

Cllr. David Parsons CBE
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East Midlands Leaders' board
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Date: 29 March 2010

Dear Councillor Parsons,

APPROVAL TO ESTABLISHMENT OF A LEADERS' BOARD IN THE EAST MIDLANDS

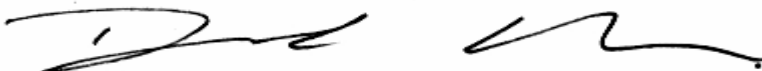
Under the Local Democracy, Economic Development and Construction Act 2009 (section 71) participating authorities in each region must for the purposes of Part 5 of the Act make a scheme for the establishment and operation of a body to be known as a Leaders' Board.

The Secretary of State has considered the scheme (Annex B) that you have submitted for approval under Section 71. I note that the scheme has been the subject of consultation within the region and that the scheme describes the structure and governance arrangements of the Leaders' Board that you wish to establish in the East Midlands.

The Secretary of State has considered the scheme in the light of recent guidance and the case that you have made for the governance arrangements in the East Midlands.

The Secretary of State is content with the submitted scheme and approves the scheme under section 71 and the participating authorities are permitted to establish the Leaders' Board in accordance with the submitted scheme. This Approval takes effect from 1st April 2010.

Yours sincerely,



David Morris

**LOCAL DEMOCRACY, ECONOMIC DEVELOPMENT AND
CONSTRUCTION ACT 2009
PART 5 SECTION 71
APPROVAL OF A BODY AS A LEADERS' BOARD**

Pursuant to Part 5, Section 71 of the Local Democracy, Economic Development and Construction Act 2009 the Secretary of State approves the establishment of the East Midlands Leaders' board in line with the Scheme received 25th February 2010 and this body is recognised as the Leaders' Board for the East Midlands region on and from 1st April 2010.

Signed:

A handwritten signature in black ink, appearing to read 'David Morris', written in a cursive style.

David Morris
Deputy Director
Planning, Performance and Delivery
Communities and Local Government

Date 29 March 2010



Scheme (or Proposal) for the Establishment and Operation of a Leaders' Board for the Region

In preparing a Leaders' Board scheme, Government has advised participating authorities to take account of the 'guidance on the preparation of schemes' and, in particular, the 3 broad criteria highlighted below.

1. It should be streamlined and manageable, able to make strategic, long term decisions, and able to engage effectively with their region's RDA:

(a) How the Leaders' Board remains streamlined, in terms of size and working arrangements whilst meeting the other criteria of effectiveness and ability to represent and retain sufficient authority to speak on behalf of local government within the region.

1.1 Considerable work was undertaken by Local Authorities within the East Midlands to reach agreement on the establishment of a Leaders' Board. The Regional Ministers view, as stated in his letter dated 16th December 2008 (attached as Appendix 1), is that Local Government in the region should adopt the proposed 9+5 model for an East Midlands Leaders' Board (made up of the Leader of each of the Unitary and County Authorities in addition to a Leader from one District in each of the County areas).

1.2 In response to the Regional Minister's letter, District Leaders were invited to nominate a representative for membership of the Leaders' Board (letter attached as Appendix 2).

1.3 This model maximises geographical coverage, reflects the two-tier nature of the region's Local Government structure and includes one quarter of all Local Authorities in the region.

1.4 It was agreed that the East Midlands Local Authority Leaders' Board will have the following members:

Upper-Tier Authorities

- Cllr Hilary Jones (Derby City Council)
- Cllr Andrew Lewer (Derbyshire County Council)

- Cllr Ross Willmott (Leicester City Council)
- Cllr David Parsons (Leicestershire County Council)
- Cllr Martin Hill (Lincolnshire County Council)
- Cllr Jim Harker (Northamptonshire County Council)
- Cllr Jon Collins (Nottingham City Council)
- Cllr Kay Cutts (Nottinghamshire County Council)
- Cllr Roger Begy (Rutland County Council)

District Authorities

- Cllr Ernie White (Blaby District Council)
- Cllr Lewis Rose (Derbyshire Dales District Council)
- Cllr Neil Clarke (Rushcliffe Borough Council)
- Cllr Gary Porter (South Holland District Council)
- Cllr Sandra Barnes (South Northamptonshire District Council)

'Special' Membership

- Peak District National Park Authority (for Regional Strategy purposes)

(b) *Explain the voting rights of all Board members on matters related to the preparation and implementation of the Regional Strategy.*

1.5 The preferred method of decision making at all meetings of the Board and sub groups shall be by consensus, but if any Member requests a ballot then each Member shall each have a single vote.

