

Growth Board 26th April 2018

Agenda item – Growth Board Terms of Reference

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REPORT TO OXFORDSHIRE GROWTH BOARD GROWTH BOARD TERM OF REFERENCE

1) REPORT PURPOSE

The Oxfordshire Housing and Growth Deal included a commitment to review the Growth Board Terms of reference by April 2018 to reflect new responsibilities for oversight of delivery of the Oxfordshire Housing and Growth Deal (the Deal). This report sets out the key changes that result from that review and the revised Terms of Reference.

RECOMMENDATIONS

- i. That the Growth Board endorse the revised Terms of Reference for the Oxfordshire Growth Board (the Joint Committee)

2) BACKGROUND

- 2.1) The Housing and Growth Deal delivery plan confirms that the Growth Board Terms of Reference will be reviewed by April 2018 to reflect new responsibilities for oversight of the deal.
- 2.2) The report on the Oxfordshire Growth Deal agreed by each of the Oxfordshire Councils in February, delegated authority to the Chief Executive/Head of Paid Service/Cabinet*, in consultation with the Leader and the Growth Board, to review the Terms of Reference of the Growth Board and agree both any amendments and any appropriate inter-authority agreements required to support the delivery of the Deal.
- 2.3) This paper reflects Chief Executives' agreed recommendations on the changes to Growth Board Terms of Reference that are required to ensure successful delivery of the Deal. The review has been undertaken with input from the Executive Officer Group of the Growth Board, the Monitoring Officers and Heads of Finance from all the Oxfordshire Councils and in consultation with the Leaders of the Oxfordshire Councils.

3) HOUSING AND GROWTH DEAL GOVERNANCE

3.1) The Oxfordshire Housing and Growth Deal Delivery Plan confirms that:

- 3.1.1) Once approved by the constituent authorities, delivery of the Deal will be overseen by the Oxfordshire Growth Board.

- 3.1.2) The Oxfordshire Growth Board will make all decisions on the use of the Deal grant funding agreed in the Delivery Plan by Government and approved by all constituent authorities, as well as other funding necessary for the purposes of the Deal.
- 3.1.3) Recommendations to the Oxfordshire Growth Board on funding decisions and reporting on programmes will come from officer Programme Groups, via the Executive Officer and Chief Executive Groups reporting into the Oxfordshire Growth Board.
- 3.1.4) The terms of reference for the Oxfordshire Growth Board will be reviewed and amended by April 2018 to include oversight of the delivery of the Deal, to include:
 - a) Prioritisation and allocation of funding from the Deal and from the accountable body to the body responsible for delivery of projects
 - b) approve and monitoring of the implementation of a detailed work programme for delivery for each strand of the Deal (including infrastructure, affordable housing funding, and capacity funding)
 - c) Oversight of a productivity strand work programme, to be delivered by OxLEP
 - d) Oversight of the Joint Statutory Spatial Plan work programme (recognising that the draft plan will be subject to examination and that the adoption of the plan will require a decision by each constituent council at the end of the process)
 - e) Establishment of Workstream Governance Groups for Infrastructure Funding and Affordable Housing, and the establishment of a Joint Statutory Spatial Plan (JSSP) Project Board to guide the preparation of the JSSP

4) Key elements of the revised Terms of Reference

- 4.1) **Purpose and function-** The revised Terms of Reference have updated the purpose and functions of the Growth Board to reflect responsibility for oversight of the Deal as outlined in the Delivery Plan and set out above [section 3 and section 7].
- 4.2) **Voting arrangements-These** remain as they were with one vote for each constituent local authority member, although members intend to vote on a majority basis where possible. The accompanying protocol for voting has been amended to establish that where a proposition would give rise to contractual or financial implications for a constituent authority that they do not wish to support,

they may opt out of the proposition before a vote is taken but this will not prevent other parties proceeding with the proposition [section 5].

