be subject to further approval by the Council to delegate those additional functions to the Joint Committee.
- 3.22 Membership of the Board will comprise councillors from participating councils who will each be enabled to appoint one Elected Member and one substitute. While the Board is envisaged as making decisions on the basis of consensus, formally, in order to reserve the decision-making rights of authorities delegating functions, it is proposed that voting will be restricted to those representatives who are from authorities which have delegated functions to the Committee.
- 3.23 Given the role the Council has played in the D2 EPC and developing and reviewing the Vision Derbyshire approach it is recommended that the authority delegate functions to the Joint Committee as set out in this report to enable it to be formed, agreeing the draft governance arrangements at **Appendix 2**.

Host Authority and accountable body

- 3.24 The Joint Committee is not a legal entity in its own right and therefore to establish and operate the Joint Committee, a host organisation will be required. The host authority will be responsible for the administration of meetings of the Joint Committee, hold funding on behalf of the Joint Committee and act as the employing authority for the purposes of executive team supporting the Committee (the Programme Team). The host authority's Statutory Officers will act as the Statutory Officers for the Joint Committee.
- 3.25 It is proposed that Derbyshire County Council should act as the Host authority for the Joint Committee and provide the necessary executive support for its administration. The County Council was the Host Authority for the D2 EPC and Vision Derbyshire Joint Committee and therefore has sufficient capacity to assume this role.

Winding up the D2 Joint Committee for Economic Prosperity

- 3.26 On 14 December 2023 members of the D2 EPC approved to dissolution of the Joint Committee, for the purposes of establishing the D2 Strategic Leadership Board, to be ratified by constituent member councils.
- 3.27 The D2 EPC has had responsibility for managing the Retained Business Rate pool and resourced a range of successful projects (including capital grant and feasibility schemes, business start-up support and the youth hubs). Following the dissolution of the D2 EPC, £734,449 remains and there are no current commitments for spend. It was agreed in principle that this sum be absorbed into the Strategic Leadership Board's responsibilities. Spend against the remainder sum will be aligned to projects and proposals that support economic

growth and/or help sustain or increase the generation of business rates in the D2 geography, in line with Government's original criteria for the retained funding.

Winding up the Vision Derbyshire Joint Committee

- 3.28 On 14 December 2023 members of the Vision Derbyshire Joint Committee approved the dissolution of the Committee, for the purposes of establishing the D2 Strategic Leadership Board, to be ratified by constituent member councils.
- 3.29 As at the time of the dissolution of this Committee no commitments to the Vision Derbyshire budget were made. There are no outstanding financial liabilities and therefore constituent Councils exiting the arrangement have not needed to pay any outstanding amount to cover a share of their liability. Surplus outstanding funding will be returned to the constituent authorities on the basis from which they paid in. This represents a refund of £52,350 for Derbyshire Dales District Council.

The delivery programme and resource for the D2 SLB

- 3.30 There is agreement across Councils that capacity and capability, through the establishment of a programme team, is needed to support the Board. The Programme Team would be responsible for:
- Overseeing and managing the approach – including servicing meetings/committees.
 - Work with thematic delivery leads to identify, develop, and deliver programmes and projects across the Boards collectively agreed priorities.
 - Shape the future programme and support align with the proposed EMCCA, if it is established, to optimise benefits for Derbyshire.
- 3.31 As the host authority, Derbyshire County Council will be responsible for the establishment of the team. The team will be comprised of a number of permanent Programme Team posts, to be agreed by the Strategic Leadership Board when it convenes and on the commitment of the programme budget.
- 3.32 The Strategic Leadership Board, once established will direct the work of the programme team and a number of current funding streams have been identified to support this work, previously attributed to the Vision Derbyshire programme, the D2 EPC and the Derbyshire Economic Partnership. This is outlined in the table below.

| Strategic Leadership Board Funding 2024/25 | £'s |
|---|----------------|
| County Council Funding (40%) | 156,324 |
| Derbyshire Economic Partnership Funding | 135,000 |
| Business Rate Pool Contribution | 99,485 |
| Total | 390,809 |

- 3.33 The D2 SLB proposals require no immediate additional funding commitments from the District Council as our 2024/25 contribution (subject to Council budget approval) towards the SLB can be funded through the £15,000 budget already committed to the Derbyshire Economic Partnership.

