

# Article 8 – Improvement and Scrutiny Committees

## 8.1 Number and Composition of Improvement and Scrutiny Committees

The Council will appoint the four Improvement and Scrutiny Committees as detailed below:

Resources – comprising 9 Members

Places – comprising 9 Members

People – comprising 9 Members, 2 Church representatives (non-voting) and 2 trade union representatives (non-voting)

Health – comprising 9 Members

Chairman and Vice-Chairman of the Improvement and Scrutiny Committees are appointed by Full Council.

## 8.2 Terms of Reference

The Improvement and Scrutiny Committees, listed below, will discharge the functions conferred by section 21 of the Local Government Act 2000 in relation to the matters set out in the right hand column of the following table:

Committee	Scope
Resources	Budget Strategy; Financial Management; Asset Management; Efficiency/Value For Money Programme (Service Redesign, Property Rationalisation, Council Transport Coordination); Procurement; Personnel (Including Single Status); Legal Services; Member Services; Council Strategic Policy; Community Strategy and Council Plan; Derbyshire Partnership Forum; External Relations; Regional/Leadership Group; (East Midlands Leaders Board/East Midlands Councils) Public Relations, Policy and Research; Strategic Planning; Local Planning Frameworks; Minerals and Waste Planning; Local Economic Assessment; HCA Single Conversation; Community Infrastructure Levy; Economic Development; DDEP Single Programme; Creative Industries Programme; Markham Vale; Credit Crunch Programme; Related External Funding.
Places	Libraries, Museums, Arts and Heritage; Archives and Modern Records; Sports Development; Tourism; Historic Buildings; Voluntary Sector; Highways and Bridges; Street Lighting; Public Footpaths; Road Safety; Public Transport; Community Transport; Schools and Special Needs Transport; The

	Countryside; Community Leadership; Community Consultation; Crime and Disorder Partnerships; Youth Offending; Domestic Violence; Action on Drugs; Trading Standards; Emergency Planning; Travellers; Community Cohesion; Social Inclusion; Parish Council Liaison; Core Systems; IT Services; Climate Change; Carbon Management; Waste Management; Land Reclamation; Minerals and Waste Planning; Local Planning Frameworks
People	<p>School Capital Planning; School Capital Programme; Surplus Places; School Support (Personnel, Finance and IT); School Admissions; School Improvement; Governor Support; Home to School Transport; Special Educational Needs; Adult Education; FE Colleges; Links to Faith Schools; Improving Outcomes for Young People; Children's Services Planning; Multi-Agency Partnerships; Safeguarding; Children's Disabilities; Engagement with Young People; Engagement with Parents and Carers in Service Design; Youth Service; Early Years and Childcare; Children's Centres; Links to Communities Portfolio – Young People's Safety, Youth Offending, Domestic Violence.</p> <p>Home Care; Residential Care; Day Care; Supporting People; Safeguarding; Adults with Learning Difficulties; Adults with Physical Disabilities; Adults with Mental Ill-Health; Multi-Agency Partnerships; Personalisation; Reducing Health Inequalities; Welfare Rights; Links with Health And Voluntary Sector</p>
Health	To review and scrutinise any matter relating to the planning, provision and of health services in its area.

## 8.2 General Role

Within their terms of reference, the Improvement and Scrutiny Committees will:

- (i) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
- (ii) make reports and/or recommendations to the full Council and/or the Executive and/or any policy, joint or area committee in connection with the discharge of any functions;
- (iii) consider any matter affecting the area or its inhabitants; and
- (iv) exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the Executive.

### 8.3 Specific Functions

- (a) **Policy development and review.** The Improvement and Scrutiny Committees may:
  - (i) assist the Council and the Executive in the development of its budget and policy framework by in-depth analysis of policy issues;
  - (ii) conduct research, community and other consultation in the analysis of policy issues and possible options;
  - (iii) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
  - (iv) question members of the Executive and committees and chief officers about their views on the issues and proposals affecting the area; and
  - (v) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.
- (b) **Scrutiny.** The Improvement and Scrutiny Committees may:
  - (i) review and scrutinise the decisions made by and performance of the Executive and/or committees and Council officers both in relation to individual decisions and over time;
  - (ii) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
  - (iii) question members of the Executive and or committees and chief officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
  - (iv) make recommendations to the Executive and/or appropriate committee and/or Council arising from the outcome of the scrutiny process;
  - (v) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address an Improvement and Scrutiny Committee and local people about their activities and performance; and

- (vi) question and gather evidence from any person (with their consent).
- (c) **Best Value.** To oversee specific Best Value reviews undertaken on the Council's functions; receive progress reports; and make recommendations for consideration by the Executive on measures to be implemented.
- (d) **Annual Report.** The Improvement and Scrutiny Committee must report annually to full Council on their working and make recommendations for future work programmes and amended working methods if appropriate.
- (e) **Officers.** The Improvement and Scrutiny Committees may exercise overall responsibility for the work programme of the officers employed to support their work.