- 4.3) **Advisory Sub Groups** - The Terms of Reference enable the Growth Board to establish advisory sub groups to the Board as required and specifies three sub groups to oversee delivery of work programmes to meet the key milestones and targets set out in the Deal relating to Infrastructure Funding, Affordable Housing and the Joint Statutory Spatial Plan. [Section 7.4.5].
- 4.4) The establishment of the sub groups will help to manage the increased work for the Board resulting from the Deal and will involve a wider group of members from the constituent authorities in the work of the Growth Board. The Boards will be advisory and decision-making will remain with the Growth Board Joint Committee (or constituent councils in the case of key decisions on the JSSP).
- 4.5) **Scrutiny Arrangements** – Given the increased Growth Board responsibilities for allocation of funding streams under the Deal, new arrangements will be put in place to ensure effective scrutiny of Growth Board functions and decisions. A Scrutiny Panel for the Growth Board will be established to enable the constituent authorities to coordinate Scrutiny activity to avoid duplication and multiple scrutiny processes. Membership will be three representatives from each constituent authority, to be determined by that authority. The Scrutiny panel will be non-statutory to enable flexibility for the constituent councils to align with the membership of local scrutiny committees. The ability of individual authority Scrutiny Committees to scrutinise the Growth Board will remain, but it is intended that a coordinated approach will be normal practice. The Terms of Reference and working arrangements for the Scrutiny Panel will be developed with input from the Scrutiny Committees of each of the individual authorities.
- 4.6) **Resources, capacity and support arrangements**
- Section 151 and Monitoring Officer roles for the GB will continue to be provided to the Committee by Oxfordshire County Council as Accountable Body.
 - Democratic Services will continue to be provided by the chairing authority for the main Growth Board meetings
 - Policy advice and support will continue to be provided by the Growth Board Executive Officers Group reporting to the Chief Executives of the constituent local authorities.
 - Resources and capacity required to deliver the Deal will be agreed by the Chief Executives group.
- 4.7) The structure for governance and officer support arrangements is included as an appendix to the Terms of Reference.

Oxfordshire Growth Board Joint Statutory Committee

Terms of Reference (revised April 2018)

1.0 Governance

- 1.1 The Oxfordshire Growth Board (the Joint Committee) includes the local authorities within Oxfordshire comprising, Cherwell District Council, Oxford City Council, South Oxfordshire District Council, Vale of White Horse District Council, West Oxfordshire District Council and Oxfordshire County Council.
- 1.2 It will also include co-opted non-voting named members from those organisations listed at 4.4 below. In addition, when considering transport infrastructure matters then Network Rail and Highways England will have the right to attend the Oxfordshire Growth Board as non-voting partners.
- 1.3 The Oxfordshire Growth Board is a Joint Committee under s101 (5), 102 Local Government Act 1972 (LGA 1972) and s9EB Local Government Act 2000 (LGA 2000) and pursuant to the Local Authorities (Arrangement for the Discharge of Functions) (England) Regulations 2012.
- 1.4 The Joint Committee will meet in public subject to the provisions of s100 LGA 1972 as amended by the Local Government (Access to Information) Act 1985 (LGAIA 1985).¹⁵ The Joint Committee will be hosted under local government arrangements and this will be rotated in accordance with the arrangements for the Chairman (see Section 9.1).
- 1.5 The Joint Committee will establish advisory sub groups (Sub Groups) in accordance with the principles set out in Section 8.0.
- 1.6 The governance and officer resource structure for the Joint Committee is set out in Appendix 1

2.0 Accountable Body

- 2.1 The Accountable Body for the Growth Board is Oxfordshire County Council which will provide Section 151 and Monitoring Officer roles to the Committee in accordance with the prevailing Memorandum of Understanding between Oxfordshire County Council and the Growth Board.
- 2.2 The County Council's Director of Finance (Section 151 Officer) will provide the Growth Board with quarterly financial reports for funding Oxfordshire County Council has been allocated directly as the Accountable Body as well as funding streams allocated to the Oxfordshire Local Enterprise Partnership (OxLEP). These reports will provide the Board with an overview of the funds spent, funds committed against funds allocated.

