

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

EXECUTIVE MANAGEMENT TEAM'S REPORT TO CABINET

6 December 2022

Report Title: Staffordshire Leaders Board - Terms of Reference

Submitted by: Chief Executive

Portfolios: One Council, People & Partnerships

Ward(s) affected: All

Purpose of the Report

To enable Cabinet to agree the amended Staffordshire Leaders Board Terms of Reference.

RECOMMENDATIONS

Cabinet is recommended to agree the amended Terms of Reference set out in Appendix 1 to the report.

Reasons

To enable the Council to work ever more closely with the County Council and other Staffordshire Borough and District Councils, positioning the Council to better exploit opportunities from the Government's Levelling Up agenda.

1. Background

- 1.1 At a meeting of the Leaders and Chief Executives of the County, District and Borough Councils in Staffordshire on the 2nd December 2021 the Leaders discussed the strength of the relationship between the nine local authorities and the joint working that was already taking place. The meeting also considered the opportunities that existed to take this work forward by further joint working, and how this might be further enhanced with the support of a devolution deal ("County Deal") from Government providing additional powers and funding.
- 1.2 At its meeting in February 2022, Cabinet:
 - Agreed to the establishment of, and Newcastle under Lyme Borough Council's participation in, the Staffordshire Leaders Board
 - Appointed the Leader as the Council's representative on the Leaders Board.
 - Appointed the Deputy Leader as the substitute for the Leader on the Leaders Board.
- 1.3 Subsequent to this decision, the Staffordshire Leaders Board amended its terms of reference in relation to the frequency of its meetings, with frequency moving from "at least quarterly" to "no less than every four months". This means that following the new approach, a formal meeting of the Leaders Board will now fall every four months.
- 1.4 The change has no material impact on the Council's involvement in the board, but is the revised terms of reference are presented to Cabinet for completeness.

1.5 The revised Terms of Reference proposed for the Staffordshire Leaders Board are attached as Appendix 1.

2. **Proposal**

2.1 Cabinet is recommended to agree the amended Terms of Reference set out in Appendix 1 to the report.

3. **Reasons for Proposed Solution**

3.1 To ensure that Cabinet is aware of the revised Terms of Reference of the Staffordshire Leaders Board.

4. **Options Considered**

4.1 None

5. **Legal and Statutory Implications**

5.1 None directly arising from this report

6. **Equality Impact Assessment**

6.1 There are no equalities implications arising from this report.

7. **Financial and Resource Implications**

7.1 None arising directly from this report.

8. **Major Risks**

8.1 None identified at this stage.

9. **Unsustainable Development Goals (UNSDG)**



10. **Key Decision Information**

10.1 This is not a Key Decision.

11. **Earlier Cabinet/Committee Resolutions**

11.1 This matter has not previously been the subject of a report to Cabinet or other Committee.

12. **List of Appendices**

12.1 Terms of Reference for the Staffordshire Leaders Board

The Staffordshire Leaders' Board Constitution for the Joint Committee

1. Purpose

- 1.1 To establish a Joint Committee of the local authorities in Staffordshire to explore opportunities for improved joint working and to develop and implement plans for devolution from Government through a County Deal.

2. Governance

- 2.1 The Joint Committee will act as a Joint Committee under Section 9EB of the Local Government Act 2000 and pursuant to Regulation 11 of the Local Authorities (Arrangement for the Discharge of Functions) (England) Regulations 2012.
- 2.2 The Joint Committee will be known as the Staffordshire Leaders' Board ("the Leaders' Board").
- 2.3 The Leaders' Board will comprise the local authorities within the Staffordshire area: Cannock Chase District Council, East Staffordshire Borough Council, Lichfield District Council, Newcastle-under-Lyme Borough Council, South Staffordshire District Council, Stafford Borough Council, Staffordshire County Council, Staffordshire Moorlands District Council, and Tamworth Borough Council ("the constituent authorities").
- 2.4 The Leaders' Board may admit Stoke-on-Trent City Council to membership at a later date and therefrom they will become a constituent authority with all the same rights and obligations as the other constituent authorities.
- 2.5 Political Proportionality rules will not apply to the Leaders' Board as constituted.
- 2.6 The Leaders' Board will be a legally constituted body with powers delegated to it by the constituent authorities in the following areas:
 - a) to prioritise and make decisions on the use of the funding that the Leaders' Board may influence or control.
 - b) to review future governance requirements and delivery arrangements and how these can be best achieved in Staffordshire.
 - c) to have direct oversight of the projects and initiatives which the Leaders' Board has initiated or over which it has influence or control of the funding.
 - d) to have strategic oversight of other key projects and initiatives within its remit as set out herein.
- 2.7 The Leaders' Board will not hold funds or monies on behalf of the constituent authorities.
- 2.8 Should the Leaders' Board work plan necessitate a change in the delegated powers and terms of reference of the Leaders' Board any such change would require the approval of all the constituent authorities.
- 2.9 These terms of reference will be reviewed on a biennial basis or sooner if necessary.