#### 8.4 **Proceedings of Improvement and Scrutiny Committees**

The Improvement and Scrutiny Committees will conduct their proceedings in accordance with the Improvement and Scrutiny Procedure Rules set out in Part 4 of this Constitution.

# **Article 9 – Regulatory Planning Committee**

## **9.1 Composition of the Committee**

The Committee comprises 10 Members. The Chairman and Vice-Chairman of the Committee will be appointed by the Council.

## **9.2 Terms of Reference**

***To be presented to the meeting of the Standards Committee on 13 March 2019.***

DRAFT

# **Article 10 – Audit Committee**

## **10.1 Composition**

The Committee comprises 6 Members. The Chairman and Vice-Chairman will be appointed by the Council.

## **10.2 Terms of Reference**

The Committee will be responsible for the functions set out below:

- Approving the Annual Audit Plan of the Council
- Monitoring progress against the Annual Audit Plan
- Considering matters referred to the Committee by the Council's external auditor
- Approving the Annual Statement of Accounts
- Consideration of the Annual Governance Statement.

# **Article 11 – Pensions and Investments Committee**

## **11.1 Composition**

The Committee comprises 8 Members of Derbyshire County Council and 2 Members of Derby City Council. Two trade union representatives are also entitled to attend meetings of the Committee as non-voting members. The Chairman and Vice-Chairman of the Committee will be appointed by the Council.

## **11.2 Terms of Reference**

Derbyshire County Council (the Council) has established a Pensions and Investments Committee (the Committee) to be responsible for the management and administration of Derbyshire Pension Fund (the Fund) on behalf of the Council as the administering authority of the Pension Fund.

### **Membership and Meetings**

The Committee is comprised of eight Councillors representing Derbyshire County Council and two Councillors representing Derby City Council. Two trade union representatives are also entitled to attend meetings of the Committee as non-voting members. The Committee is supported by advice from officers of the Council and an independent investment adviser; it meets eight times a year.

### **Role and Function**

The Committee is responsible for discharging the Council's statutory functions as the administering authority for the Pension Fund under the Local Government Pension Scheme Regulations and associated pension legislation.

### **Approving and monitoring performance targets**

The Committee will approve and monitor performance targets for the Fund.

### **Reviewing and approving statements, strategies and policies**

The Committee will review and approve the Fund's:

- Governance Policy and Compliance Statement setting out effective governance arrangements for the Pension Fund

- Investment Strategy Statement following any material change in the factors affecting the investment strategy and at least every three years
- Quarterly tactical asset allocation following due consideration of the recommendations from the Director of Finance & ICT and the independent investment adviser
- Funding Strategy Statement on any material change in the policy set out in the Statement and at least every three years as part of the triennial valuation process
- Treasury Management Strategy with due consideration given to the security of capital and liquidity as well as to the investment return
- Other statutory policies required by the Local Government Pension Scheme Regulations and strategy/policy statements in line with best practice

### **Receiving and considering reports**

The Committee will receive and consider the Fund's:

- Triennial actuarial valuation report and annual funding reports
- Annual Report
- Administration and investment performance reports
- Risk Register

### **Ensuring arrangements are in place**

The Committee will ensure arrangements are in place for:

- Communicating with the Fund's stakeholders
- Considering admission body applications
- The adjudication of applications under the Application for Adjudication of Disagreements Procedure (AADP) (including the appointment of adjudicators)

### **Making Appointments**

The Committee will be responsible for appointing the Fund's:

- Actuary
- Independent investment adviser
- External fund managers for segregated mandates in advance of the management of the investment assets transitioning to the investment pool
- AVC providers



## **Investment Pooling**

To oversee the Pension Fund's involvement in investment pooling, the Committee will:

- Ensure that the Fund is effectively represented in the Pool's governance structure
- Determine what is required from the Pool to enable the Fund to deliver its Investment Strategy
- Be responsible for the selection, appointment and dismissal of an investment pooling operator (the Operator) to manage the Fund's assets
- Monitor the performance and effectiveness of the Operator both as a shareholder in the Operator and as an investor in the Operator's products
- Ensure that appropriate measures are in place to monitor and report on the ongoing costs and cost savings of investment pooling
- Ensure that the responsible investment, corporate governance and voting policies of the Fund are delivered effectively
- Receive and consider reports and recommendations from the Pool's Joint Committee, Shareholders' Forum and Practitioners' Advisory Forum

## **Training**

Members of the Committee are required to undertake training in line with the Fund's Training Policy.

## **Derbyshire Pension Board**

In accordance with legislation, the Committee is supported by Derbyshire Pension Board which was established to assist the administering authority with the governance and administration of the Fund.

