



14 October 2020

Our Ref Cabinet 22.10.20  
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To: Members of the Cabinet:

Councillor Martin Stears-Handscomb, Leader of the Council (Chair)  
Councillor Paul Clark, Deputy Leader of the Council, Executive Member for Planning and Transport (Vice-Chair)  
Councillor Ian Albert, Executive Member for Finance and IT  
Councillor Judi Billing MBE, Executive Member for Community Engagement  
Councillor Elizabeth Dennis-Harburg, Executive Member for Recycling and Waste Management  
Councillor Gary Grindal, Executive Member for Housing and Environmental Health  
Councillor Keith Hoskins MBE, Executive Member for Enterprise and Co-Operative Development  
Councillor Steve Jarvis, Executive Member for Environment and Leisure

Deputy Executive Members: Councillors: Ruth Brown, Ian Mantle, Sam North, Helen Oliver, Sean Prendergast, Adem Ruggiero-Cakir and Carol Stanier.

**NOTICE IS HEREBY GIVEN OF A  
MEETING OF THE CABINET**

to be held as a

**VIRTUAL MEETING**

on

**THURSDAY, 22ND OCTOBER, 2020 AT 7.30 PM**

Yours sincerely,

Jeanette Thompson  
Service Director – Legal and Community

**\*\*MEMBERS PLEASE ENSURE THAT YOU DOWNLOAD ALL AGENDAS AND REPORTS VIA THE MOD.GOV APPLICATION ON YOUR TABLET BEFORE ATTENDING THE MEETING\*\***

## **Agenda** **Part I**

<b>Item</b>		<b>Page</b>
<b>1.</b>	<b>APOLOGIES FOR ABSENCE</b>	
<b>2.</b>	<b>CHAIR'S ANNOUNCEMENTS</b> <u>Climate Emergency</u> Members are reminded that this Council has declared a Climate Emergency. This is a serious decision and means that, as this is an emergency, all of us, officers and Members have that in mind as we carry out our various roles and tasks for the benefit of our District.  <u>Declarations of Interest</u> Members are reminded that any declarations of interest in respect of any business set out in the agenda, should be declared as either a Disclosable Pecuniary Interest or Declarable Interest and are required to notify the Chair of the nature of any interest declared at the commencement of the relevant item on the agenda. Members declaring a Disclosable Pecuniary Interest must withdraw from the meeting for the duration of the item. Members declaring a Declarable Interest, wishing to exercise a 'Councillor Speaking Right', must declare this at the same time as the interest, move to the public area before speaking to the item and then must leave the room before the debate and vote.	
<b>3.</b>	<b>HERTFORDSHIRE GROWTH BOARD - PROPOSED JOINT COMMITTEES</b> REPORT OF: MANAGING DIRECTOR & SERVICE DIRECTOR - LEGAL & COMMUNITY	(Pages 5 - 38)
	The report sets out the proposals for delegation of functions and recommendations on the establishment of a Hertfordshire Growth Board ('HGB') Joint Committee and Joint Scrutiny Committee.	
<b>4.</b>	<b>BUSINESS RATE POOL 2021/22</b> REPORT OF THE SERVICE DIRECTOR – RESOURCES	(Pages 39 - 42)
	To determine if the Council wants to be part of a Business Rate Pool for 2021/22. The opportunity for the Council to be part of a Pool will be contingent on: (1) it being determined that a Business Rates pool could provide sufficient financial benefits given the uncertainty over Business Rate income in relation to Covid-19, and (2) that North Hertfordshire is determined to be part of an optimum Pool.	

**CABINET  
22 OCTOBER 2020**

**PART 1 – PUBLIC DOCUMENT**

**TITLE OF REPORT: HERTFORDSHIRE GROWTH BOARD - PROPOSED JOINT COMMITTEES**

REPORT OF: MANAGING DIRECTOR & SERVICE DIRECTOR - LEGAL & COMMUNITY

EXECUTIVE MEMBER: LEADER OF COUNCIL

COUNCIL PRIORITY: BE A MORE WELCOMING AND INCLUSIVE COUNCIL

**1. EXECUTIVE SUMMARY**

- 1.1 The report sets out the proposals for delegation of functions and recommendations on the establishment of a Hertfordshire Growth Board ('HGB') Joint Committee and Joint Scrutiny Committee.

**2. RECOMMENDATIONS**

**That Cabinet:**

- 2.1. notes the content of this report and attached joint cover report Appendix HGB "Hertfordshire Growth Board Integrated Governance Framework";
- 2.2. agrees, as per Appendix HGB summary of functions, to the extent that these are Executive Functions to delegate the exercise of such functions to enable HGB to pursue and achieve the purposes in paragraphs 4.1 and 4.2 of the Terms of Reference, and to undertake any actions necessary, incidental or ancillary to achieving those objectives<sup>1</sup>; and

***Recommends to Full Council to:***

- 2.3 Confirm the establishment of the Growth Board and Growth Board Scrutiny Joint Committees (*to hold their inaugural meetings in January/February 2021 and then HGB Scrutiny aligned to confirmation of securing Government funding in 2021*);
- 2.4 Adopt the Growth Board Integrated Governance Framework into the Councils own constitutional framework<sup>2</sup>
- 2.5 Agree the Council's nominated representatives on the Growth Board and Scrutiny Committees.<sup>3</sup>

<sup>1</sup> Note exclusions as per 4.3 of Appendix 1 to HGB Appendix.