3. Remit

- 3.1 The remit of the Leaders' Board will be:
 - i. To lead and oversee the development of a county devolution deal for Staffordshire with HM Government.
 - ii. To lead and oversee the alignment of relevant local authority action on Climate Change, Waste and Sustainability.

- iii. To lead and oversee the alignment of relevant local authority plans for Enterprise and Government Funding and Investment streams.
- iv. To lead and oversee the alignment of local authority interaction with the Health sector in Staffordshire.
- v. To lead and oversee the alignment of relevant local authority plans for future Infrastructure.
- vi. To lead and oversee the alignment of relevant local authority plans in relation to Housing and Homelessness.
- vii. To initiate, lead and oversee Staffordshire-wide joint initiatives to enhance local government efficiency and effectiveness.
- viii. To act as a local public sector decision-making body for strategic economic growth.
- ix. To act as a conduit to other sub-regional and regional bodies such as the Local Enterprise Partnerships and the Midlands Engine.
- x. Where appropriate, to agree shared priorities and bids for funding to existing and new funding sources such as Local Growth Funds and the Shared Prosperity Fund.
- xi. To monitor and evaluate projects and programmes of activity commissioned directly by the Committee.
- xii. To communicate and, where unanimously agreed, to align activity across Staffordshire on a range of other key public priorities that affect citizens.
- xiii. To prioritise and make decisions on the use of the funding that the Committee may influence or control.

4. Membership

- 4.1 One member from each constituent authority (such member to be the Leader from each constituent authority) and for the purposes of these terms of reference this member will be known as the principal member.
- 4.2 Each constituent authority to have a named substitute member who must be an executive member.
- 4.3 Where both the principal member and the substitute member attend a meeting of the Leaders' Board the principal member shall be deemed as representing their authority by the Chair or Vice Chair.
- 4.4 In the event of any voting member of the Leaders' Board ceasing to be a member of the constituent authority which appointed him/her, the relevant constituent authority shall as soon as reasonably practicable appoint another voting member in their place.
- 4.5 Where a member of the Leaders' Board ceases to be a Leader of the constituent authority which appointed him/her or ceases to be a member of the Executive of the constituent authority which appointed him/her, he/she shall also cease to be a member of the Leaders' Board and the relevant constituent authority shall as soon as reasonably practicable appoint another voting member in their place.
- 4.6 Each constituent authority may remove its principal member or substitute member and appoint a different member or substitute as per that authority's rules of substitution, and by providing twenty-four hours' notice to the Chair or the Secretary.
- 4.7 The Leaders' Board may from time to time, following a unanimous vote of those present and voting, co-opt additional non-voting members ("co-opted members") at its discretion but such co-opted members will not be members or officers of the constituent authorities.

4.8 Each constituent authority may individually terminate its membership of the Leaders' Board by giving twelve months written notice of its intent to leave the Leaders' Board to the Chair or the Secretary. At the end of these twelve months, but not before, the authority will be deemed to no longer be a member of the Leaders' Board.

4.9 Where an authority has previously terminated its membership of the Leaders' Board it may rejoin the Leaders' Board with immediate effect on the same terms as existed prior to its departure.

5. Quorum

5.1 The quorum shall be 5 members. No business will be transacted at a meeting unless a quorum exists at the beginning of a meeting. If at the beginning of any meeting, the Chair or Secretary after counting the members present declares that a quorum is not present, the meeting shall stand adjourned.

6. Chair and Vice Chair

6.1 The Chair of the Leaders' Board will be the principal member of Staffordshire County Council (subject to para 6.2 below)

6.2 The Leaders' Board will vote annually at its first meeting after all the constituent authorities' annual meetings as to whether the Chair should continue to be the principal member of the County Council or should be the principal member of one of the other constituent authorities.

6.3 The position of Vice Chair shall be filled by the principal member of one of the other constituent authorities of the Leaders' Board and this role will rotate annually between those other constituent authorities.

6.4 The Chair or in their absence the Vice Chair or in their absence the member of the Leaders' Board elected for this purpose, shall preside at any meeting of the Leaders' Board.