# Article 12 – Health and Wellbeing Board

## 12.1 Composition

The HWB will involve NHS Provider organisations and have a CCG Vice-Chair in line with national best practice guidance. The Cabinet Member for Health and Communities, Derbyshire County Council will Chair the Board and Vice-Chairs are indicated in the membership list below should the Chair be unable to attend a meeting. The full HWB membership will comprise:

- Cabinet Member for Health and Communities (Chair) (Statutory)
- Accountable Officer for Derbyshire Clinical Commissioning Groups (Statutory) (Vice-Chair)
- One CCG Governing Body Chair representative on behalf of all Derbyshire Clinical Commissioning Groups (Statutory)
- Strategic Director Adult Care, Derbyshire County Council (Statutory)
- Strategic Director Children's Services, Derbyshire County Council (Statutory)
- Director of Public Health, Derbyshire County Council (Statutory)
- One representative from Healthwatch Derbyshire (Statutory)
- Cabinet Member for Adult Care
- Cabinet Member for Young People
- Chair of 3D to represent the voluntary sector
- One officer rep from Provider Alliance Group to represent officers from Derbyshire NHS Providers
- Chair of Clinical Professional Reference Group to provide clinical view from NHS Providers
- The Chair of Tameside and Glossop Single Commission
- Two District Council elected members on behalf of all district councils in Derbyshire
- A District Council Chief Executive to champion wellbeing on behalf of all district councils in Derbyshire
- A District Council Chief Executive to champion housing on behalf of all district councils in Derbyshire
- Police and Crime Commissioner for Derbyshire
- One senior officer representative from Derbyshire Constabulary
- One senior officer representative from Derbyshire Fire and Rescue Service
- One senior officer from East Midlands Ambulance Service NHS Trust
- STP Senior Responsible Officer (if not already represented on the Board)

The Board can co-opt additional members as it considers appropriate in relation to HWBS priorities.

Both NHS England and Public Health England can attend the Board meetings as required, but in relation to a specific issues or area of interest.

Specific officers may be asked to attend one or a series of HWB meetings to provide detailed insight and input to particular topics or issues, such as one of the HWB priorities.

## **12.2 Core strategic functions of the Derbyshire HWB**

Provide strategic leadership and direction for the health and wellbeing agenda in Derbyshire by:

- Determining and outlining priorities for improving the health and wellbeing of the population of Derbyshire, with a particular focus on tackling health inequalities and preventing ill-health through consideration of issues linked to the wider determinants of health.
- Holding organisations and partners to account for delivering against the priorities outlined in the Health and Wellbeing Strategy.
- Working as part of the wider system to address strategic challenges for health and care, with a particular focus where appropriate of working collaboratively with Derby City Health and Wellbeing Board in relation to identified joint priorities.
- Exploring opportunities to improve health and wellbeing in Derbyshire, building on the shared assets and leveraging additional investment where possible from the public, voluntary and private sectors.
- Championing prevention and population health as important strategic issues and influencing organisations and partnerships to reflect this in their work.

## **12.3 The strategic function will be supported by the following actions:**

Identify and develop a shared understanding of the needs and priorities for population health and wellbeing in Derbyshire through the development of a Joint Strategic Needs Assessment (JSNA) and utilising other locally available evidence regarding the health needs of the population. The Board will:

- Ensure the Derbyshire JSNA is reviewed, refreshed and further developed to reflect the latest qualitative and quantitative evidence.
- Ensure the JSNA drives the development of a Health and Wellbeing Strategy (HWBS) which is outcomes focused.
- Prepare, publish and oversee the HWBS to ensure that the needs identified in the JSNA are delivered in a planned, coordinated and measured way.
- Ensure the HWBS priorities shape and influence decision making and commissioning activity and where appropriate the HWB hold

organisations or partnership groups to account to ensure the effective delivery of the priorities outlined.

- Ensure that where appropriate system wide delivery plans are in place to support the HWBS strategic priorities and outcomes.
- Challenge performance against the outcomes outlined in the HWBS via the HWB dashboard indicators which make links to performance frameworks for the NHS, public health and local authorities.
- Develop mechanisms to measure, monitor and report improvements in health and wellbeing outcomes for Derbyshire.

Ensure there are effective and appropriate mechanisms to communicate, engage and involve local people and stakeholders in Derbyshire in relation to health and wellbeing. The Board will:

- Champion public engagement involvement and co-production in strategies and documents that impact on population health.
- Ensure that appropriate structures and arrangements are in place to ensure the effective engagement and influence of local people and stakeholders in decision-making.
- Represent Derbyshire in relation to health and wellbeing issues at a regional and national level where appropriate.
- Work closely with the Derbyshire Healthwatch to ensure that appropriate engagement and involvement with patients and service users.

## **12.4 Governance**

### **Agenda Planning**

The Chair and Vice-Chairs in conjunction with the Strategic Director Adult Care at Derbyshire County Council, will set the agenda for future Health and Wellbeing Boards. All Board members will be asked to put forward reports for consideration prior to agendas being finalised.

### **Reporting**

Reports tabled to the HWB will need to make a clear recommendation to the Health and Wellbeing Board and also demonstrate how they are delivering against HWBS priorities. Reports for information and noting will be circulated electronically to the Board between meetings to ensure that information is shared in a timely manner.

