

DERBYSHIRE COUNTY COUNCIL

CABINET MEETING

12 November 2013

Joint Report of the Chief Executive, Acting Strategic Director – Environmental Services and the Director of Legal Services

DERBY AND DERBYSHIRE JOINT COMMITTEE FOR ECONOMIC PROSPERITY (STRATEGIC POLICY AND BUDGET)

(1) **Purpose of the Report** To seek approval to establish, with Derby City Council and all District and Borough Councils in Derbyshire, a Joint Committee to deliver economic growth and prosperity across the geographical county of Derbyshire and to appoint the County Council's representative on the Joint Committee.

(2) **Information and Analysis** In September this year the Leaders of the County Council, Derby City Council and the eight District and Borough Councils in Derbyshire gave their approval in principle to establish a Joint Committee to conduct a Governance Review to determine whether the existing governance arrangements for economic development, regeneration and transport in the area are effective or whether the area would benefit from changes, including the establishment of a new Economic Prosperity Board (EPB) covering the whole of Derby and Derbyshire.

In anticipation that the Governance Review will recommend an EPB, it is intended that the Joint Committee will, in effect, act as a shadow EPB and pursue an economic regeneration strategy which reflects the needs of a diverse area by carrying out the following activities whilst an EPB is being established:-

- a. To act as the local public sector decision making body for strategic economic development at the D2 level (Derbyshire and Derby City).
- b. To develop and subsequently monitor investment plans utilising Government and EU funds for Derby and Derbyshire.
- c. To be the accountable body for decision making on Single Local Growth Fund and EU funding streams allocated to the Committee by the D2N2 LEP.

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- d. To own, monitor and review the Derby and Derbyshire Growth Plans and associated investment plans.
- e. To maintain an ongoing dialogue with the Derby and Derbyshire business community through the relevant Economic Advisory Boards (i.e. the Derbyshire Economic Partnership and the Derby Renaissance Board)).
- f. To oversee the planning, alignment and performance of delivery partners and organisations in order to achieve more effective and efficient commissioning and ultimately better outcomes.
- g. To hold to account relevant bodies whose work impacts on the economic well-being of Derby and Derbyshire.
- h. To ensure a smooth transition of activities and functions from the Joint Committee to the EPB.

Draft governance arrangements for the Joint Committee were considered by the Derby and Derbyshire Chief Executives at their meeting on 4 October and an Officer Working Group is being established with representatives from each authority to undertake the Governance Review and workstreams to carry out the activities referred to above.

The draft Terms of Reference, Arrangements and Rules of Procedure for the Joint Committee are attached as appendices to this report, together with a proposed timeline leading to the establishment of an EPB for the whole area by April 2015. These were circulated to all of the authorities concerned on 16 October for comment.

It is anticipated that each of the authorities will agree the governance arrangements and appoint an Elected Member and a substitute to the Joint Committee.

It is proposed that the County Council should act as host Authority for the Joint Committee and provide the necessary officer support for the administration of the Committee and the Working Group. Individual Authority representatives on the Officer Working Group will take responsibility for leading on each of the areas of activity of the Joint Committee and a draft workplan and timetable is attached at appendix 5.

It is recommended that Cabinet approves the establishment of the Joint Committee and delegates to it the Council's powers to make decisions in relation to the delivery of economic growth in the area, as set out in Appendix 2, and appoints the Leader of the Council as its representative on the Joint Committee with the Cabinet Member for Jobs, Economy and Transport as the Council's substitute representative.

(3) Financial Considerations The administration costs of the Joint Committee, which are expected to be minimal, will be met by the County

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Council. The costs associated with delivering the areas of work identified in the workplan will be met by the Authority leading on a particular area of work unless the Joint Committee agrees to alternative arrangements.

(4) **Legal Considerations** The Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000 enables the executive, in respect of functions for which it is responsible, to enter into joint arrangements with one or more other local authorities, including the establishment of a joint committee, to discharge those functions jointly.

The power to create Economic Prosperity Boards is contained in Part 6 of the Local Democracy, Economic Development and Construction Act 2009. The process for creating an EPB is contained in draft Statutory Guidance issued by the Department for Communities and Local Government in 2010.

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality and diversity, human resources, environmental, health, property and transport considerations.

(5) **Key Decision** No.

(6) **Call-In** Is it required that call-in be waived in respect of the decisions proposed in the report? No.

(7) **Background Papers** DCLG Draft Statutory Guidance on Economic Prosperity Boards and Combined Authorities 2010.
Files held in the Environmental Services and Legal Services Departments.
Officer contact details – Kay Riley, extension 38339.