(c) *How the Leaders' Board will engage with the RDA, in particular the process by which joint decisions will be made.*

1.6 The Regional SNR Change Management Plan proposed that a Joint Strategy Advisory Board (Joint Strategy Advisory Board) is established as a joint instrument of the Local Authority Leaders' Board and the *emda* Board.

1.7 The Joint Strategy Advisory Board is made up of 3 members of the Local Authority Leaders' Board and 3 members of the *emda* Board and is chaired by a Local Authority Leaders' Board representative.

1.8 The purpose of the Joint Strategy Advisory Board will be to support and advise the Local Authority Leaders' Board and the *emda* Board in discharging their joint responsibility to develop, implement and monitor the Regional Strategy, as set out in the Local Democracy Economic Development & Construction Act.

1.9 The Terms of Reference of the Joint Strategy Advisory Board are agreed as:

- Oversee the completion of the Regional Spatial Strategy (RSS) Partial Review (as a review of parts of the first interim Regional Strategy).
 - Oversee the development of the evidence base to support the Regional Strategy.
 - Develop and keep under review the Regional Strategy and advise the Local Authority Leaders' Board and the *emda* Board on the content of the Regional Strategy in order to secure Ministerial endorsement.
 - Develop and monitor the delivery of the Regional Strategy Project Plan, Statement of Community Involvement and Sustainability Appraisal.
 - Develop and keep under review the Regional Strategy Implementation Plan, outlining how the Strategy will be delivered.
 - Monitor the implementation of the Regional Strategy and submit an Annual Monitoring Report to Government in the required format.
 - Oversee advice to Local Planning Authorities and Local Transport Authorities on the conformity between relevant plans and major planning applications and the Regional Strategy.
 - Agree regional responses to Draft National Policy Statements prepared by Government and relevant planning applications made to the national Infrastructure Planning Commission.
 - Establish and oversee a number of supporting working groups and consider their advice on relevant matters.
 - Ensure the engagement of regional stakeholders in the development and delivery of the Regional Strategy through appropriate channels and governance arrangements.
- 1.10 The Joint Strategy Team (made up of staff from *emda* and East Midlands Councils) will support and advise the Joint Strategy Advisory Board in discharging its responsibilities.
- 1.11 The Joint Strategy Team will also be responsible for supporting and coordinating the activities of the Joint Strategy Advisory Board's advisory and working groups.
- (d) The procedure or method that the Leaders' Board will employ to deal with situations where agreement cannot be reached between the Board and the RDA.*
- 1.12 This is an unhelpful asymmetric requirement of Leaders' Boards. While an important requirement for both the East Midlands Leaders' Board and the *emda* Board to agree this 'procedure', it is not considered appropriate to include as a requirement of the Leaders' Board scheme.
- 1.13 However, for the avoidance of doubt, the establishment of the Joint Strategy Advisory Board, through locking together *emda* and East Midlands Leaders' Board Members within a single advisory board, should minimise and address