## **Delivery of pieces of work**

Work will be delivered by established system groups and HWB will direct and commission specific pieces of work via Board members who will need to action, coordinate and feedback to the Board within agreed timescales.

## **Task and Finish Groups**

Task and Finish Groups will be established by exception to take forward key pieces of work for the HWB. They will be chaired by HWB members and include representatives from HWB partners and wider stakeholders.

## **Relationship with other Boards**

The governance diagram at the end of this document sets out the relationship between the HWB and other key Boards and programmes of work in Derbyshire. A separate protocol will be developed setting out the relationship between the HWB and STP to ensure that the HWB can provide appropriate challenge to the STP Board and associated delivery groups.

## **Meetings of the Board Frequency**

The HWB will meet on quarterly basis. The date, time and venue of meetings will be fixed in advance by the Board and an annual schedule of meetings will be agreed. Meetings will normally take place at County Hall, Matlock unless the Health and Wellbeing Board is required to visit another venue or participate in a joint session with Derby City Health and Wellbeing Board. Additional meetings may be convened at the request of the Chair or Vice-Chair.

## **Voting**

At this stage of its development the HWB will operate on a consensus basis.

## **Declaration of Interests**

Any interests held by members or co-opted members should be declared on any item of business at meeting in accordance with the Council's Code of Conduct for Members and the Localism Act 2011.

## **Quorum**

A quorum of five will apply for meetings of the HWB including at least one representative from the County Council and one representative of the CCGs.

## **Access to Information/Freedom of information**

The Board shall be regarded as a County Council committee for access to information purposes and meetings will normally be open to the press/public.

## **Public questions**

Public questions must be tabled in advance and in line with the procedures for Full Council and will be considered at the Chair's discretion to ensure they are relevant to the work of the Health and Wellbeing Board. Questions must be asked exactly as submitted, and no supplementary questions are allowed.

## **Board papers**

The agenda and supporting papers shall be circulated at least five clear working days in advance meetings and published on the County Council website. Minutes will be published on the County Council web site.

## **Scrutiny**

Decisions of the HWB will be subject to scrutiny, but will not be subject to the "call-in powers" of the Improvement and Scrutiny Committee.

## **Review**

These terms of reference will be reviewed annually or earlier if required.

# Article 13 – Derbyshire Police and Crime Panel

## 13.1 Composition of the Panel

The Panel comprises 10 Councillors representing the County Council, the Derbyshire District and Borough Councils and Derby City Council. Additional councillors may be co-opted onto the Panel.

## 13.2 Terms of Reference

1. To review the draft police and crime plan, or draft variation, given to the Panel by the Police and Crime Commissioner. The Panel must make a report or recommendations on the draft plan or variation to the Commissioner.
2. To review the annual report and make a report or recommendations on the report to the Commissioner. The Panel is to arrange a public meeting at which they ask the Commissioner questions, as appropriate, on the annual report.
3. To hold a confirmation hearing and review, make a report, and recommendation in respect of proposed senior appointments made by the Police and Crime Commissioner. This includes:-
  - (a) the Commissioner's Chief Executive;
  - (b) the Commissioner's Chief Finance Officer;
  - (c) a Deputy Police and Crime Commissioner; and
  - (d) the Chief Constable.

The Panel has the power to veto the appointment of the Chief Constable.

4. To review and make a report and recommendations (as necessary) on the proposed precept. The Panel has the power to veto the proposed precept.
5. To review or scrutinise decisions made, or other action taken, by the Police and Crime Commissioner in connection with the discharge of the Commissioner's functions.
6. To make reports or recommendations to the Police and Crime Commissioner with respect to the discharge of the Commissioner's functions.

7. To support the effective exercise of the functions of the Police and Crime Commissioner.
8. To fulfil functions in relation to complaints about conduct matters, in accordance with the responsibilities accorded to the Panel by the Police Reform and Social Responsibility Act 2011 (the Act).
9. To appoint an Acting Police and Crime Commissioner if necessary.
10. To suspend the Police and Crime Commissioner if it appears to the Panel that the Commissioner has been charged with a relevant offence (as defined by the Act).
11. To exercise any other functions delegated to the Police and Crime Panel under the Act, as required.



# Article 14 – Corporate Parenting Board

## 14.1 Terms of Reference

The overall objective of Derbyshire's Corporate Parenting Board (CPB) is to assist the Council as a whole in fulfilling its legal corporate parenting obligations to Children in Care (CiC) and Care Leavers (CL); under the Children Act 1989, the Children (Leaving Care) Act 2000, and new duties and responsibilities under the Children and Social Work Act 2017. The CPB has the strategic responsibility to ensure the Council and partner agencies act as effective corporate parents and that its vision for every CiC and CL is followed through.