<sup>2</sup> As per Appendix HGB, Appendices 1 & 2, in Section 11 of the Constitution.

<sup>3</sup> Members of the Scrutiny Committee shall not be members of the Executive.

### **3. REASONS FOR RECOMMENDATIONS**

3.1 To provide longer term joint place leadership.

### **4. ALTERNATIVE OPTIONS CONSIDERED**

4.1 None.

### **5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS**

5.1 The Leader of Council and Managing Director attend the Growth Board meetings and has been involved in the formulation of the overall proposals.

### **6. FORWARD PLAN**

6.1 To the extent that this report covers Executive functions and amounts to a key decision, this has been included on the Forward Plan since 14 August 2020.

### **7. BACKGROUND**

7.1 See section 1 of Appendix HGB.

### **8. RELEVANT CONSIDERATIONS**

8.1 For key components see section 2 of Appendix HGB.

8.2 Also see proposed Functions and Terms of reference for the Committee(s) Appendix HGB: *Appendix A, Appendices 1 & 2.*

### **9. LEGAL IMPLICATIONS**

9.1 Cabinet's terms of reference includes, at 5.6.24, *'To promote and develop external partnerships to meet strategic objectives.'* and at 5.6.38 *'To advise the Council in the formulation of those policies within the Council's terms of reference'.*

9.2 Council's terms of reference includes, at 4.4.1 (g) *'appointing committees of the Council and agreeing and/or amending the terms of reference of any committees or other bodies appointed by the Full Council deciding on their composition and making appointments to them';* and at (t) *'arranging for the discharge of any other functions of the Authority which are not executive functions;'*

9.3 See also 3.2 of Appendix HGB.

9.4 In a Leader Cabinet model, the decision to approve the establishment of a Joint Committee must have the approval of both the Executive and Full Council of the authority: sections 101(5), (5A) & 101(5B) of the Local Government Act 1972 and Regulation 4 Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012/1019.

9.5 In respect of recommendation 2.5, nomination to the HGB Joint Committee, this will undertake both 'Executive' and non-Executive functions – and the following applies as per Regulation 12(4) 2012/1019: -

9.5.1 Where the Local Authority only appoints one member to the HGB Joint Committee that appointee may, but need not be, a member of the Executive of the authority; or

9.5.2 Where the Local Authority appoints more than one of its members to the HGB Joint Committee, at least one of them must be a Member of the Executive of the appointing Local Authority.

*This does not apply to the appointment to the HGB Scrutiny Committee – which as per the papers should not be a member of the Executive.*

## **10. FINANCIAL IMPLICATIONS**

10.1 See 3.1, section 9 of Appendix 1 and section 7 of Appendix 2 of the Appendix HGB. Funding to support the operation of the HGB and initial project work comes from a sum set aside from the 2019/20 business rate pilot. All eleven Councils in Hertfordshire jointly bid to pilot plans for Councils to retain a greater share of business rate growth. As well as benefit for each individual Council, it was agreed to hold a central sum from the gains to fund joint projects through the HGB

10.2 HGB will seek Growth Funding from Central Government for the benefit of the constituent Councils. In the event that HGB enters into future arrangements with HM Government and secures funding for homes and infrastructure, an assurance framework to govern the contractual and accounting arrangements for the use and management of that funding will need to be developed and agreed between government and the HGB, and HCC as the accountable body overseeing those arrangements.

## **11. RISK IMPLICATIONS**

11.1 No specific risk implications have been set out in HGB, albeit that there will be associated (yet unspecified) perceived risks if NHDC does not proceed with the proposal.

11.2 Section 4.3 of Appendix 1 of HGB identifies which Executive and non-Executive functions of the constituent Councils are excluded from delegation to the HGB.

## **12. EQUALITIES IMPLICATIONS**

12.1 In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.

12.2 Otherwise see 3.4 of Appendix HGB.

## **13. SOCIAL VALUE IMPLICATIONS**

13.1 The Social Value Act and “go local” policy do not apply to this report.

## **14. ENVIRONMENTAL IMPLICATIONS**

14.1 See 3.3 of Appendix HGB and 1.3 of Appendix A.

## **15. HUMAN RESOURCE IMPLICATIONS**

- 15.1 The HGB will require time commitments from relevant Officers (*at this stage*, Managing Director, Service Director Regulatory, Service Director Legal and Community, Strategic Planning Manager and as required, Service Director Resources) and it is currently assumed that this will need to be absorbed within existing workloads.
- 15.2 See 3.1 of Appendix HGB. Secretariat , and support, accommodation, ICT and streaming support for the Joint Committee / Scrutiny Committee is to be provided by Hertfordshire County Council.

## **16. APPENDICES**

- 16.1 Appendix HGB - Hertfordshire Growth Board Integrated Governance Framework cover report.

## **17. CONTACT OFFICERS**

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## **18. BACKGROUND PAPERS**

- 18.1 None other than those referred to or Appended.

