



Establishment of Leaders' Boards:

Guidance on the preparation of schemes



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Communities and Local Government
Eland House
Bressenden Place
London
SW1E 5DU
Telephone: 020 7944 4400
Website: www.communities.gov.uk

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Introduction

1. Local government is thriving, innovative, powerful, and well placed to respond to the challenges ahead. The Local Democracy, Economic Development and Construction Act (herein after referred to as “the Act”) is designed to reinforce that position by strengthening local democracy and supporting economic development. Local government has an important role to play in the development of their areas and to recognise that central government is providing powers to local government, in concert with Regional Development Agencies (RDAs), to be jointly responsible for revising, implementing and monitoring the Regional Strategy for their respective region.
2. Under Clause 71 of the Act participating authorities in each region are required to prepare a scheme (or proposal) for the establishment and operation of a Leaders’ Board for the region (in regions outside London).
3. Leaders’ Boards will be streamlined, representative and authoritative bodies, comprised of elected members drawn from participating authorities, which will enable local government to act collectively at the regional level to fulfill their responsibility in relation to the revision and implementation of the Regional Strategy jointly with the RDA. They are a mechanism for democratic input into the regional strategy and ensure that we join up councillor input at the regional level.
4. Regional strategy work will require a significant amount of evidence gathering and engagement with stakeholders and close working with the RDA. Participating authorities will need to agree the working arrangements that will best serve them and their region.
5. This guidance sets out the broad range of considerations that the Secretary of State will take into account when considering schemes for the establishment and operation of a Leaders’ Board. The Government does not wish to be prescriptive about regional structures and working arrangements. This includes the approach to providing access to information, other than where legislation applies. All regions are different and it is therefore important that they should be able to develop arrangements that suit their particular circumstances. These will be taken into account by the Secretary of State when considering schemes.
6. This guidance does not cover the process of preparing regional strategies or set out the Government’s policy on the expected content and outcomes of regional strategies. That policy is contained in the draft statement which is currently being considered in the light of the consultation¹.
7. Until the provisions of Part 5 of the Act come into effect, current legislation² on Regional Spatial Strategies and Regional Economic Strategies remains in force. However, to ensure that momentum on strategy preparation is

¹ Draft Policy Statement on Regional Strategies

² Regional Development Agencies Act 1998 and the Planning and Compulsory Purchase Act 2004

maintained, work undertaken under current legislation will form part of the preparation of Regional Strategies where appropriate.

The scheme

8. Participating authorities (which include relevant district, unitary and county councils and National Parks authorities and the Broads Authority) will be responsible for drawing up the scheme and will need to agree among themselves what mechanism they will use to allocate seats on the Leaders' Board.
9. The Scheme must be subject to consultation among the participating authorities and stakeholders within the region³ before it is submitted to the Secretary of State⁴. The Government does not intend to prescribe the form of consultation to be undertaken but in considering if adequate and effective consultation has taken place, the Secretary of State will take into account the guidance contained in the Government Code of Practice on Consultation⁵.
10. Where an interim Leaders' Board has in effect already been operating within a region and or where an arrangement can be shown to have wide ranging support then once the provisions of the Act commence a reduced consultation period of six weeks on the scheme is likely to be appropriate.
11. Feedback on the public consultation on proposals taking forward the Sub-National Review⁶ endorsed the requirement for Leaders' Boards to meet three broad criteria (highlighted below). In preparing a Leaders' Boards scheme participating authorities should ensure that their proposal is consistent with them and take account of the considerations which serve to amplify the criteria.

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 while meeting the other criteria of effectiveness and ability to represent and retain sufficient authority to speak on behalf of local government within the region⁷.
- (b) Explain the voting rights of all Board members on matters related to the preparation and implementation of the Regional Strategy.
- (c) How the Leaders' Board will engage with the RDA, in particular the process by which joint decisions will be made.
- (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.

³ Clause 71(4) of the Act

⁴ Clause 71(5) of the Act

⁵ See www.berr.gov.uk/files/file47158.pdf

⁶ Prosperous Places: taking forward the review of sub-national economic development and regeneration- the Government response to public consultation (November 2008)

⁷ It is not necessary to have a representative from each participating authority on the Leaders' Board.

- (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.
- (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.

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.
- (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' Board⁸.
- (c) How the interests of key sub-regions will be represented on the Board
- (d) The extent that the Leaders' Board will be representative of:
 - (i) the main political parties
 - (ii) minor parties, including independents

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 members⁹ but need not necessarily be Leaders of participating authorities.
- (b) How all participating authorities will engage with the Leaders' Board and be involved in the preparation or revision 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.
- (d) How the Leaders' Board will be held to account by the participating authorities.

⁸ Where a National Park falls within two or more regions its interests will only need to be represented on one Leaders' Board.

⁹ However, where the elected members of the National Park authorities are agreed, the National Park representative on the Leaders Board can be a Secretary of State appointee.

Timing and submission of the scheme

12. Clause 71 of The Local Democracy, Economic Development and Construction Act commenced on 25 November 2009. Regions can now consult on and submit their schemes. The remaining provisions in Part 5 of the Bill dealing with the preparation of Regional Strategies will come into force for all regions on a day appointed by the Secretary of State. This is expected to be 1 April 2010.
13. The scheme submitted to the Secretary of State should be agreed by the participating authorities and should have been discussed with the Government Office during its preparation.
14. If the Secretary of State has any concerns about a scheme he will advise the participating authorities through the Government Office who will seek to broker a scheme that will be acceptable.
15. Once the Secretary of State has approved a scheme the participating authorities are required to establish the Leaders' Board in accordance with the scheme¹⁰.
16. Once completed the scheme should be submitted to your Government Office who will forward it to CLG.
17. As the Freedom of Information Act may not apply to all Leaders' Boards, depending on how they are established, it is intended that to ensure consistency they will be added via a section 4 order to the list of bodies to which schedule 1 of the FOI Act applies.

¹⁰ Clause 71(6) of the Act.