

Meeting Executive / Council
Portfolio Area Environment and Regeneration
Date 18 November 2020 / 16 December 2020



HERTFORDSHIRE GROWTH BOARD – PROPOSED FUTURE GOVERNANCE ARRANGEMENTS

KEY DECISION

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1. PURPOSE

1.1. To seek authority to establish the Hertfordshire Growth Board and Hertfordshire Growth Board Scrutiny Committee as formal joint committees under the Local Government Act 1972 and Local Government Act 2000.

2. RECOMMENDATIONS

2.1. That Executive:

- 2.1.1. agrees to the establishment of the Hertfordshire Growth Board Joint Committee as a Joint Committee (inaugural meeting being planned to take place in January 2021);

- 2.1.2. nominates the Leader of the Council as the Council's representative on the Hertfordshire Growth Board Joint Committee with delegated authority to appoint a substitute representative as required.
- 2.2. The Executive recommends to Council that it:
- 2.2.1. agrees to the establishment of the Hertfordshire Growth Board Joint Committee and Hertfordshire Growth Board Scrutiny Committee as Joint Committees (inaugural meetings being planned to take place in January / February 2021);
 - 2.2.2. adopts the Hertfordshire Growth Board Integrated Governance Framework into the Council's Constitution;
 - 2.2.3. notes that the Leader of the Council is nominated as the Council's representative on the Hertfordshire Growth Board Joint Committee with delegated authority to appoint a substitute representative as required;
 - 2.2.4. delegates to the Leader of the Council authority to nominate a Councillor and a substitute as its representative on the Hertfordshire Growth Board Scrutiny Committee (nominees must not be a Member of the Executive).

3. BACKGROUND

- 3.1. Attached at Appendix A is a detailed report prepared on behalf of all Hertfordshire District and Boroughs, the County Council and the Local Enterprise Partnership (LEP), recommending to each authority the setting up of a formal Joint Committee and Joint Scrutiny Committee to manage and oversee the work of the Hertfordshire Growth Board (**the Board**).
- 3.2. The Board has been operating as a non-constituted partnership of the District and Borough Council, the County Council and the LEP since 2018. During the course of the last 12 months a formal memorandum of understanding has been entered into to support the activities of the Board and efforts to secure Growth Deal bids for Hertfordshire. Executive agreed for the Council to enter into the Hertfordshire Growth Board Memorandum of Understanding at its Meeting on Monday 16 December 2019.
- 3.3. In order for Growth Deal funding to be secured it is now necessary for the Board to be formally constituted with an appropriate governance model giving it both legal identity and statutory weight. Approving the formation of Statutory Joint Committee and Joint Scrutiny Committee will demonstrate to the Ministry of Housing, Community and Local Government (MHCLG) a clear commitment on behalf of SBC, and all other Hertfordshire local authorities, to the growth agenda and the required governance structures necessary to support this.
- 3.4. The primary aim of the Board is to coordinate strategic planning and delivery across Hertfordshire, in accordance with the Board's Terms of Reference. The Board will be bidding to central Government to secure Growth Funding through the Single Housing Infrastructure Fund and / or other funding streams which require formal governance models for the purpose of providing accountability and transparency for the local management of any funds received. Where funding is secured the Board will commission appropriate projects and retain overall control

of the project programme. Professional and technical support for the Board will be provided by the County Council.

3.5. It is important to note that, in agreeing to establish the Board, each Council will retain control over the following executive and non-executive functions:

3.5.1. statutory planning functions;

3.5.2. statutory housing functions;

3.5.3. statutory functions relating to economic development;

3.5.4. statutory highways and transport functions.

Together with any matters that are incidental to the exercise of the above functions.

3.6. The Joint Committee will have delegated authority to exercise a range of general and specific functions which are set out in paragraphs 4.1 and 4.2 of the Joint Committee's Term of Reference (pages 11-12 of Appendix A).

3.7. Initially meetings of the Joint Committee will be held using a virtual platform and will move to in-person meetings as and when legislation allows (or requires).

3.8. An All Member Briefing, Chaired by the Leader, was undertaken on Monday 2 November 2020. Patsy Dell, Director, Hertfordshire Growth Board, attended the briefing and supported the Leader along with the SBC officers present by responding to some of the specific questions as they arose.