# Hertfordshire Growth Board Integrated Governance Framework

October 2020

# Hertfordshire Growth Board Proposed Joint Committees Integrated Governance Framework

## 1. Background

- 1.1 Hertfordshire Growth Board (HGB) has been operating since late 2018 as a non-constituted partnership of the 11 Local authorities and Local Enterprise Partnership in Hertfordshire. Formed as a coalition of the willing with the purpose of taking a longer term place leadership approach to our place ambitions, growth pressures and economic performance, it has promoted effective joint working and common cause, delivering more than the sum of the parts and seeking to create additionality for all partners and the residents and businesses of Hertfordshire.
- 1.2 The Growth Board Partners have invested significant capital in the work that has been undertaken on developing the Growth Board programmes so far, charting a course of collective action through the dedication of political, officer and financial resources. The Growth Board is a unique construct for Hertfordshire and the progress that it has made in its two years of operation is important. The relationships that have been built between the partners, the set of programmes that have been developed and the outcomes that are being sought in place and economic terms are significant and will extend beyond political horizons. They represent a coherent response to the ambitions that the partners have articulated together, and the challenges that we face, including economic recovery.
- 1.3 Through the Growth Board work, including the joint signing of the collaboration Memorandum of Understanding (MOU) in 2019/20 we have signalled to HM Government unity and joint commitment to the Growth Board programmes across Hertfordshire and to pursuit of a Growth Deal for our area. Bids for the Single Housing Infrastructure Funding will need to be submitted in 2020/2021 and will need to be supported by evidence of an appropriate governance model, best provided by strengthening of the current governance of the Growth Board, to give it a legal identity and statutory weight.
- 1.4 The Growth Board has increased the openness and transparency around its activities in 2020, publishing its board papers and developing a website and greater visibility of its work and ambitions. There is recognition however, that an informal constitution and governance can only take those ambitions so far and formalising the Growth Board into a statutorily constituted Joint Committee with associated scrutiny function will bring benefits for the partnership including:
  - a) signalling the strong and ongoing local commitment to the joint Growth Board work, its pan Herts focus, delivery programmes and co-ordinating role now and in the future (going above the commitments set out in the existing MOU)
  - b) Helps maintain government and investor confidence in the visible alignment of business, political governance and civic support to delivery commitments in Hertfordshire
  - c) Would aid openness and transparency in decision making for councils whilst the bidding to and negotiations with HM Government move forward
  - d) Provides a governance vehicle that can operate and take advantage of potential opportunities now, building on the progress made so far and maintaining the momentum that has been established by the partnership



e) Has a neutral impact upon any structural change considerations in Hertfordshire, enabling focus to be maintained on the joint Growth Board work and building on the progress and investment made over the last two years.

1.5 Moving to establish a statutory joint committee will bring the work of the Growth Board within a legally prescribed process. Good governance requires an associated scrutiny function to be established alongside. Both of these are now proposed to the Growth Board partners. Subject to all partners agreeing to establish the joint committees, and the local authority partners confirming this decision and taking the legislative steps to establish the joint committees, the first Growth Board joint committee could take place in early 2021. The implementation of the Growth Board Scrutiny Committee should be aligned to confirmation of a successful bid, later in 2021.

## 2.0 The Integrated Governance Framework – Key components

2.1 The Hertfordshire Growth Board and Growth Board Scrutiny Committee will be joint committees of the District, Borough and County Councils, formed under provisions of Local Government legislation<sup>1</sup> which enable councils to come together to discharge various of their functions. The Hertfordshire Local Enterprise Partnership shall also be a member of the HGB, in accordance with the same legislative provisions.

2.2 The Integrated Governance Framework attached to this paper provides the proposed Terms of Reference (TOR) and Standing Orders (SO) for the both of the Growth Board and Scrutiny Joint Committees.

### Role of the Hertfordshire Growth Board

2.3 The HGB has the primary aim of coordinating strategic development planning and delivery across Hertfordshire. The **HGB** is currently operating to provide strategic co-ordination around growth and place leadership for the eleven councils and Local Enterprise Partnership (the **LEP**) in Hertfordshire. Governance is through an agreed Terms of Reference and a collaboration Memorandum of Understanding. The HGB has developed a common purpose and a pan-Hertfordshire programme of projects supporting its vision and ambition for Hertfordshire the place.

2.4 HGB will be bidding to HM Government to secure Growth Funding through the Single Housing Infrastructure Fund or other funding streams which will require a formal governance model to provide accountability to government and good governance and transparency in the local management and use of any funds received under such an arrangement. If this is achieved, HGB will be responsible for commissioning the projects which will be funded and for the overall control of the project programme.

2.5 Going forward, within the framework of distributed leadership provided by the Growth Board, individual projects may be led by a constituent council, councils or by the HGB, and the HGB may delegate various of its functions to officers of the Councils. The constituent councils will also form a joint Scrutiny Committee to review the work of the HGB, comprising members from each of the constituent councils.

### Core Provisions regulating the HGB and the Scrutiny Committee

2.6 The Growth Board commissioned the preparation of the Integrated Governance Framework with support and input from the Hertfordshire Heads of Legal/Monitoring Officers Group.

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<sup>1</sup> Sections 101 and 102 of the Local Government Act 1972; Section 9EB of the Local Government Act 2000 and pursuant to the Local Authorities (Arrangement for the Discharge of Functions) (England) Regulations 2012

The Framework drew on relevant governance models and examples from elsewhere (Oxfordshire and Cambridgeshire) and has also been reviewed in a number of previous iterations through the Chief Executives group. The version attached to this paper has been endorsed by the Growth Board for consideration by constituent councils in their individual democratic processes.