- Act as advocates for Children in Care and Care Leavers, ensuring their needs are addressed through key plans, policies and strategies throughout the Council (and its commissioned services).
- Oversee the implementation of Derbyshire County Council's CiC and CL strategy and monitor the quality and effectiveness of services to ensure they fulfil the council's responsibilities and achieve good outcomes for CiC and CL.
- Monitor and review the quality and effectiveness of services across the Council, partner agencies and commissioned services to achieve continuing improvements in outcomes for CiC and CL and ensure that appropriate action is taken where services fail to respond to their responsibilities for CiC and CL.
- Ensure the voice and opinions of a wide range of CiC and CL are heard and their views are used to shape policy and monitor performance through their active participation within the council's structure.
- Monitor the quality and care delivered by Derbyshire County Council's homes, fostering and adoption services through the provision of regular reports including summary reports of Regulation 44 visits and Ofsted inspections and fostering service reports.
- Ensure that the equal opportunities and the diverse needs of CiC and CL are considered and met across all activities.
- Ensure that Derbyshire County Council and all partner agencies follow the pledges made to CiC and CL Charter.
- Ensure that the achievements of CiC and CL are highlighted and celebrated.
- Receive reports and where necessary provide challenge and scrutiny on all aspects of CiC and CL welfare including employment, further education, training and housing as required, with sufficient detail to enable The Board

to undertake its strategic responsibilities for planning, monitoring and evaluation.

- Report to Cabinet and CiC Board on the progress and achievements of the Board against the Annual Key Priority Action Plan.

### Membership

Members of the CPB will be invited to Board meetings relevant to their area of service, which will be determined by the theme of the meeting. Elected members will be invited to attend all Board meetings.

Membership of the CPB consists of the following:

- Lead Member for Children's Services (Chairman);
- Majority Group Support Member for Children's Services;
- Lead Members for Children's Services of all non-majority political parties;
- Leader of the Council
- Member of the Improvement and Scrutiny Committee (to be nominated by the Chairman of that Committee)
- Strategic Director for Children's Services;
- Service Director, Early Help and Safeguarding, Children's Services;
- Assistant Director for Specialist Services, Children's Services;
- Representative from Foster Care Council
- Representation from Our Voice & Children in Care Council Parallel Board
- Head of CiC provision, Children's Services;
- Named Nurse for CiC;
- Virtual School Headteacher;
- Service Director, Schools and Learning;
- Service Director, Quality and Performance;
- Head of Service, Quality and Performance;
- Police Area Commander;
- Assistant Director, Adult Services;
- Strategic Health Lead
- District Council

Other officers may be invited to attend The Board as advisors as required. The Vice Chairman will be appointed at the first meeting of the Local Government year.

The Chairman and Vice Chairman will maintain regular communications with the CiC and CL's Parallel Board, outside of CPB activity. The manner and frequency to be agreed jointly.

### Substitutions

All nominated regular members will be expected to attend each Board meeting, if necessary, to make appropriate arrangements for substitute representation. If a member is absent for three consecutive Board meetings or does not attend more than 50% of meetings in a 12 month period, the

member will be asked to discuss their non-attendance with the Chair/Vice-Chair, who will take appropriate action.

#### Quorum

The quorum for a Board meeting will be at least one quarter of the membership, including substitutes. The quorum must include at least two Council representatives.

#### Corporate Parenting Board Meetings

- Will meet bi-monthly
- Will agree an annual work programme setting out its key priorities and areas for action.
- The agenda will be proposed by the CiC Strategic Partnership and agreed by the Chair of CPB.
- Members of the Committee will complete the CPB membership induction programme; any development or training events.

#### Reporting Mechanism

The Board will submit all Minutes of Board meetings to Cabinet and make them public on Derbyshire County Council's website.

Present an annual report, informing Cabinet, Our Voice and CLC of the achievements against key priorities it had set out for the year.

# Article 15 – Other Joint Committees

## 15.1 Infrastructure and Investment Board

### Introduction

The D2N2 LEP Board is responsible for determining the economic strategy for the region and setting the priorities for funding within its remit through the collective work of private sector representatives, the current D2 (Derby and Derbyshire) and N2 (Nottingham and Nottinghamshire) Joint Committees and other public sector bodies.

The D2N2 LEP has a small Executive Team supported by resources and officers of the constituent local authorities, primarily through financial contributions to the staffing establishment and undertaking work in advisory or task and finish groups. Support from the private sector primarily comes through the provision of expertise and time, for example in attendance at board and group meetings. The Executive Team is organised to support the Board structure, with the Director of Place responsible for each sub board reporting to the Chief Executive.

Each project and programme funded through the LEP is managed by the Chief Executive of D2N2 and the Director of Place within the Executive team.

This document sets out the governance arrangements for the D2N2 Local Enterprise Partnership's Infrastructure and Investment Board. The Board is responsible for overseeing the administration of the LEP's Local Growth Fund on behalf of the D2N2 LEP Board.

The D2N2 Infrastructure and Investment Board is a public-private partnership formed by the voting members specified in clause 3.