- situations where agreement cannot be reached between the East Midlands Leaders' Board and *emda* Board.
- 1.14 If this arrangement is unable to resolve disagreement, then the Chairs, Vice-Chairs and Chief Officers of respective Boards should meet in order to broker proposals for subsequent agreement by their Boards. The Regional Director, GOEM would be invited to support these discussions.
- (e) *The streamlined procedures and structures to be put in place to enable members and officers of Leaders' Boards to deliver effective and timely decision making at the appropriate level.*
- 1.15 The East Midlands Leaders' Board will be held quarterly. However, extraordinary meetings would be called at the discretion of the Chair and Vice-Chair.
- 1.16 To enable the effective development and delivery of the Regional Strategy, the Joint Strategy Advisory Board and associated sub-groups will have appropriate levels of delegated authority in order to discharge their advisory responsibilities.
- 1.17 The Secretariat working directly to the East Midlands Leaders' Board will be responsible for implementing the decisions of the Board.
- 1.18 The senior officer of the Secretariat will be directly accountable to the Board.
- 1.19 The Joint Strategy Advisory Board will be responsible for developing a joint project plan (approved by the East Midlands Leaders' Board and *emda* Board) for the development and delivery of the Regional Strategy.
- (f) *How the Leaders' Board will refresh or re-elect its membership or change its rules. The provision of the rules or constitution of the Leaders' Board would be helpful.*
- 1.20 The following terms of office are agreed:
- The Leader of each Upper-Tier Authority is a 'permanent' member of the East Midlands Leaders' Board.
 - The Districts in each County area will be responsible for nominating its Member (and 'named alternate' Member) for the timescale that they regard as appropriate.
- 1.21 Alterations to this Constitution shall be made only by the Board at each Annual Meeting or any Extraordinary General Meeting. This is on the basis of a simple majority with the Chair having a casting vote in the event of a tied vote.

1.22 The Constitution for the East Midlands Leaders' Board is attached to this scheme (as Appendix 3).

2. Representative of Local Government across the whole of their region – including representatives from e.g. key sub-regions, upper and lower tier authorities, the main political groupings:

(a) The way representation, on the Leaders' Board, of participating authorities from across the region, including predominantly rural authorities, will work.

2.1 The East Midlands proposes to adopt the 9+5 model for a Leaders' Board on the following basis:

- The Leader of each of the Unitary and County Authorities.
- The Leader from one District Authority in each of the County areas.

This model maximises geographical coverage, includes representatives from key sub-regions, including urban and rural, and reflects the two-tier nature of the region's Local Government structure.

(b) Each type of participating authority (including National Parks and the Broads authorities, where they exist) must be offered at least one seat on the Leaders' Board.

2.2 In view of the requirement that Leaders' Boards offer (where they exist in a region) at least one seat to National Parks, the East Midlands Leaders' Board has reached agreement with the Peak District National Park Authority on ensuring their interests are reflected on the Board.

2.3 For discussions and decisions relating solely to the development and delivery of the Regional Strategy, the Chair of the Peak District National Park Authority will be invited to make a full contribution through attendance at meetings of the Leaders' Board.

2.4 Therefore, in practice, the National Park Authority will expect to have 'special membership' of the Leaders' Board for the purposes of preparing the Regional Strategy. It will also expect to be a Member of relevant sub groups established for this purpose to prepare and monitor the Regional Strategy and be part of any decision making body arrived at for the purposes of the Regional Strategy. It will not expect to use its membership for engaging in debates that it has no statutory role.

2.5 Consequently, it is agreed that the Peak District National Park Authority would write to CLG/BIS informing them that they are being offered a position

equivalent to a seat on the Leaders' Board and as such this would be compliant with Ministerial guidance.

(c) *How the interests of key sub regions will be represented on the Board*

2.6 The Secretary of State is reminded that the adopted 9+5 model for the East Midlands Leaders' Board supports the membership of:

- 4 Unitary Authorities (including the 3 cities of Derby, Leicester and Nottingham and the rural unitary authority of Rutland County Council.)
- 5 County Authorities
- 5 District Authorities (one from each County area)

2.7 Therefore, the interests of key sub-regions (be they city, urban, city-county, county and rural) are all able to be reflected in decision making.

(d) *The extent that the Leaders' Board will be representative of:*

- (i) *The main political parties;*
- (ii) *Minor parties, including independents.*

2.8 Membership of the East Midlands Leaders' Board reflects the political control of the region's Local Authorities. Consequently, Members agreed a Conservative Chairman (Cllr David Parsons CBE) and a Labour Vice-Chairman (Cllr Jon Collins).

2.9 On the basis of current political control, the Conservatives, Labour and Liberal Democrat parties are all represented.

2.10 East Midlands Councils, the wider Local Government consultative forum, will have Membership from each of the region's Local Authorities and will include an additional 46 members appointed on the basis of the region's political balance.