2.7 Each of the HGB and the HGB Scrutiny Committee shall operate in accordance with respective Terms of Reference and Standing Orders. Core Provisions of these are set out in summary below and the full framework is attached at Appendix A to this paper:

<p>HGB - Terms of Reference (Summary)</p>	<p><u>Membership and Voting</u> – The HGB shall have twelve members, comprising one member from each council and one member from the LEP. The strong ambition of the HGB shall be for all decisions to be made on a unanimous basis, and issues on which consensus cannot be reached shall be deferred to the following meeting.</p> <p>Only where consensus cannot be achieved at a subsequent meeting will issues be put to a vote. In those cases, and in compliance with the law applicable to joint committees, the voting members shall be the Council members only, and votes shall be decided by majority. The Chair is entitled to a casting vote, but there will be a convention that he/she will not rely on this. Before taking any decision, the local authority members of the HGB will have due regard to the advice and opinions expressed by the LEP member.</p> <p><u>Division of functions between the HGB and constituent councils</u> – Section 4 of the Terms of Reference clarifies those functions that will be given to the HGB, and those that will be retained by the constituent councils and the LEP (where applicable).</p>
<p>HGB - Standing Orders (Summary)</p>	<p>The HGB members shall appoint a Chair and two Vice-Chairs. There shall be a two-year non-consecutive limit on the Chair’s appointment (i.e. he/she may be reappointed, but only after a different member has been Chair).<sup>2</sup></p> <p>Meetings will have a quorum of 9 members.</p> <p>Meetings will be open to public attendance (whether physical or virtual meetings) and will accept questions and petitions from the public.</p>
<p>HGB Scrutiny Committee - Terms of Reference (Summary)</p>	<p><u>Role</u> - The Scrutiny Committee will provide pre-scrutiny of the business of the HGB. It will also act as a forum for discussion with a wider range of members and stakeholders across Hertfordshire. The Scrutiny</p>

<sup>2</sup> For both the HGB and the HGB Scrutiny Committee, there will be an exception to the term limits for the initial appointment of the chair at the first meeting.

	<p>Committee may review and comment on reports to the HGB, offer advice to HGB on the discharge of its functions and may review its work.</p> <p><u>Membership</u> – the Scrutiny Committee shall have 12 members including the LEP. Members must not be executive members of their appointing authority.</p>
<p>HGB Scrutiny Committee - Standing Orders (Summary)</p>	<p>Meetings of the Scrutiny Committee will normally be scheduled shortly prior to meetings of the HGB, in order to facilitate its pre-scrutiny function.</p> <p>The HGB members shall appoint a Chair and one Vice-Chair to the Scrutiny Committee. There shall be a two-year non-consecutive limit on the Chair’s appointment (i.e. he/she may be reappointed, but only after a different member has been Chair).<sup>3</sup></p> <p>Meetings shall have a quorum of 7 members.</p> <p>Voting where required shall be by simple majority, in accordance with legislative requirements. As with the HGB, the Chair shall be entitled to a casting vote, but there will be a convention that he/she will not rely on this.</p> <p>Meetings will be open to public attendance (whether physical or virtual meetings) and will accept questions and petitions from the public.</p>

### 3.0 Implications

- 3.1 The financial implications of establishing joint committees for the Hertfordshire Growth Board consist primarily of time for the attendees (Members and officers), secretariat and support, accommodation (for when meetings are hybrid or in a single location) and cost of ICT/live streaming of meetings. These costs will be met from the Hertfordshire Growth Board Growth Fund. The Growth Board Growth Fund is overseen by the Growth Board and accounted for by the s.151 Officer at Hertfordshire County Council who are the accountable body for the fund.
- 3.2 The legal implications of setting up the joint committees relate primarily to governance, meeting and publications arrangements and conduct of members. The proposed Integrated Governance Framework addresses the governance requirements and also to the way that meetings will operate. The publications and procedures rules that both committees will need to operate within are also addressed in the document, where not the normal statutory rules

<sup>3</sup> See footnote 2.

will apply including those related to Covid-19 arrangements for virtual meetings. Local Government and LEP members, alternates and substitutes are covered by the general code of conduct for their organisations.

- 3.3 Environmental and sustainability implications. The Growth Board partners have established separate but also joint approaches to sustainability and climate change impacts/mitigation measures for Hertfordshire. There is crossover with the Growth Board work that will ensure that environmental considerations and programmes are taken forward and implications considered.
- 3.4 Equalities implications. A formal EQIA has not been deemed necessary because there is nothing to suggest that the creation of these statutory joint committees will adversely affect any equalities requirements. Moving to statutory joint committees will increase transparency and openness in the work of the Hertfordshire Growth Board.

#### **4.0 Next Steps for Constituent Councils in establishing the Joint Committees**

- 4.1 The constituent councils are asked to put forward to their full council a motion to approve the formation of the HGB and its scrutiny committee as statutory joint committees, with functions delegated to them as set out in the attached Terms of Reference and Standing Orders of the HGB and Scrutiny committees.
- 4.2 Councils and the Local Enterprise Partnership are then asked to appoint a member to each of the HGB and the HGB Scrutiny Committee. If endorsed by votes of the constituent councils as above, the HGB will be constituted. It is hoped to schedule a first meeting of the HGB in January/February 2021. The HGB Scrutiny Committee work programme is largely triggered by securing infrastructure and growth-related funding from Government therefore its first meeting should be aligned to successful achievement and confirmation of funding.