6.5 Appointments will be made in May of each year.

6.6 Where, at any meeting or part of a meeting of the Leaders' Board both the Chair and Vice Chair are either absent or unable to act as Chair or Vice Chair, the Leaders' Board shall elect one of the members of the Leaders' Board present at the meeting to preside for the balance of that meeting or part of the meeting, as appropriate. For the avoidance of doubt, the role of Chair and Vice Chair vests in the principal member concerned and in their absence the role of Chair or Vice Chair will not automatically fall to the relevant constituent authority's substitute member.

7. Voting

7.1 One member, one vote for each constituent authority.

7.2 All questions shall be decided by a majority of the votes of the members present, the Chair having the casting vote in addition to their vote as a member of the Committee. Voting at meetings shall be by show of hands.

7.3 On the requisition of any two Members, made before the vote is taken, the voting on any matter shall be recorded by the Secretary so as to show how each Member voted and there shall also be recorded the name of any Member present who abstained from voting.

8. Sub-Committees and Advisory Groups

8.1 The Leaders' Board may appoint sub-committees from its membership as required to enable it to execute its responsibilities effectively and may delegate tasks and powers to the sub-committee as it sees fit.

- 8.2 The Leaders' Board may set up advisory groups as required to enable it to execute its responsibilities effectively and may delegate tasks as it sees fit to these bodies, which may be formed of officers or members of the constituent authorities or such third parties as the Leaders' Board considers appropriate.

9. Hosting and Administration

- 9.1 The Leaders' Board will at their first meeting decide which of the constituent authorities will be the host authority, and the Head of Democratic Services (or equivalent post) from that authority shall be Secretary to the Committee ("the Secretary").
- 9.2 The Leaders' Board will at their first meeting decide which of the constituent authorities will provide the s151 Officer role
- 9.3 The Leaders' Board will at their first meeting decide which of the constituent authorities will provide the Monitoring Officer & Legal Adviser to the Leaders' Board.
- 9.4 The administrative costs of supporting the committee will be met equally by the constituent authorities, with each authority being responsible for receiving and paying any travel or subsistence claims from its own members.
- 9.5 The functions of the Secretary shall be:
- a) to maintain a record of membership of the Leaders' Board and any sub-committees or advisory groups appointed
 - b) to publish and notify the proper officers of each constituent authority of any anticipated "key decisions" to be taken by the Leaders' Board to enable the requirements as to formal notice of key decisions as given under the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 to be met;
 - c) to carry out such notification to and consultation with members of any appointing constituent authority as may be necessary to enable the Leaders' Board to take urgent "key decisions" in accordance with the requirements of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012;
 - d) to summon meetings of the Leaders' Board or any sub-committees or advisory groups;
 - e) to prepare and send out the agenda for meetings of the Leaders' Board or any sub-committees or advisory groups; in consultation with the Chair and the Vice Chair of the Committee (or sub-committee/ advisory group);
 - f) to keep a record of the proceedings of the Leaders' Board or any sub-committees or advisory groups, including those in attendance, declarations of interests, and to publish the minutes;
 - g) to take such administrative action as may be necessary to give effect to decisions of the Leaders' Board or any sub-committees or advisory groups;
 - h) to perform such other functions as may be determined by the Leaders' Board from time to time

10. Meetings

- 10.1 The Leaders' Board will meet no less than every four months and meetings will be aligned where necessary with deadlines for decisions on resources and investment plans.
- 10.2 Meetings will be held at such times, dates and places as may be notified to the members of the Leaders' Board by the Secretary, being such time, place and location as the Leaders' Board shall from time to time resolve.

- 10.3 Meeting papers will be circulated five clear working days in advance of any meeting. The Chair may choose to accept or reject urgent items that are tabled at any meeting.
- 10.4 Additional ad hoc meetings may be called by the Secretary, in consultation, where practicable, with the Chair and Vice Chair of the Committee, in response to receipt of a request in writing, which request sets out an urgent item of business within the functions of the Leaders' Board, addressed to the Secretary:
- (a) from and signed by two members of the Leaders' Board, or
 - (b) from the Chief Executive of any of the constituent authorities.
- 10.5 The Secretary shall settle the agenda for any meeting of the Leaders' Board after consulting, where practicable, the Chair or in their absence the Vice Chair; and shall incorporate in the agenda any items of business and any reports submitted by:
- (a) the Chief Executive of any of the constituent authorities;
 - (b) the Chief Finance Officer to any of the constituent authorities;
 - (c) the Monitoring Officer to any of the constituent authorities; or
 - (d) any two Members of the Leaders' Board.
- 10.6 The Leaders' Board shall, unless the person presiding at the meeting or the Leaders' Board determines otherwise in respect of that meeting, conduct its business in accordance with the procedure rules set out in paragraph 13 below.