- 2.3 Programme management will be provided by the Growth Board Programme Manager and will include milestones and outcomes achieved and where necessary, ensure that action plans are put in place to address any concerns.
- 2.4 For those programmes and funding streams where another local authority is the Accountable Body the relevant Section 151 Officer will provide the financial and programme performance information to the County Council's Section 151 Officer to enable a complete picture to be presented to the Growth Board.

3.0 Purpose of the Oxfordshire Growth Board

- 3.1 To facilitate and enable collaboration between local authorities and OxLEP on economic development, strategic planning and growth.
- 3.2 To deliver cross-boundary programmes of work including the Oxfordshire Housing and Growth Deal, City Deal, and Strategic Economic Plan programmes, within government timescales, including agreeing the detailed contents of specific priorities, plans, projects and programmes.
- 3.3 To coordinate collective engagement of Oxfordshire Growth Board Partners with other national, regional and sub-regional bodies on growth, infrastructure and strategic planning matters.
- 3.4 To use the Housing and Growth Deal Assurance Framework as the basis on which the appraisal, assessment and prioritisation for programmes and projects within the Housing and Growth Deal will be undertaken.
- 3.5 To approve and monitor the implementation of a detailed work programme for the Oxfordshire Housing and Growth Deal, Local Growth Fund as laid out in the City Deal, Strategic Economic Plan and any future Growth Deals, funding streams or other programmes as agreed.
- 3.6 To monitor the preparation of a Joint Statutory Spatial Plan under Section 28 of the Planning and Compulsory Purchase Act 2004.
- 3.7 To bid for the allocation of resources and investment to support the above purposes.
- 3.8 Each constituent Authority shall retain the capability to exercise all non-executive functions in addition to executive functions generally and specifically in relation to economic development including where applicable provision of housing, strategic spatial planning and strategic transport planning.

4.0 Membership

- 4.1 As the Joint Committee may discharge executive functions then the appointed person must be from the Executive. There should be one member from each constituent authority.

- 4.2 Each constituent authority shall appoint a substitute (also being an executive member). The substitute member shall have the same rights of speaking and voting at the meetings as the member for whom the substitution is made.
- 4.3 The Joint Committee will appoint a Chair and Vice Chair of its choice each year.
- 4.4 Other non-voting members as required for good linkages with OxLEP shall be a single named-position representative as detailed below:
- Chairman of OxLEP
 - Chair, Oxfordshire Skills Board
 - Universities Representative
 - OXLEP Business Representative-Bicester
 - OXLEP Business Representative-Oxford City
 - OXLEP Business Representative-Science Vale
 - Homes England Representative
 - Oxfordshire Clinical Commissioning Group
- 4.5 When considering transport infrastructure matters then a single representative of Network Rail and Highways England will have the right to attend the Growth Board as non-voting partners.
- 4.6 The Joint Committee with the agreement of the voting members will be able to co-opt other non-voting representatives to the Growth Board where it is considered conducive to the effective consideration of any matter.
- 4.7 The Joint Committee will appoint a representative of the Growth Board to the Sub-national Transport Board and any other outside bodies of which the Growth Board has membership.

5.0 Voting

- 5.1 One member, one vote for each constituent authority member although members intend to agree matters on a unanimous basis where possible.
- 5.2 Normal rules as to declarations of interest to be applied to local authority members in accordance with the respective Council's Code of Conduct.

6.0 Quorum & Safeguard

- 6.1 The quorum for a meeting shall be four voting members.
- 6.2 Where the effect of a particular proposition, if adopted by the Joint Committee on a majority basis, would give rise to contractual or financial implications for a constituent authority that it does not support then a protocol will be established whereby that authority may opt out of participation in that proposition in so far as it affects their authority before the/any vote is taken but this will not prevent the

other parties proceeding with the proposition. In respect of other matters, all other voting will be on a normal majority basis.

7.0 Functions

7.1 The opportunity provided by the Growth Board is to streamline governance arrangements under a single governing body, which may include cross-boundary and cross-corridor representation on behalf of the Joint Committee at a sub-regional level.