#### **5.0 Recommendations**

- 5.1 The Constituent Councils of the Hertfordshire Growth Board are recommended to:
1. Confirm the establishment of the Growth Board and Growth Board Scrutiny Joint Committees (to hold their inaugural meetings in January/February 2021 and then HGB Scrutiny aligned to confirmation of securing Government funding in 2021)
  2. Adopt the Growth Board Integrated Governance Framework into the Councils own constitutional framework
  3. Agree the Council's nominated representative on the Growth Board and Scrutiny Committee
- 5.2. The Hertfordshire Local Enterprise Partnership is recommended to:
1. Endorse the establishment of the Growth Board and Growth Board Scrutiny Joint Committees
  2. Note the requirements of the Growth Board Integrated Governance Framework
  3. Agree the LEP nominated representative on the Growth Board and Growth Board Scrutiny Committee

## HERTFORDSHIRE GROWTH BOARD - INTEGRATED GOVERNANCE FRAMEWORK

Hertfordshire Growth Board (**HGB**) is currently operating to provide strategic co-ordination around growth and place leadership for the eleven councils and Local Enterprise Partnership (the **LEP**) in Hertfordshire. Governance is through an agreed Terms of Reference (**TOR**) (incorporated below) and a collaboration Memorandum of Understanding (**MOU**).

HGB is also in negotiation with HM Government to secure a Growth Deal which will require a formal governance model to provide accountability to government and good governance and transparency in the local management and use of any funds received under such an arrangement.

HGB comprises twelve local partners, namely the County Council, the Hertfordshire District and Borough councils<sup>4</sup> and the LEP. Its governance framework consists of the Board itself, with twelve members, supported by a Scrutiny Committee also of twelve members.

### 1. Hertfordshire Growth Board

#### Summary of Functions

- 1.1 HGB is established to ensure the effective coordination of strategic planning and delivery and to ensure that the objectives of a future Growth Deal for Hertfordshire are met.
- 1.2 HGB will also be responsible for the commissioning of projects funded by money provided through a Growth Deal, and for overall control of that programme of projects. For each individual project, HGB may act as lead, with budget responsibility; alternatively, it may appoint as lead a constituent council, who will be responsible for the delivery of that budget, under the oversight of the HGB. This shall also apply to circumstances in which funding is provided to the HGB by the member Councils or by other parties, such as the LEP.
- 1.3 HGB shall also support the development of local planning policy that promotes (1) the UK Government's stated aim of net zero carbon by 2050, and (2) constituent Councils' 2030 targets, and contributes towards biodiversity gain whilst embracing the changes needed for a low carbon world.

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<sup>4</sup> Hertfordshire County Council, Borough of Broxbourne Council, Dacorum Borough Council, East Hertfordshire District Council, Hertsmere Borough Council, North Hertfordshire District Council, St Albans City and District Council, Stevenage Borough Council, Three Rivers District Council, Watford Borough Council, Welwyn Hatfield Borough Council.

- 1.4 The Councils agree to delegate the exercise of their functions to the HGB to the extent necessary to enable the HGB to pursue and achieve the purposes in paragraphs 4.1 and 4.2 of the Terms of Reference, and to undertake any actions necessary, incidental or ancillary to achieving those objectives. The Councils shall make the necessary changes to their respective schemes of delegation accordingly.
- 1.5 The HGB may further delegate to officers of the Councils.
- 1.6 The HGB will consider any reports and recommendations from the HGB Scrutiny Committee as appropriate.
- 1.7 The HGB shall develop its own Forward Plan.

### **Terms of Reference and Standing Orders**

- 1.8 The HGB's Terms of Reference and Standing Orders are set out in Appendix 1 and the accompanying Annex.

## **2. HGB Scrutiny Committee**

### **Summary of Functions**

- 2.1 The HGB Scrutiny Committee has delegated authority to exercise the following functions:
  - a. Advise the HGB in connection with the achievement of the functions set out at paragraph 1 above;
  - b. Prepare and submit reports and/or recommendations to the HGB; and
  - c. Carry out all other statutory scrutiny functions in relation to the HGB.

### **Terms of Reference and Standing Orders**

- 2.2 The HGB Scrutiny Committee's Terms of Reference and Standing Orders are set out in Appendix 2 and the accompanying Annex.

## Appendix 1

### TERMS OF REFERENCE OF THE HERTFORDSHIRE GROWTH BOARD

#### 1. Parties

Hertfordshire County Council  
Borough of Broxbourne Council  
Dacorum Borough Council  
East Hertfordshire District Council  
Hertsmere Borough Council  
North Hertfordshire District Council  
St Albans City and District Council  
Stevenage Borough Council  
Three Rivers District Council  
Watford Borough Council  
Welwyn Hatfield Borough Council  
Hertfordshire Local Enterprise Partnership (**LEP**)

#### 2. Status

- 2.1 The Hertfordshire Growth Board (**HGB**) has been established by Hertfordshire County Council and the District and Borough Councils listed above. It is a joint committee of these Councils, established by the Councils under sections 101 and 102 of the Local Government Act 1972, section 9EB of the Local Government Act 2000 and pursuant to the Local Authorities (Arrangement for the Discharge of Functions) (England) Regulations 2012.