3.9. Members attending noted that the Board will provide an opportunity for wider strategic engagement across Hertfordshire as well as the wider region. Members also sought assurance on: the funding mechanism for the Board; how the joint scrutiny function would operate; how the Board will communicate effectively with the community at large; the position of Hertfordshire's Members of Parliament on the establishment of the Board and particularly that of the Member of Parliament for Stevenage.

4. REASONS FOR RECOMMENDED COURSE OF ACTION AND OTHER OPTIONS

4.1. The formation of, and participation in, the Joint Committee and Joint Scrutiny Committee will improve the prospects of Hertfordshire securing Growth Deal funding from Government and then enable the Council to access vital funding for wider infrastructure projects; failure to form the Joint Committee and Joint Scrutiny Committee will almost certainly exclude the Council from accessing Growth Deal funding. It is of note that the Joint Committee will maintain a particular focus on the regeneration of the county's new towns.

4.2. There is no direct cost to the Council in the operation of the Joint Committee and Joint Scrutiny Committee as the administrative costs will be met by the Growth

Board Growth fund and funding for any commissioned projects will also be provided from Growth Deal funds.

- 4.3. Should the Council choose not to form the proposed Joint Committee and Joint Scrutiny Committee it will lose the opportunity to access vital infrastructure funding as well as the opportunity to influence and shape the future direction of infrastructure growth and development both in the Borough and across Hertfordshire.

5. IMPLICATIONS

Financial Implications

- 5.1. As set out at paragraph 4.1 above there is no direct cost to the Council in the operation of the Joint Committee as the administrative costs will be met by the Growth Board Growth fund and funding for any commissioned projects will also be provided from Growth Deal funds. Additionally all professional technical and professional support will be provided to the Board by the County Council.

Legal Implications

- 5.2. Local authorities are able to constitute joint committees with other authorities to discharge functions as set out in Sections 101 and 102 of the Local Government Act 1972; Section 9EB of the Local Government Act 2000 and the Local Authorities (Arrangement for the Discharge of Functions) (England) Regulations 2012.
- 5.3. The functions proposed to be delegated to the Joint Committee are set out in full at section 4 of the Terms of Reference document annexed to this report as Appendix A but Members will note that Section 4.3 clarifies the specific statutory functions which are excluded from this delegation (as noted above).
- 5.4. The Council may withdraw from the Joint Committee by serving a minimum of 6 months' notice with any withdrawal only taking effect from the beginning of the following financial year. Members will note that any withdrawal from the Joint Committee will have very serious implications for the delivery of any Growth Deal programme then in existence (see paragraph 8 of the Terms of Reference). In the event of a Council withdrawing from the Joint Committee, that Council will be liable to pay all additional costs that are reasonably attributable to their decision to withdraw.

Policy Implications

- 5.5. There are no specific policy implications for the Council as it will retain control of its statutory functions on housing, planning and economic development.

Planning Implications

- 5.6. There are no specific planning implications on planning issues as the Council retains control of its Statutory Planning Functions. It is of note that section 33A of the Planning and Compulsory Purchase Act 2004 places a duty on district and county councils to cooperate in relation to matters of sustainable development planning.

Climate Change Implications

5.7. The Terms of Reference recognise that the Council has committed to achieving a carbon neutral position for the Borough by 2030.

Equalities and Diversity Implications

5.8. When considering proposals placed before Members it is important that they are fully aware of, and have themselves rigorously considered, the equalities implications of the decision that they are taking.

5.9. Rigorous consideration will ensure that proper appreciation of any potential impact of that decision on the County Council's statutory obligations under the Public Sector Equality Duty. As a minimum this requires decision makers to read and carefully consider the content of any Equalities Impact Assessment (EqIA) produced by officers.

5.10. The Equality Act 2010 requires the Council when exercising its functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics under the Equality Act 2010 are age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief, sex and sexual orientation.

5.11. Officer's consider that the establishment of the Joint Committee and Joint Scrutiny Committee will be of universal impact and as such will not disproportionately affect those in the community with protected characteristics.

BACKGROUND DOCUMENTS

BD1 Notice of Decisions; Executive, Monday 16 December 2019, 2pm

APPENDICES

A Hertfordshire Growth Board Integrated Governance Framework