(8) **OFFICER'S RECOMMENDATION** That Cabinet:

- 8.1 Approves the establishment of a Joint Committee for Economic Prosperity with Derby City Council and the 8 District and Borough Councils in Derbyshire.
- 8.2 Approves, in principle, the draft Terms of Reference, Arrangements and Rules of Procedure for the Joint Committee attached to the report, subject to final approval by the Cabinet Member for Strategic Policy and Budget.
- 8.3 Delegates the County Council's powers to make decisions relating to the delivery of economic growth in the area as set out in Appendix 2 to the Joint Committee.

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- 8.4 Appoints the Leader of the County Council as its representative on the Joint Committee and the Cabinet Member for Jobs, Economy and Transport as the Council's substitute representative.

Ian Stephenson
Chief Executive

Mike Ashworth
Acting Strategic Director
Environmental Services

John McElvaney
Director of Legal
Services

DRAFT TERMS OF REFERENCE

Derby and Derbyshire Authorities Joint Committee for Economic Prosperity

PURPOSE

To bring together the City Council, County Council and all District and Borough Councils in Derbyshire into a robust, formally constituted arrangement to deliver regeneration and economic prosperity across the whole geographical county of Derbyshire.

This falls within the broader governance structure associated with the Derby, Derbyshire, Nottingham and Nottinghamshire Local Enterprise Partnership (D2N2 LEP) and is intended to lead as soon as possible to the establishment of an Economic Prosperity Board. The Joint Committee will work closely in partnership with its Nottinghamshire counterpart and with neighbouring bodies including the Greater Manchester and Sheffield City Region Combined Authorities.

The Joint Committee intends to pursue an economic regeneration strategy through a balanced approach, with economic, social and environmental sustainability at its heart. This has to reflect the needs of a diverse area, the City of Derby and its hinterland, the spheres of influence of Manchester, Sheffield and Nottingham, local communities which have lost their former economic bases and rural areas of high environmental and social value.

The Joint Committee accepts and embraces managed and sustainable economic growth as a policy instrument to help deliver jobs and growth to communities and households to provide a foundation for the long term security of the quality of life of all the people of the area.

REMIT

1. To conduct a governance review to determine whether the existing governance arrangements for economic development, regeneration and transport in the area are effective or whether the area would benefit from changes, including establishing a new Economic Prosperity Board.
2. In anticipation that the governance review will recommend the establishment of an EPB for the whole of the Derby and Derbyshire area, the Joint Committee will act as a shadow EPB and carry out the following activities whilst an EPB is being established.

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- a. To act as the local public sector decision making body for strategic economic development at the D2 level (Derbyshire and Derby City)
- b. To develop and subsequently monitor investment plans utilising Government and EU funds for Derby and Derbyshire
- c. To be the accountable body for decision making on Single Local Growth Fund and EU funding streams allocated to the Committee by the D2N2 LEP
- d. To own, monitor and review the Derby and Derbyshire Growth Plans and associated investment plans
- e. To maintain an ongoing dialogue with the Derby and Derbyshire business community through the relevant Economic Advisory Boards (i.e. the Derbyshire Economic Partnership and the Derby Renaissance Board))
- f. To oversee the planning, alignment and performance of delivery partners and organisations in order to achieve more effective and efficient commissioning and ultimately better outcomes
- g. To hold to account relevant bodies whose work impacts on the economic well-being of Derby and Derbyshire
- h. To ensure a smooth transition of activities and functions from the Joint Committee to the EPB

Derby and Derbyshire Authorities Joint Committee for

Economic Prosperity

Arrangements

Introduction

The Joint Committee will be a legally constituted body with powers delegated to it by its constituent member authorities in the following areas:

- Decision making on Government and EU funds available in the area, including those delegated by the D2N2 LEP
- Decision making on future delivery arrangements, including potential pooled resources, commissioning and performance / contract management
- Reviewing future governance requirements and how best these can be met in Derby and Derbyshire
- Strategic performance management of key economic growth focussed projects and initiatives. This to include transport and housing related initiatives and, potentially, welfare to work and skills programmes

The above delegated powers may change, subject to the outcome of the wider review into governance and the potential establishment of an Economic Prosperity Board.

1. Operating Arrangements

Derbyshire County Council shall act as the host authority for the Joint Committee and provide necessary officer support.

2. Membership

- 2.1 The Joint Committee shall be made up of 1 councillor from each of the 10 constituent authorities (8 District/Borough Councils, 1 City Council, 1 County Council).
- 2.2 All members of the Joint Committee may vote in proceedings of the Committee.
- 2.3 Co-opted non-voting members / observers eg. Chief Executives or nominees, Chief Executive of D2N2 LEP, BIS Local representative, business community representatives

3. Casual Vacancies

- 3.1 A vacancy on the Joint Committee arises when a councillor resigns from the membership of the Joint Committee.
- 3.2 Each constituent authority will fill vacancies for their representative on the Joint Committee in accordance with the arrangements in its constitution.