#### 3. Membership

- 3.1 Twelve members, comprising one elected member from each Council (anticipated to be the Leader/Directly Elected Mayor of each Council) with full voting rights, and a member nominated by the LEP (anticipated to be the Chair of the LEP) who is a co-opted non-voting member. The elected members shall be obliged to have due regard to the representations made by the LEP member.
- 3.2 Each constituent council may appoint a substitute from time to time. The substitute member shall have the same rights of speaking and voting at the meetings as the member for whom the substitution is made.
- 3.3 The HGB, with the agreement of its members, may co-opt other non-voting members to its membership where it is considered conducive to the effective consideration of any matter.

- 3.4 The HGB may appoint representatives to other outside bodies of which the HGB has membership.

## 4. Functions

### General Functions

- 4.1 The HGB has delegated authority to exercise the following functions:
- a. Exercising strategic direction, monitoring, delivery and co-ordination of current and future Growth Board strategy, programmes and implementation of any Growth Deal Project;
  - b. Effective place leadership, ensuring that interests relating to spatial planning, economic prosperity, infrastructure provision, health provision, sustainability and climate change mitigation are effectively taken into account, coordinated and incorporated in place-making, in order to safeguard and maintain Hertfordshire's unique quality of life and prosperity;
  - c. Securing strategic collaboration and delivery across the councils and with the LEP in accordance with the policy objectives of the partner organisations;
  - d. Acting as the place leadership body for Hertfordshire that may act as a single voice to Government (and other national and sub-national bodies) on issues relevant to its ambit;
  - e. Coordinating the prioritisation of Growth Board funding from devolved and other funding sources for infrastructure schemes, to ensure that decisions are made in one place and supported by all relevant partners and stakeholders;
  - f. Promoting and lobbying for Hertfordshire's interests and for funding;
  - g. Oversight, accountability for and prioritisation of the Growth Board Growth fund;
  - h. To bring together the work of the emerging South West Herts Joint Planning and North, East and Central Herts Joint Planning groups, ensure strategic infrastructure requirements are identified and fed into the Hertfordshire Infrastructure and Funding prospectus.
  - i. To maintain a current understanding of infrastructure needs through the Hertfordshire Infrastructure and Funding prospectus and other sources so key infrastructure priorities needed to support economic and housing growth can be determined



- j. To maintain particular focus on the successful regeneration of Hertfordshire's New Towns, the health of Town Centres and development and delivery of new Garden Towns and Communities.

### Specific Functions

- 4.2 The HGB also has delegated authority to:
- a. Approve single position statements in relation to strategic Growth Deal issues;
  - b. Approve projects, including the allocation of project funding, which fall within the ambit of a future Growth Deal agreement;
  - c. Approve the major priorities under the auspices of a future Growth Deal;
  - d. Approve plans and strategies necessary or incidental to the implementation of a Growth Deal; and
  - e. Consider recommendations from the HGB Scrutiny Committee.
- 4.3 For the avoidance of doubt, the following non-executive and executive functions of the constituent Councils (and where applicable, the LEP) are excluded from the delegations to the HGB:
- a. Statutory planning functions;<sup>5</sup>
  - b. Statutory housing functions;
  - c. Statutory functions relating to economic development;
  - d. Statutory highways and transport functions;
  - e. Matters incidental to the exercise of the above functions.

## **5. Professional and Administrative Support**

- 5.1 Hertfordshire County Council shall act as the accountable body for the HGB in respect of financial matters and its financial procedure rules will apply in this context. It will provide Section 151 and Monitoring Officer roles to the Committee in accordance with its internal procedures.
- 5.2 Hertfordshire County Council's Director of Finance (Section 151 Officer) will provide the HGB with quarterly financial reports for funding that has been allocated directly to Hertfordshire County Council as the Accountable Body. These reports will provide the HGB with an overview of the funds spent and funds committed against funds allocated.

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<sup>5</sup> This includes acting as Local Planning Authority on strategic planning matters, applications, approval and designation, consultations/referendums revocation (or recommend revocation of) neighbourhood plans, Article 4 Directions and orders

- 5.3 For those programmes and funding streams where another local authority is the Accountable Body, the relevant Section 151 Officer will provide the financial and performance information to the County Council's Section 151 Officer, for integration into the quarterly reporting process.
- 5.4 Committee management and administrative support to the HGB will be provided by Hertfordshire County Council.
- 5.5 The lead role on projects shall be determined by the HGB, subject to the guiding principle that the lead council should normally be the Council primarily responsible for the service in question for their area. The procurement and other rules of the lead council will apply in respect of projects.

## **6. Standing Orders**

- 6.1 The HGB will be governed by the Standing Orders set out in Annex A attached to these Terms of Reference.

## **7. Advisory Sub-Groups**

- 7.1 The HGB may establish Programme Boards/Advisory Sub-Groups to oversee specific work programmes or broader thematic areas as required. Programme Boards/Sub-Groups, reporting into the HGB, will be managed in accordance with separate terms of reference as agreed by the HGB.
- 7.2 The role, remit and membership of Programme Boards/Advisory Sub-Groups will be reviewed regularly to ensure they remain flexible to the demands of ongoing and new programmes of work.