3. Comprised of local authority leaders, who are members with sufficient authority to act on behalf of all Local Government in the region:

(a) *How members of the Leaders' Board will have sufficient seniority and sufficient powers invested in them to be able to make binding decisions on behalf of all authorities in the region. Members of Leaders' Boards must be elected members but need not necessarily be Leaders of participating authorities.*

3.1 It should be noted that the regional partners believe the term 'Leaders' Board' referred to in the SNR legislation is not accidental. It is the clear intention of Local Authorities that all Members of such a Board are expected to be Leaders of their respective Local Authorities however they are appointed to the Leaders' Board.

3.2 In order to respond to the challenges posed by SNR it has been necessary to undertake a full review of the regional architecture in order to establish a more effective governance structure for strategic policy development and delivery.

3.3 The Local Authority Leaders' Board is at the centre of any revised regional architecture from the Local Authority perspective. The East Midlands Leaders' Board will be the strategic decision making body on issues of interest and relevance to Local Authorities at the regional level. A strong voice on behalf of Local Government is needed to:

- Provide leadership on behalf of Local Government in the region and develop effective partnerships with key organisations, e.g. emda, GOEM, Homes and Communities Agency, Environment Agency, Strategic Health Authority and wider stakeholders (including the business, environmental and community/voluntary sectors).
- In conjunction with *emda*, joint responsibility for agreeing the Single Regional Strategy, including its drafting, implementation and monitoring of its delivery.
- Influence Government in those critical areas and agree key strategies and investment plans, e.g. Regional Funding Advice.
- Act as the decision-making executive for East Midlands Councils.

(b) How all participating authorities will engage with the Leaders' Board and be involved in the preparation or revision of the Regional Strategy.

3.4 Given the need for the revised governance arrangements to be representative of, and responsive to, Local Government in each region it is agreed that there is both a need and role for a regional partnership organisation of all Local Authorities.

3.5 The regional partnership of Local Authorities, called East Midlands Councils, is developed within an optional balance between four principles of effective governance:

- Political balance
- Leadership
- Streamlined
- Inclusivity

3.6 It is agreed that East Midlands Councils is developed within the following principles:

- To represent the interest of all 46 Local Authorities in the region.
- To act as a representative and influencing body.

- To provide a line of accountability from the Leaders' Board to wider Local Government.
 - To make appointments to national and regional bodies in liaison with the East Midlands Local Authority Leaders' Board.
 - To provide a reporting mechanism for regional Local Government partnerships, e.g. RIEP.
 - To consider how its relationship with national LGA can best be structured.
 - Meets at least bi-annually.
 - The Leaders' Board will report progress in developing and delivering the Regional Strategy.
 - East Midlands Councils would have no executive decision making responsibilities. Its role is to specifically act as a wider Local Government forum.
- 3.7 Development of the Regional Strategy will be a consultative process. If the East Midlands Leaders' Board is to represent the views of Local Authorities, then it is important that it is able to engage with a wider consultative forum to ensure that decisions appropriately reflect local, sub-regional and regional priorities.
- 3.8 The East Midlands Leaders' Board will consult with all Local Authorities in the development, agreement and delivery of the Regional Strategy.
- (c) *What mechanism is to be used by participating authorities to select an individual to represent their interests on the Leaders' Board.*
- 3.9 The following terms of office are agreed:
- The Leader of each Upper-Tier Authority is a 'permanent' member of the LALB.
 - The Districts in each County area will be responsible for nominating its Member (and 'named alternate' Member) for the timescale that they regard as appropriate.
 - It is appropriate that District Councils themselves within each County area manage their own nomination process.
- (d) *How the Leaders' Board will be held to account by the participating authorities.*
- 3.10 East Midlands Councils will be developed within the following principles:
- To represent the interest of all 46 Local Authorities in the region.
 - To act as a representative and influencing body.
 - To provide a line of accountability from the Leaders' Board to wider Local Government.

- 3.11 East Midlands Councils, the proposed consultative form of all Local Authorities, will hold the East Midlands Leaders' Board to account in developing and delivering the Regional Strategy.
- 3.12 The principle that the Leaders' Board, by acting on behalf of all the regions' Local Authorities needs to be accountable to all Local Authorities, is central to the revised regional governance arrangements. This is reflected in the proposed relationship between the East Midlands Leaders' Board and East Midlands Councils.