11 Access to Information

- 11.1 Meetings of the Leaders' Board will be held in public except where confidential or exempt information, as defined in the Local Government Act 1972, is being discussed.
- 11.2 These rules do not affect any more specific rights to information contained elsewhere under the law.
- 11.3 The Secretary will ensure that the relevant legislation relating to access to information is complied with. Each constituent authority is to co-operate with the Secretary in fulfilling any requirements.
- 11.4 Any Freedom of Information or Subject Access Requests received by the Leaders' Board should be directed to the relevant constituent authority(s) for that authority to deal with in the usual way, taking account of the relevant legislation. Where the request relates to information held by two or more constituent authorities, they will liaise with each other before replying to the request.

12. Attendance at meetings

- 12.1 The Chair may invite any person, whether a member or officer of one of the constituent authorities or a third party, to attend the meeting and speak on any matter before the Leaders' Board.
- 12.2 Third parties may be invited to attend the Leaders' Board on a standing basis following a unanimous vote of those present and voting.
- 12.3 Where agenda items require independent experts or speakers, the Officer or authority proposing the agenda item should indicate this to the Secretary and provide the Secretary with details of who is required to attend and in what capacity. The participation of independent experts or speakers in Leaders' Board meetings will be subject to the discretion of the Chair.

13. Procedure Rules

13.1 Attendance

- 13.1.1 At every meeting, it shall be the responsibility of each member to enter their name on an attendance record provided by the Secretary from which attendance at the meeting will be recorded.

13.2 Order of Business

- 13.2.1 Subject to paragraph 13.2.2, the order of business at each meeting of the Leaders' Board will be:

- i. Apologies for absence
- ii. Declarations of interests
- iii. Approve as a correct record and sign the minutes of the last meeting
- iv. Matters set out in the agenda for the meeting which will clearly indicate which are key decisions and which are not
- v. Matters on the agenda for the meeting which, in the opinion of the Secretary are likely to be considered in the absence of the press and public

- 13.2.2 The person presiding at the meeting may vary the order of business at the meeting.

13.3 Disclosable Pecuniary Interests

- 13.3.1 If a Member is aware that he/she has a disclosable pecuniary interest in any matter to be considered at the meeting, the Member must withdraw from the room where the meeting considering the business is being held:

- (a) in the case where paragraph 13.3.2 below applies, immediately after making representations, answering questions or giving evidence;
- (b) in any other case, wherever it becomes apparent that the business is being considered at that meeting;
- (c) unless the Member has obtained a dispensation from their own authority's Standards Committee or Monitoring Officer. Such dispensation to be notified to the Secretary prior to the commencement of the meeting.

- 13.3.2 Where a member has a disclosable pecuniary interest in any business of the Leaders' Board, the Member may attend the meeting (or a sub-committee or advisory group of the committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

13.4 Minutes

- 13.4.1 There will be no discussion or motion made in respect of the minutes other than except as to their accuracy. If no such question is raised or if it is raised then as soon as it has been disposed of, the Chair shall sign the minutes.

13.5 Rules of Debate

- 13.5.1 A Member wishing to speak shall address the Chair and direct their comments to the question being discussed. The Chair shall decide the order in which to take representations from members wishing to speak and shall decide all questions of order. Their ruling upon all such questions or upon matters arising in debate shall be final and shall not be open to discussion.

- 13.5.2 A motion or amendment shall not be discussed unless it has been proposed and seconded. When a motion is under debate no other motion shall be moved except the following:

- i. To amend the motion
- ii. To adjourn the meeting
- iii. To adjourn the debate or consideration of the item
- iv. To proceed to the next business
- v. That the question now be put
- vi. That a member be not further heard or do leave the meeting

vii. To exclude the press and public under Section 100A of the Local Government Act 1972

13.6 Conduct of Members

13.6.1 Members of the Leaders' Board will be subject to their own authority's Code of Conduct.

14. Application to Sub-Committees

14.1 The procedure rules and also the Access to Information provisions set out at paragraph 11 shall apply to meetings of any sub-committees of the Leaders' Board.

15. Scrutiny of decisions

15.1 Each constituent authority which operates executive arrangements will be able to scrutinise the decisions of the Leaders' Board in accordance with that constituent authority's overview and scrutiny arrangements.

16. Winding up of the Leaders' Board

16.1 The Leaders' Board may be wound up immediately by a unanimous vote of all constituent authorities.

17. Amendment of this Constitution

17.1 This Constitution can only be amended by resolution of each of the constituent authorities.