- 3.34 The current Business Rates Pool stands at £734,449. Funding for the Board beyond the 2024/25 period will be a decision to be taken by the Board at an appropriate time.

Next Steps – Taking Forward Proposals

- 3.35 All Derby and Derbyshire Councils have been asked to agree to join and participate in the D2 Strategic Leadership Board. Wider engagement with Leadership Teams within participating Councils, both at an Elected Member and Senior Management level, are recognised as being vital to secure shared commitment, including Q&A sessions with Members and development of an accessible 'short guide to the D2 SLB'. It will be important to ensure that the Council is engaged in development of the Board's work programme over the coming months to maximise the collaborative benefits for this authority, local people and communities in the Derbyshire Dales and beyond.
- 3.36 Identifying the key actions which the Council will need to undertake, and the resources and capacity required to participate fully in both the development and future implementation of collaborative working will also be important.

4. Options Considered and Recommended Proposal

- 4.1 Existing Joint Committees having been dissolved, the Council could take the option to not participate in the D2 SLB once established. This is not desirable as this report has indicated that the D2 SLB is a merger of two successful Joint Committees to support effective and efficient decision making. There is also significant interest in continuing to work collaboratively with Derby and Derbyshire Councils to work collectively in partnership to tackle the county's challenges and speak as a collective where possible. There would still however, need to be an alternative vehicle to make nominations to the CCA when established.

5. Consultation

- 5.1 All Derbyshire Councils have been engaged in the formulation of these proposals and are now being individually asked to agree to join and participate in the D2 Strategic Leadership Board.

6. Timetable for Implementation

- 6.1 The first meeting of the Strategic Leadership Board will take place once all Derby and Derbyshire Councils have considered the proposals outlined in this report.

7. Policy Implications

- 7.1 The purpose of this section is to demonstrate the link between your proposal and the Council's Corporate Plan priorities. All reports should link to one of the Council's priorities. This section should also be used to refer to existing policy or Service Plan in respect of the matter under consideration.

8. Financial and Resource Implications

- 8.1 Financial implications are set out in the report. Funding for the Strategic Leadership Board is shown as paragraph 3.32. The financial risk of this report's recommendations is assessed as low.

9. Legal Advice and Implications

- 9.1 Within the articles of the Joint Committee, 'functions and responsibilities' the Joint Committee, on behalf of the participating authorities, will be responsible for improving the delivery of functions through collaborative work which includes incorporating existing partnerships arrangements within the approach.

10. Equalities Implications

- 10.1 There are no particular implications arising from the actions that are proposed.

11. Climate Change and Biodiversity Implications

- 11.1 Funding for activity relating to climate change and in particular net zero ambitions is a key element and focus of a devolution deal as is the transfer of powers and flexibilities from central government to support the delivery of identified actions. A successful deal and funding from central government would be crucial in delivering the Vision Derbyshire Climate Change Strategy in meeting Derbyshire's agreed climate change priorities and targets.

12. Risk Management

- 12.1 Financial and legal risks have been assessed above. There are no other significant risks arising from the report recommendations.

Report Authorisation

Approvals obtained from Statutory Officers:-

| | Named Officer | Date |
|---|----------------------|-------------|
| Chief Executive | Paul Wilson | 15/01/2024 |
| Director of Resources/ S.151 Officer | Karen Henriksen | 15/01/2024 |
| Monitoring Officer (or Legal Services Manager) | Helen Mitchell | 16/01/2024 |