### Terms of reference

#### 1. Board Name

D2N2 Infrastructure and Investment Board ("the Board")

#### 2. Purpose

To oversee on behalf of the D2N2 LEP Board ("the LEP Board") the administration of the Local Growth Fund for schemes to delivery bodies across the administrative areas of Derby, Derbyshire, Nottingham and Nottinghamshire.

### 3. Membership

Voting members	Observers
<ul style="list-style-type: none"> <li>• Derby City Council (two members)</li> <li>• Derbyshire County Council (two members)</li> <li>• Nottingham City Council (two members)</li> <li>• Nottinghamshire County Council (two members)</li> <li>• Derbyshire district and borough councils (two members)</li> <li>• Nottinghamshire district and borough councils (two members)</li> <li>• Derby, Derbyshire, Nottingham and Nottinghamshire Local Enterprise Partnership (Chair plus nominated private sector representative)</li> <li>• Further Education (one member)</li> </ul>	Nominees of: <ul style="list-style-type: none"> <li>• Sheffield City Region Local Enterprise Partnership</li> </ul>
	Occasional invitations to contribute: <ul style="list-style-type: none"> <li>• Highways England</li> <li>• Network Rail</li> <li>• Homes and Communities Agency</li> <li>• DFT</li> <li>• BEIS</li> </ul>
<b>Principal Advisors to the Board (non-voting): TBC</b>	

The Board, as set out above, comprises fifteen voting members. The Board may co-opt additional members to represent other sectors; such co-opted members will not have voting rights. Conditions of appointment are:

- i. Local Authorities (upper tier/unitary): membership rests with the position which the member holds within the authority rather than with the individual, so councillors will be replaced if they change office. It is for each authority to determine which post holders are to act as its representatives.
- ii. Local Planning Authorities (district/borough) within Derbyshire and Nottinghamshire: it is for the constituency of planning authorities within each County to determine its own arrangements for selecting a representative, who is expected to

sit for a minimum term of one year and a maximum of three years. It is also for the constituent authorities to determine how their joint interests should be represented and how those districts and boroughs not directly represented should be engaged in the decision-making process.

- iii. D2N2 LEP: representatives are expected to sit for a minimum term of one year and a maximum of three years.
- iv. Any co-opted member - would be reviewed annually by the Board with a maximum term of three years.
- v. In each case, substitutes may attend meetings where the nominated member is unable to do so, but should be able to provide written confirmation that they do so with the approval of the organisation represented.
- vi. Each member will be required to participate in decision-making in the best interests of the Board whether or not these are consistent with those of their own organisation.

The Board will review its constitution after six meetings of the Board or every two years, whichever is the sooner.

#### **4. Conflicts of Interest**

Members of the Board are required to declare, on appointment, that they will act in the best interests of the LEP area, not for their organisational or geographic interests.

The rules for declaring personal interests will be those that apply to the council to which the councillor has been elected. A register of Board Members' interests will be maintained and will be available for public inspection.

#### **5. Gifts and Hospitality**

Officers shall, whether engaged in promotion of their own authority's interests or those of the Board, be bound by the relevant code of conduct of their own employing organisation.

#### **6. Accountable Body**

Derbyshire County Council shall be the Accountable Body to the LEP's Local Growth Fund, which will be responsible for the following:

- Ensuring that decisions are made in line with the LEP Assurance Framework.

- Ensuring that promoters confirm their projects conform with any requirements with regard to equalities, social value, environment, State Aid, procurement etc.;
- Ensuring (through the Section 151 Officer) that the funds are used appropriately;
- Maintaining the official record of IIB's proceedings and holding copies of all relevant IIB documents relating to any funding streams the Accountable Body is responsible for;
- Ensuring IIB decisions at formal meetings are recorded.
- Responsibility for the decisions of the IIB in approving projects (for example if subject to challenge);
- Ensuring there are arrangements for local audit of funding allocated by the IIB at least equivalent to those in place for Local Authority expenditure.

The Director of Finance, Derbyshire County Council (S151 officer) will ensure that all funds are administered in accordance with the Assurance Framework.

## **7. Audit and Scrutiny**

The Board undertakes to seek and to act upon the findings of an internal audit of its activity on at least an annual basis. The findings of each audit will be considered by a Board meeting, and any remedial action required recorded within the minutes of that meeting.

The aim of each audit will be to verify that the Board is operating effectively within the terms of its agreed Assurance Framework.

## **8. Strategic Objectives and Purpose (Terms of Reference)**

The Board is responsible for:

- approving investment of the Local Growth Funding on behalf of the D2N2 LEP Board that will provide significant investment in innovation, business, skills, and employment in a common agenda for training, education, economic growth and jobs that will integrate effectively within the LEP's wider strategic plans;

The Board shall:

- take decisions on behalf of the D2N2 LEP Board for:
  - individual scheme approval
  - release of funding, including scrutiny of individual scheme business cases.
- Monitor progress of scheme delivery and spend.