4. Term of Office

- 4.1 A council representative shall be appointed annually to the Joint Committee to hold office for the following municipal year and all such appointments shall be notified to the host authority no later than 31 May in each year, subject to the proviso that he or she shall cease to be a member of the Joint Committee if he or she ceases to be a member of the appointing council (and does not on the same day again become a member of that council).
- 4.2 Where possible a council will give consideration to continuity of membership to enable the Joint Committee's expertise and skills to be developed for the effective delivery of the objectives of the Joint Committee.

5. Resignation and Removal of Councillor Members

- 5.1 A council may decide in accordance with its procedures to remove its representative from the Joint Committee at any time and upon doing so shall give written notice to the host authority of the change in its representative.
- 5.2 A council representative may resign from the Joint Committee at any time by giving notice to the appointing council who will inform the host authority.
- 5.3 In the event that any member resigns from the Joint Committee or is removed from the Joint Committee by his or her council, the council shall immediately take steps to nominate and appoint an alternative member to the Joint Committee, in accordance with the agreed arrangements.

6. Non-Attendance at Meetings

- 6.1 Where a council representative fails, throughout a period of six consecutive months from the date of his or her last attendance, to attend any meeting of the Joint Committee then the host authority shall recommend to the relevant council that due consideration be given to removing the member from the appointment to the Joint Committee and the appointment of a replacement member from that council.

7. Allowances and Expenses

Each council has the discretion to pay its representative on the Joint Committee special responsibility allowances and to reimburse reasonable expenses incurred. No allowance or expenses payments will be made by the Joint Committee to council members. Any allowances or expenses which may be made to councillor members arising out of Joint Committee membership shall be determine and borne by the appointing council for each Joint Committee member individually.

8. Conduct

All councillor members must observe the Code of Conduct of their appointing council and any related protocols as agreed by the Joint Committee.

9. Validity of Proceedings

The validity of the proceedings of the Joint Committee shall not be affected by a vacancy in the membership of the Joint Committee or a defect in appointment.

Derby and Derbyshire Authorities Joint Committee for

Economic Prosperity

Rules of Procedure

1. Chair of the Joint Committee

- 1.1 The Chair and Vice-Chair of the Joint Committee will be appointed by the Joint Committee at the beginning of the municipal year.
- 1.2 The Chair shall, unless s/he resigns or becomes disqualified, continue in office until his/her successor becomes entitled to act as chair in the following municipal year.
- 1.3 In the event of the resignation or disqualification of the Chair, a new Chair will be appointed at the next meeting.

2. Meetings of the Joint Committee

- 2.1 There shall be a minimum of six ordinary meetings of the Joint Committee held in public in each municipal year to carry out the functions of the Joint Committee. In addition, extraordinary meetings may be called from time to time.
- 2.2 An extraordinary meeting may be called by the Chair, by four members of the Joint Committee or by the Director of Legal Services of the host authority.

3. Quorum

A meeting of the Joint Committee cannot take place unless at least seven voting members (or their nominated substitutes) including the County Council and City Council members are present.

4. Substitutes

A nominated substitute will be appointed for each council representative by their authority

5. Voting

All council representatives (or their nominated substitutes) may vote in proceedings of the Joint Committee. Voting will be by show of hands and by simple majority..

6. Disorderly Conduct

The Chair may, in the event of a disturbance interfering with the orderly despatch of business, adjourn or suspend a meeting for such period as the Chair considers appropriate.

7. Work Programme

The Joint Committee will be responsible for setting its own work programme taking into account the responsibilities set out in the Terms of Reference for the Joint Committee.

8. Agenda Items

- 8.1 The agenda for a meeting of the Joint Committee shall include consideration of any item requested by a member of the Joint Committee members subject to the Director of Legal Services of the host authority receiving written notice at least 10 working days before the date of the meeting.
- 8.2 The Joint Committee's agenda will be issued to Joint Committee members at least 5 clear working days before the meeting (unless the Chair is satisfied that there is good reason to consider an urgent item). It will also be published on the host authority's website and by sending copies to each of the authorities and by any means the Joint Committee considers appropriate.

9. Notice of Meetings

- 9.1 Ordinary meetings will take place in accordance with a programme decided by the Joint Committee, and will start at the time decided by the Joint Committee.
- 9.2 Members of the Joint Committee will be given at least 5 clear working days' notice of a meeting of the Joint Committee (unless the Chair is satisfied that there is good reason to hold an urgent meeting).

10. Report to the Joint Committee

The publication of reports or recommendations is subject to the exclusion of any exempt or confidential information as defined in the rules on access to information in the Local Government Act 1972 (as amended).

11. Advisory Groups

- 11.1 Time limited advisory groups may be established from time to time by the Joint Committee to undertake specific task-based work.
- 11.2 The work undertaken by an advisory group will be scoped and defined beforehand, together with the timeframe within which the work is to be completed and the reporting time for the outcome of the work.