7.2 The functions of the Growth Board are as follows:

General Functions

- 7.2.1 To provide a partnership forum for the discussion, agreement and advancement of a comprehensive growth strategy for Oxfordshire, in particular:
- 7.2.2 To oversee the local government aspects of the City Deal, Local Growth Fund and any future funding streams and programmes.
- 7.2.3 To provide a forum for partnership working and collaboration on spatial planning, economic development, housing, transport, and general infrastructure issues arising at regional and sub-regional level.
- 7.2.4 To provide a forum for the identification of priorities, development of investment strategies and strategic economic plans for Oxfordshire;
- 7.2.5 To lead and co-ordinate liaison with the relevant Government agencies on collective Oxfordshire strategies and priorities.
- 7.2.6 To bid for and secure allocation of investment and resources needed to progress identified strategies and priorities.
- 7.2.7 To have the role of prioritising infrastructure schemes to be funded from devolved funding sources, not already within the remit of the Local Transport Authority, to ensure that decisions are made in one place and supported by all relevant partners and stakeholders.

Strategic Planning functions

- 7.3.1 To oversee joint work on cross border issues to ensure partners meet the requirements of the Duty to Cooperate under S33A of the Planning and Compulsory Purchase Act 2004 and wider national planning policy;
- 7.3.2 To assess whether spatial planning, infrastructure and public services are integrated and make recommendations to encourage this
- 7.3.3 To monitor the production of collective spatial plan studies as determined by the Board (including the Joint Statutory Spatial Plan)

- 7.3.4 To provide, when relevant comment on wider proposals, consultations, and funding investment decisions from national agencies, where these have a strategic impact on Oxfordshire.

Oxfordshire Housing and Growth Deal Functions

- 7.4.1 To oversee and ensure delivery of the Oxfordshire Housing and Growth Deal (from this point referred to as “the Deal”), including:

- 7.4.1 To prioritise and allocate all funding from the Deal and from the Accountable Body to the body responsible for delivery of projects
- 7.4.2 To approve and monitor the implementation of a detailed work programme for delivery of the Deal (including infrastructure, affordable housing funding and capacity funding)
- 7.4.3 To oversee the delivery of a productivity stream work programme to be delivered by OxLEP
- 7.4.4 To monitor the production of a Joint Statutory Spatial Plan and associated work programme (recognising that the draft plan will subject to examination and that the adoption of the plan will require a decision by each constituent council at major decision points).
- 7.4.5 To establish advisory sub-groups to oversee delivery of work programmes to meet the agreed milestones and targets set out in the Deal relating to Infrastructure Funding and Affordable Housing, and the establishment of a Joint Statutory Spatial Plan Project Board to guide the preparation of the JSSP. The common principles of the advisory sub groups are set out in section 8 below.
- 7.4.6 To receive monitoring reports as set out in the Deal Delivery Plan to monitor delivery of the Deal.
- 7.4.7 To seek agreement on alignment between national and regional and local funding streams in the fields of activity listed above and prioritise competitive funding bids;
- 7.4.8 To agree and maintain as part of the programme of work a joint communications strategy in respect of the Growth Board’s activities.

City and Growth Deal Functions

- 7.5.1 To oversee the delivery of all of the local government aspects of the City Deal, and the Oxfordshire Housing and Growth Deal (where local authorities are the delivery partners).
- 7.5.2 To lead and coordinate liaison with OxLEP on Oxfordshire wide issues and the identification of priorities and development of investment strategies and economic plans for Oxfordshire.

8.0 Advisory Sub Groups

- 8.1 The Joint Committee can establish advisory sub groups to oversee work programmes as required and membership will be appointed by the members of the Joint Committee. This will include Sub Groups identified to oversee delivery of the Oxfordshire Housing and Growth Deal.
- 8.2 The Sub Groups will meet in private and the meetings will not be subject to the provisions of s100 LGA 1972 as amended by the The Local Government (Access to Information) Act 1985 (LGAIA 1985).
- 8.3 The Chair of each Sub Group will be appointed by the Growth Board and normally drawn from the voting membership of the Joint Committee.
- 8.4 The secretarial and officer support to the Sub Groups will be provided from the constituent local authorities as agreed by the Chief Executives of the constituent authorities.