## **8. Withdrawal**

- 8.1 The firm intention is that HGB will continue until the programme is completed. Recognising the very serious implications of withdrawal from the HGB for the delivery of any Growth Deal programme, if a Council decides to withdraw from its role within HGB, it commits to sharing this with HGB members at the earliest possible opportunity, and to entering into constructive discussions to avoid this happening or to reach a way forward.
- 8.2 In all cases:
- a. A minimum of six months' prior notice shall be given before withdrawal; and
  - b. Withdrawal shall take effect from the beginning of the financial year.

## 9. Costs

- 9.1 The costs of running the HGB will be funded from the HGB Growth Fund in combination with officer time contributions from constituent councils.
- 9.2 Each Council makes a legally binding commitment that, should it withdraw from the HGB, it shall pay all additional costs (such as increased project costs) that fall to be met by the other partner Councils that are reasonably attributable to that withdrawal. This could include, for example, the costs that are locked into projects that have already been committed to, or the costs of dissolving integrated officer and Member arrangements and re-establishing independent arrangements.

## 10. Dispute Resolution

- 10.1 This section 10 governs disputes which may arise between the members and former members (including the LEP member, but not including any other co-opted member) in relation to these Terms of Reference or the Standing Orders of the HGB, or the decisions or operations of the HGB (a **Dispute**).
- 10.2 Each member as defined in paragraph 10.1 shall be entitled to refer a Dispute to the Heads of Paid Service of the member Councils and the Chief Executive of the LEP (together the **Dispute Panel**), who shall seek to agree a resolution. If the Dispute Panel is unable to resolve the matter within 1 month of it being referred to them, it shall agree any further dispute resolution procedure that it deems appropriate. This may include but is not limited to mediation via the Centre for Effective Dispute Resolution (CEDR).

## Annex A to Appendix 1

### HERTFORDSHIRE GROWTH BOARD STANDING ORDERS

#### **1. Membership**

- 1.1 The HGB will have a voting membership of eleven, each Council being entitled to appoint one voting member.
- 1.2 The HGB may agree to co-opt other non-voting members to its membership where it is considered conducive to the effective consideration of any matter.

#### **2. Alternate or Substitute Members**

- 2.1 Each Council will be entitled to appoint from time to time one named alternate or substitute member who may act in all aspects as a voting member of the HGB in the absence of the voting member appointed.
- 2.2 The LEP and any other co-opted members will be entitled to nominate an alternate or substitute member to act in the absence of their principal co-opted member.
- 2.3 Subject to the discretion of the Chair, the relevant member shall notify the HGB at least 5 working days in advance of the relevant meeting of the identity of their substitute.

#### **3. Term of Office**

- 3.1 The term of office of voting and alternate or substitute voting members shall end:
  - a. if rescinded by the appointing Council; or
  - b. if the member ceases to be a member of the appointing Council.
- 3.2 The LEP member and any co-opted members may at any time ask the HGB to replace their nominated co-opted member and alternate or substitute member by way of further nomination.

#### **4. Appointment of Chair and Vice-Chair**

- 4.1 The HGB shall appoint a Chair and two Vice-Chairs at its first meeting. At the time of appointing the Vice-Chairs, the HGB shall decide which of them takes priority if the Chair is absent and both of them are present.

4.2 The appointment of the Chair described in 4.1 shall be for a term up to the first meeting of the HGB that follows both the 2021 local elections and the 2021 Annual Meetings of the constituent Councils (the **Post-Election Meeting**). At the Post-Election Meeting, the Board may either re-appoint the same member as Chair or appoint a new Chair for a term of two years. Save in the above case, the Chair shall serve a single consecutive term of two years.

4.3 There shall be no term limits for Vice-Chairs.

4.4 The co-opted members of the HGB shall not act in the role of either the Chair or the Vice-Chair of the HGB.

## **5. Quorum**

5.1 The quorum for meetings of the HGB will be 9 voting members.

5.2 If there is no quorum at the published start time for the meeting, a period of ten minutes will be allowed, or longer, at the Chair's discretion. If there remains no quorum at the expiry of this period, the meeting will be declared null and void.

5.3 If there is no quorum at any stage during a meeting, the Chair will adjourn the meeting for a period of ten minutes, or longer, at their discretion. If there remains no quorum at the expiry of this period, the meeting will be closed and the remaining items will be declared null and void.

## **6. Member Conduct**

6.1 HGB members appointed by the eleven Councils shall be bound by the Code of Conduct of their nominating authority. The HGB member appointed by the LEP (and those nominated by other co-opted members) will be bound by the Code of Conduct of Hertfordshire County Council.

6.2 If a member persistently disregards the ruling of the Chair, or person presiding over the meeting, by behaving improperly or offensively or deliberately obstructs business, the Chair, or person presiding over the meeting, may move that the member be not heard further. If seconded, a vote will be taken without discussion.

6.3 If the member continues to behave improperly after such a motion is carried, the Chair, or person presiding over the meeting, may move that either the member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, a vote will be taken without discussion.

## 7. Notice of and Summons to Meetings

- 7.1 Notice will be given to the public of the time and place of any meeting of the HGB in accordance with the Access to Information rules of the Council providing HGB secretariat functions.
- 7.2 At least seven clear working days before a meeting, a copy of the agenda and associated papers will be sent to every member of the HGB. The agenda will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such details as are available.