- Recommend to the LEP Board a programme to respond to changed circumstance (scheme slippage, scheme alteration, cost increases etc).

## **9. Approvals process for project applications:**

The Board has adopted an approvals process in respect of project applications as set out in Appendix 1.

## **10. Support and Administration**

Derbyshire County Council will provide support arrangements for secretariat and administrative services, specified in its Service Level Agreement with the LEP.

The four authorities (Derbyshire, Nottinghamshire, Derby and Nottingham) will provide sufficient support to undertake the workload of the Board, taking into account any opinions of the Accountable Body or the Auditor. There will be named people who have specific roles with respect to the Board. These roles will usually be part of their other duties, except when the workloads are such that some full-time or single purpose part-time roles are appropriate.

The Board will form task and finish groups when required, which may comprise Board members and/or supporting officers.

## **11. Working Arrangements, Transparency and Local Engagement**

Meetings will be convened in accordance with the provisions of the Local Government Act 1972, the Local Government and Housing Act 1989 and other relevant legislation.

There will be at least two meetings each year and thereafter to meet the business needs. Specifically the Board will meet:

- (a) to determine the initial decision on the composition of the scheme programme;
- (b) to make individual scheme investment decisions.

A chair and vice-chair for the Board will be elected on an annual basis.

Meetings will be deemed quorate when a minimum of five voting members or their substitutes are in attendance. Each voting member carries a vote of equal weight. Where the voting members present are equally divided the chair will carry a casting vote. Where the elected



chair is not present the vice-chair will exercise this function. No business requiring voting shall take place without either the chair or vice-chair being present.

The Board will publish agendas and minutes. Materials will be hosted on the Derbyshire County Council website but each member organisation will provide a direct link to this from its own.

It is for individual member organisations to ensure that any schemes submitted to the Board for funding have been subject to the appropriate procedures to provide the public and stakeholders with the opportunity for input before decisions are made. The Board will not take responsibility for dealing with correspondence, petitions, lobbying, consultation etc, all of which are to be handled by the promoter of the scheme in accordance with its own procedures.

FOI and EIR requests will be dealt with in accordance with the relevant legislation.

The Board will use Derbyshire County Council's complaints procedure.

## **12. Expenses and Allowances**

The Board will not under normal circumstances make any payments to cover the costs of attendance, which must be borne by the parent organisation of the attendee. Where it does choose to do so this will be for reasons, and within financial limits, agreed by the Board.

## Appendix 1

Approval process in respect of project applications:

1. Promoters are requested to provide and agree with the LEP the date on when an Outline Business Case and Final Submission will be submitted for approval prior to the start of the financial year.
2. Promoters are requested to submit a valid Outline Business Case application no later than July of the financial year in which funding is to be released. Failure to submit will render a project High Risk
3. A Final Submission application (business case) is to be submitted in line with the programmed date agreed with the LEP; however this is to be no later than November 30<sup>th</sup> of the year in which funding is to be released. Failure to submit a business case in line with the programme will render the project High Risk.
4. Where a project is seen as High Risk the IIB will write to the promoter setting out the risks and requesting a written response outlining how the risks will be mitigated. If the IIB are not satisfied with the response then the IIB can remove the project from the programme.
5. In the event that a project has, in the opinion of the IIB or the LEP Board, significantly changed (by 10% or more) from what was originally proposed (i.e. spend profile, outputs and outcomes, or delivery) the IIB will write to the promoter requesting a written response detailing why the project has changed.