DATA

PROPOSED TIMELINE

In July 2013, the LEP Board and the Derbyshire Leaders gave their approval in principle to work to establish a Joint Committee and/or EPB for Derby and Derbyshire.

Indicative timescales for the establishment of the Joint Committee and EPB are shown below:

Date	Action	Responsibility
September 30 th	Derbys Leaders Meeting to discuss and approve project arrangements in principle	
October 4th	Chief Executives meeting to consider draft terms of reference of Joint Committee	
October/November	Working Group meeting – agree which authorities are taking responsibility for which tasks/workstreams. Work Plan established with timetable.	All Working Group
September to December	Work to finalise Joint Committee ToRs, membership, voting rights and protocols	Working Group
September to December	Regular updates for the Leaders and Chief Executives	Derbyshire
November 2013 date tbc	Derby and Derbyshire Strategic Leadership Forum (Project Board)	All
November 2013	Report to each Executive (Cabinet) for approval of Joint Committee ToRs, membership and update on governance review.	All
December 2013	Working Group finalise Governance Review and business case for EPB.	Working Group
January 2014	First meeting of Joint Committee to consider Governance Review	Derbyshire

February 2014	Report to each authority for approval of Governance Review final report and business case for an EPB. Working Group proposes operational arrangements for EPB	All
February/March 2014	Working Group carry out consultation with partners and stakeholders on proposed EPB.	All
March/April 2014	Joint Committee considers/approves EPB scheme.	Derbyshire
March/April 2014	EPB scheme published and sent to Secretary of State.	Derbyshire
May 2014 – March 2015	Secretary of State consults relevant authorities, etc leading to statutory order being laid before Parliament for approval.	
April 2015	EPB comes into being	

Appendix 5

D2 Joint Committee for Economic Prosperity

Working Group Tasks and Allocations

Terms of Reference

To provide technical and administrative support to the setting-up of the Joint Committee, its business and its transition (subject to governance review) to the Economic Prosperity Board.

Remit Item	Task	Lead Officer(s)	Reporting Requirements	Notes
1. To conduct a governance review to determine whether the existing governance arrangements for economic development, regeneration and transport in the area are effective or whether the area would benefit from changes, including establishing a new Economic Prosperity Board.	<p>Gather evidence and stakeholder views on the effectiveness of current arrangements:</p> <ul style="list-style-type: none"> a) Economic development b) Regeneration c) Transport <p>Review Government and D2N2 policy framework within which Joint Committee/EPB will operate.</p> <p>Outline options for governance and scope for coordination of strategy and activity:</p> <ul style="list-style-type: none"> a) Economic development b) Regeneration c) Transport 			

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Appendix 5

	Establish framework for monitoring the performance of the Joint Committee/EPB in improving economic prosperity. Establish support requirements for the Joint Committee/EPB.			
2. a) To act as the local public sector decision making body for strategic economic development at the D2 level (Derbyshire and Derby City)	Develop process 'map' for the relationship between the Joint Committee and individual authorities' roles and responsibilities for economic development. Ensure alignment of approval processes within each authority for participation in the Joint Committee/EPB. Lead liaison with BIS and other key stakeholders on the work of the Joint Committee/EPB.			
2. b) To develop and subsequently monitor investment plans utilising Government and EU funds for Derby and Derbyshire	Develop draft investment plan for known and potential resources.			
2. c) To be the accountable body for decision making on Single	Establish legal agreements required between accountable			

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Appendix 5

Local Growth Fund and EU funding streams allocated to the Committee by the D2N2 LEP	body and LEP and between accountable body and delivery partners.			
2. d) To own, monitor and review the Derby and Derbyshire Growth Plans and associated investment plans	Conduct review of current investment plans and revision timetables at City, County, District and Borough level.			
2. e) To maintain an ongoing dialogue with the Derby and Derbyshire business community through the relevant Economic Advisory Boards (i.e. the Derbyshire Economic Partnership and the Derby Renaissance Board))	Act as the representative(s) of D2 on each Board and establish communication protocols with Joint Committee and each individual authority.			
2. f) To oversee the planning, alignment and performance of delivery partners and organisations in order to achieve more effective and efficient commissioning and ultimately better outcomes	Establish framework for D2 to be able to hold 'single conversation' with D2N2, Government departments and agencies.			
2. g) To hold to account relevant bodies whose work impacts on the economic well-being of Derby and Derbyshire	Establish definitive picture of the bodies falling within the scope, the nature of their relevant activity and a framework for establishing their impact. To include			

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	Sheffield City Region.				
2. h)To ensure a smooth transition of activities and functions from the Joint Committee to the EPB	No action prior to establishment of EPB.				

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