

Vision Derbyshire Joint Committee

Governance Arrangements

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Key ambition area:	All
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For publication:	Yes

1.0 Purpose of the report

1.1 To confirm governance arrangements for the Vision Derbyshire Joint Committee.

2.0 Recommendation

2.1 That the newly established Vision Derbyshire Joint Committee applies the governance standards developed and approved by the current full member authorities Chesterfield Borough Council, Derbyshire County Council, Derbyshire Dales District Council and High Peak Borough Council.

3.0 Reason for recommendation

3.1 Formal governance arrangements are required to support effective decision making. This has been identified during the first two stages of Vision Derbyshire development as crucial in taking Vision Derbyshire forward.

4.0 Report details

4.1 One of the five workstreams within phase 3 of Vision Derbyshire development was to establish a ‘Governance Model’ for Vision Derbyshire. A formal governance approach is important to evidence to Government that Derbyshire councils are serious about Vision Derbyshire as a credible non-structural alternative to local government reorganisation and a construct to which ministers may in time be persuaded to devolve funding, powers and freedoms. Achievement of the latter outcome has now taken a step forward with the publication of the Levelling Up White Paper and the county deals pilots.

- 4.2 A more formal approach to governance also provides a framework for Derbyshire councils to work more effectively together, maximise opportunities for collaboration and enable agile, timely and flexible decision making.
- 4.3 The Governance Model was developed via a governance working group chaired by Chesterfield Borough Council’s Chief Executive and made up of Monitoring Officers from 5 of the 9 councils in Derbyshire, with some external legal advice. The working group engaged throughout development with council Leaders and Chief Executives at their regular monthly meetings with comments taken on board in developing the final proposals.
- 4.4 The final articles, functions and responsibilities and procedure rules for the Vision Derbyshire Joint Committee (attached at Appendix 1) have been formally approved by the current full members of Vision Derbyshire – Chesterfield Borough Council, Derbyshire County Council, Derbyshire Dales District Council and High Peak Borough Council.
- 4.5 These governance arrangements provide a framework for the Joint Committee to operate as the decision making body for matters where Derbyshire councils agree to work collaboratively and demonstrate a collective political commitment to the approach.
- 4.6 The articles set out the main aims of the Vision Derbyshire Joint Committee, which are to:
- Provide collective leadership for Derbyshire
 - Progress shared ambitions for the area
 - Work together to tackle the issues and challenges outlined in the case for change
 - Enable agile, timely and effective decision making
- 4.7 The Joint Committee, on behalf of the participating councils, will be responsible for improving the delivery of functions and responsibilities already within the remit of local authorities through statute or through taking forward specific collaborative work to improve the economic, environmental and / or social wellbeing of Derbyshire’s residents, businesses and communities. This might be through:
- Shared services arrangements
 - Incorporating existing partnership arrangements within the Vision Derbyshire model
 - Identifying areas and activities that would benefit from collaborative systems changes
 - Progressing work on specific thematic projects and priorities

- 4.8 Individual participating councils will still be required to approve recommendations made by the Joint Committee, ahead of implementation, on substantive matters such as proposals for shared services arrangements or systems changes.
- 4.9 All Derbyshire Councils are encouraged to formally join Vision Derbyshire as a full member and delegate functions and responsibilities to the Joint Committee to enable full collaboration on all aspects of the delivery programme. However, the articles, functions and responsibilities and procedure rules also allow for those councils who choose not to delegate functions and responsibilities to the Joint Committee to still appoint members to the Joint Committee.
- 4.10 While this difference in stance exists, voting rights are restricted to members appointed to the Joint Committee by councils who are prepared to delegate functions and responsibilities to the Joint Committee.
- 4.11 The articles, functions and responsibilities, and procedure rules set out in Appendix 1 have also been drafted to recognise that councils do not have to participate in all aspects of the Vision Derbyshire approach and may instead choose to become involved in some projects but not others. Where a council chooses to become involved in a project that involves agreeing to delegate a particular function or responsibility to the Joint Committee, its appointed member would then have the ability to exercise their vote on all matters relating to the project. The intention is to be inclusive without fettering the individual sovereignty of any Derbyshire council.
- 4.12 In developing the governance arrangements, provision has been made to ensure that the door to involvement in the Vision Derbyshire approach remains open to all councils.

5.0 Alternative options

- 5.1 None – the Governance arrangements have been formally agreed by full member Vision Derbyshire councils and are now being implemented.

6.0 Implications for consideration – Financial and value for money

- 6.1 Financial and value for money impacts in relation to specific project and programme activities will form a key part of Vision Derbyshire Joint Committee considerations

7.0 Implications for consideration – Legal

- 7.1 Section 101(5) of the Local Government Act 1972 permits councils to come together as two or more authorities to discharge functions jointly and arrange for the discharge of these functions by a Joint Committee.

- 7.2 Under Section 102 of the Local Government Act 1972 two or more authorities may appoint a Joint Committee of those authorities for the purpose of discharging any of their functions. Those authorities would however need to agree to delegate functions or powers to the Joint Committee to enable it to discharge those functions.
- 7.3 Having done so, those two or more authorities may permit other authorities to appoint members to the Joint Committee without those authorities delegating functions to it. However, all authorities that wish to join the Joint Committee will need to formally agree to establish the Committee and agree the Terms of Reference to be able to appoint a member to the Joint Committee.
- 7.4 Under the legislation, all members would have the right to participate and vote on any matters at the Joint Committee. However, voting rights can be restricted in the Terms of Reference to members of those authorities who have delegated to it so that authorities would not be able to vote in respect of functions they have not delegated to the Joint Committee. This is the approach developed for the Vision Derbyshire Joint Committee.

8.0 Implications for consideration – Human resources

- 8.1 Human resource impacts in relation to specific project and programme activities will form a key part of Vision Derbyshire Joint Committee considerations

9.0 Implications for consideration – Climate change

- 9.1 There has been a strong focus on climate change throughout development of the Vision Derbyshire programme; climate change is the main theme running through the ‘Live and Work Sustainably’ ambition area. Collaborating at a county level and beyond is particularly important: continuing to engage fully with the Vision Derbyshire programme also supports individual councils to deliver their own climate change ambitions.

10.0 Implications for consideration – Equality and diversity

- 10.1 Equality Impact Assessments in relation to specific project and programme activities will form a key part of Vision Derbyshire Joint Committee considerations to ensure that appropriate mitigations are developed for potential negative impacts on people with protected characteristics, and positive impacts maximised.

11.0 Implications for consideration – Risk management

Description of the Risk	Impact	Likelihood	Mitigating Action	Impact	Likelihood
Lack of engagement from other councils results in Vision Derbyshire being unable to deliver on its potential.	Medium	High	Continue to engage in Derbyshire wide discussions to promote the benefits of Vision Derbyshire; provide leadership to the Vision Derbyshire ambition areas and the Phase 4 delivery programme to ensure monetary and non-monetary benefits are fully realised and exemplified.	Medium	Medium
Joint Committee's remit cuts across existing decision making and/or adds unnecessary layers to decision making	Medium	Medium	Governance workstream has been led by CBC and in collaboration with monitoring officers from other councils, with proposals tested and drawn from other well functioning committee arrangements e.g., the council's Joint Board with Bolsover and North East Derbyshire district councils	Medium	Low

Document information

Report author
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Background documents These are unpublished works which have been relied on to a material extent when the report was prepared.
None
Appendices to the report
Appendix 1 – Vision Derbyshire Governance Arrangements