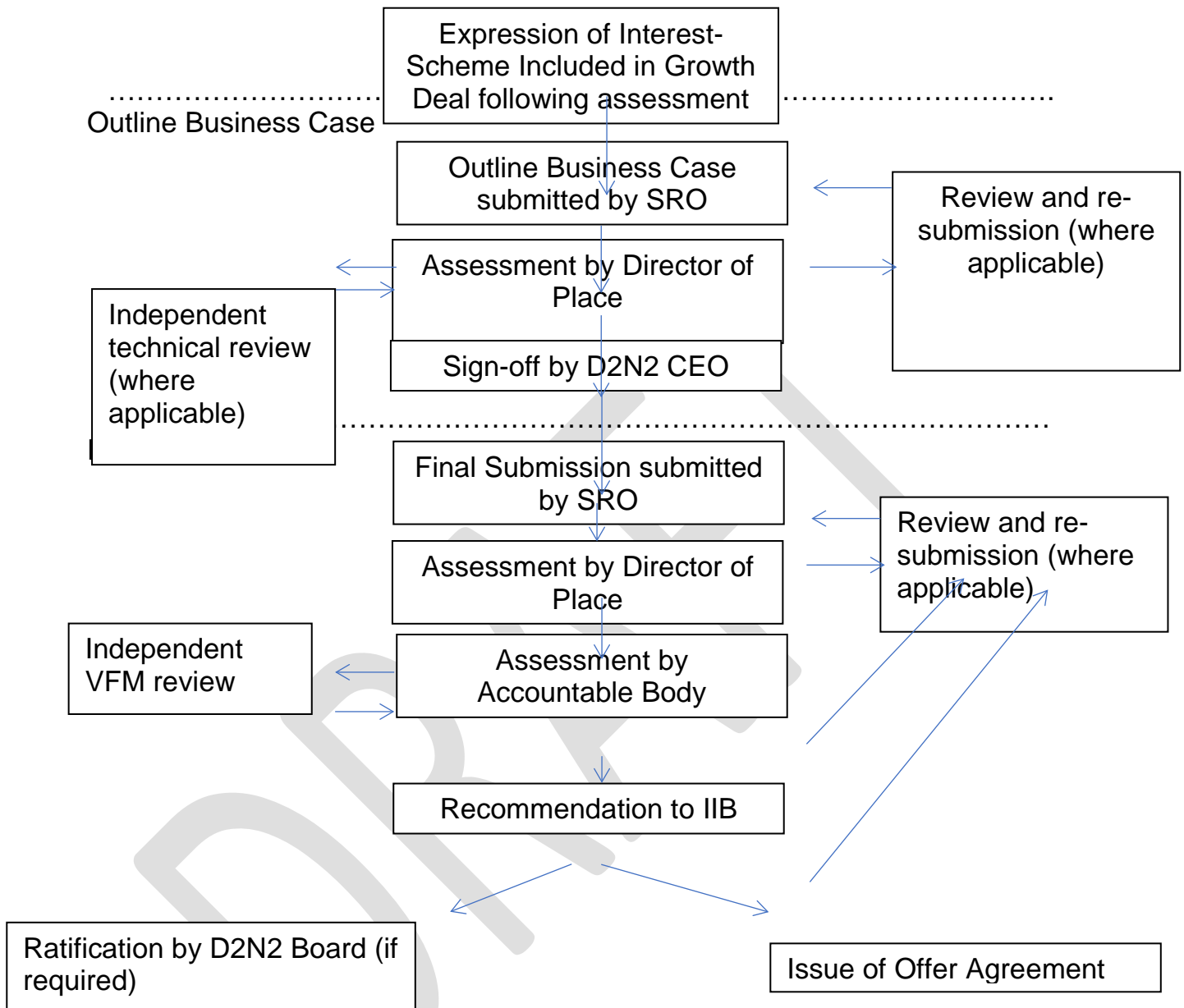
Following receipt of the response the IIB may decide to proceed with the amended project, may request that the project revert back to what was originally approved, release only part of the funding or delete the project from the programme.

6. If a project has not commenced within 3 months of the IIB meeting at which the project was approved, the project will be reported as a High Risk project. In this instance the IIB will write to the promoter requesting a written response detailing why the project has been delayed. If the IIB are not satisfied with the response, the IIB can remove the project from the programme.

7. The IIB will be provided with quarterly performance reports by the project monitoring officer. If it is reported that a project is delayed (commencement/completion/outputs/outcomes) by 3 months or more then the project will be reported as a High Risk project. In this instance the IIB will write to the promoter requesting a written response detailing why the project was delayed.

If the IIB are not satisfied with the response then the IIB can request that the funds already paid are repaid to the LEP or decide not release any future years funding.

## Appendix 2: Scheme Approval Process



## **15.2 D2 Economic Prosperity Committee**

### **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 and influences 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 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.
  - 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 is 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, businesscommunity 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 procedure 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 of 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 council members arising out of Joint Committee membership shall be determined 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.

DRAFT



**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 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 of recommendations is subject to the exclusion or 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.

# **Article 16 – The Standards Committee**

## **16.1 Composition**

The Committee will comprise 8 Councillors plus three independent non-voting co-optees. The Chairman and Vice-Chairman will be appointed by the Council.

## **16.2 Terms of Reference**

### **Role and Function**

The Standards Committee will have the following roles and functions:

- (a) promoting and maintaining high standards of conduct by Councillors, co-opted members and church and parent governor representatives;
- (b) assisting Councillors and co-opted members and church and parent governor representatives to observe the Members' Code of Conduct;
- (c) advising the Council on the adoption or revision of the Members' Code of Conduct;
- (d) monitoring the operation of the Members' Code of Conduct;
- (e) advising, training or arranging to train Councillors, co-opted members, and church and parent governor representatives, on matters relating to the Members' Code of Conduct;
- (f) granting dispensations to Councillors, co-opted members and church and parent governor representatives from requirements relating to interests set out in the Members' Code of Conduct;
- (g) taking any action required on the receipt, assessment and handling of any complaint against a Member;
- (h) taking any action for the investigation and determination of any complaint against a Member;
- (i) dealing with any reports on any matter from the Monitoring Officer;

## **Additional Roles of Standards Committees**

The Committee will be responsible for:

- (a) the overview of the Confidential Reporting Code;
- (b) the overview of complaints handling and Local Government Ombudsman investigations; and
- (c) monitoring and reviewing the operation of the Constitution.

DRAFT