9.0 Meetings

- 9.1 The Chair and Vice-Chair of the Growth Board will be elected at the first meeting of the annual cycle.
- 9.2 The lead authority for convening meetings will be that of the elected Chair unless otherwise agreed and it will provide Secretary/Clerk/Democratic Services support to the Board. Meetings shall usually be held on a bi-monthly basis, meetings may be called as and when required to ensure that critical timescales are met.

10.0 Secretariat and Support

- 10.1 The policy advice and support will be provided by the Growth Board Executive Officer Group reporting to the Chief Executives Group of the constituent local authorities. Other investment partners will be involved as appropriate, e.g. Homes England , Environment Agency, Highways England and Network Rail; to advise on the investment and work programme.
- 10.2 Resources and capacity required to deliver the work Programmes agreed under the Oxfordshire Housing and Growth Deal will be agreed by the Chief Executives Group. The officer support structures for the Deal are set out in Appendix 1 as referred to in Section 1.6 above.

11.0 Scrutiny Arrangements

- 11.1 A Scrutiny Panel of the Growth Board will be established to enable the constituent authorities to coordinate Scrutiny of the Joint Committee decisions and functions.
- 11.2 The Scrutiny Panel will not be strictly constituted in accordance with the statutory provisions of the LGA 2000.

11.3 The Scrutiny Panel will be established through a protocol agreed by all constituent local authorities with involvement of a Scrutiny Chair from each authority which will include common agreement that:

11.3.1 Membership will be three representatives per constituent authority, to be determined by that authority.

11.3.2 The Scrutiny Panel will be able to review any decisions and make recommendations on reports to the Growth Board

11.3.3 The Scrutiny Panel will meet in public.

11.3.4 The Scrutiny Panel will mirror the Call in provisions of the LGA 2000 and the LGAIA 1985.

11.4 The secretarial and officer support to the Scrutiny Panel will be provided from the constituent local authorities as agreed by the Chief Executives of the constituent authorities.

11.5 The establishment of the non-statutory Scrutiny Panel will not impact on the statutory scrutiny roles or responsibilities of the constituent authorities under the LGA 2000.

11.6 The Terms of Reference and Procedure Rules for the Scrutiny Panel will be set out in a document to accompany Growth Board Terms of Reference.

Annex

Protocol

This protocol has been incorporated into the Terms of Reference for Oxfordshire Growth Board, a statutory Joint Committee.

The Parties to this Protocol are those referred to in the Terms of Reference.

The Parties wish to record the basis on which they propose to undertake their decision making function as a Joint Committee.

General principles

The Parties agree to support the purposes of the Joint Committee by ensuring that in their decision making, they:

- Collaborate and cooperate with each other
- Are open and accountable to each other
- Adhere to all relevant statutory requirements
- Deploy appropriate resources
- Act in good faith

Voting arrangements

1. Only Joint Committee Members (or their substitutes) shall be designated as Voting Members and shall be entitled to one vote on items of business considered by the Joint Committee.
2. Every question shall be determined by the voices of those Voting Members present, provided that if there is a Voting Member who indicates dissent to this procedure then a vote by show of hands shall take place. A simple majority shall be required.
3. In the event there being an equal number of votes for and against a particular proposition, the Chair shall have a casting vote.
4. Where the effect of a particular proposition, if adopted by the Joint Committee on a majority basis, would give rise to contractual or financial implications for a constituent authority that it does not support then a protocol will be established whereby that authority may opt out of participation in that proposition before the/any vote is taken in so far as it affects that authority but this will not prevent the other constituent authorities proceeding with the proposition.

Status

This protocol is not intended to be legally binding, and no legal obligations or rights shall arise between the Parties from this protocol.

APPENDIX 1 – Oxfordshire Housing & Growth Deal Governance and resource structure

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