## 8. Meeting Frequency

- 8.1 The HGB will meet on at least a quarterly basis, or as determined by the HGB, with one of those meetings acting as the annual meeting.
- 8.2 Extraordinary Meetings may be summoned by (i) the Chair, or (ii) any nine councils writing to the Chair to request one. The notice from the Chair or the letter from the nine councils shall state the business of the meeting, and no other business shall be considered.

## 9. Virtual Meetings

- 9.1 The following provisions shall apply to meetings which are scheduled during the period that **The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020**, or such other legislation as permits meetings to take place remotely, remain in force.
- 9.2 The HGB may hold any meeting remotely using Zoom, Microsoft Teams, or any other suitable platform, and may live-stream the meeting.
- 9.3 Where it elects to do so, notice of this shall be given to the public in advance, and the platform used shall enable the public to see and hear the proceedings. A link will be made available to enable members of the public whose questions have been selected in accordance with Standing Order 12 to address the HGB. Where a public questioner is unable to access the meeting, or cannot be heard by the Members during the time allocated for his or her question, the Chair shall have discretion to move on to deal with another question, or if the question is the last to be heard, to move on to other business.
- 9.4 Voting shall be managed by the Chair, by either (i) requiring members to vote using the applicable poll function, (ii) requiring members to vote orally in turn, or (iii) any other convenient method.

9.5 Where the public and press are excluded under Standing Order 16, members will be required to confirm that there are no other persons present with them who are not entitled to hear or see the proceedings.

9.6 The Quorum provisions at paragraph 5 shall apply equally to virtual meetings.

## **10. Voting**

10.1 Before taking any decision, the local authority members of the HGB will have due regard to the advice and opinions expressed by the LEP member and other co-opted members.

10.2 HGB members commit to seek, where possible, to operate on the basis of consensus.

10.3 Should it not be possible in a specific instance to find a consensus, the issue shall stand deferred to a later meeting of the HGB. At the next meeting, a vote will be again taken and, if a consensus is still not achievable, the decision will be made on the basis of a simple majority.

10.4 The Chair shall have a casting vote; however, the convention of the HGB is that the Chair shall not exercise this.

## **11. Reports from the HGB Scrutiny Committee**

11.1 The HGB will receive reports and recommendations from the HGB Scrutiny Committee as appropriate and the Chair of the HGB Scrutiny Committee, or a nominated representative on his or her behalf, will be entitled to attend meetings of the HGB to present them.

## **12. Questions by the Public and Public Speaking**

12.1 At the discretion of the Chair, members of the public may ask questions at meetings of the HGB. This standard protocol is to be observed by public speakers:

(a) There shall be a maximum of six public questions in each meeting, subject to a time limit of 30 minutes. Questions will be addressed on a first-come-first-served basis with reference to when they were submitted to the HGB, save that questions which in the opinion of the Chair are vexatious shall not be addressed;

(b) Notice of the question should be submitted to the Chief Legal Officer of Hertfordshire County Council by 10am at least five working days before the meeting, stating to whom the question is to be put;

(c) Questions must be limited to a maximum of 300 words;

- (d) Answers will be given in writing and will be published on the HGB website by 5pm on the day preceding the relevant meeting;
- (e) With the Chair's permission, the questioner may ask a supplementary question relevant to the original question (or its answer). The questioner's supplementary question must not last longer than two minutes. The answer to the supplementary question may be: (i) an oral answer lasting no more than three minutes; or (ii) where the desired information is contained in a publication of the Council, a reference to that publication; or (iii) in writing (to be available within seven days); or (iv) a combination of the above;
- (f) Questioners will not be permitted to raise the competence or performance of a member, officer or representative of any partner on the HGB, nor any matter involving exempt information (normally considered as 'confidential');
- (g) Questioners cannot make any abusive or defamatory comments, or raise points which in the opinion of the Chair are vexatious;
- (h) If any clarification of what the questioner has said is required, the Chair will have the discretion to allow other HGB members to ask questions;
- (i) The questioning member will not be permitted to participate in any subsequent discussion and will not be entitled to vote;
- (j) In the event that one of the questions considered by the Chair is duplicated by later questions, it may be necessary for a spokesperson to be nominated to put forward the question on behalf of other questioners. If a spokesperson cannot be nominated or agreed, the questioner of the first such question received will be entitled to put forward their question; and
- (k) Questions should relate to items that are on the agenda for discussion at the meeting in question. The Chair will have the discretion to allow questions to be asked on other issues.

### **13. Petitions**

- 13.1 At the discretion of the Chair, members of the public may submit and present petitions to the HGB. This standard protocol is to be observed by petitioners:
- (a) Petitions should include a clear statement of the petition organiser's concerns and what they would like the HGB to do;
  - (b) Petitions must relate to something which is within the responsibility of the HGB, or over which it has influence;
  - (c) Petitions must include the name and contact details of the petition organiser;
  - (d) Petitions must include at least 500 signatures of people living or working in Hertfordshire. Petitions below this threshold will not be presented to the HGB, but HGB members will be notified of them as long as they contain at least 50 signatures;



- (e) Petitions must be submitted either (i) in hard copy, or (ii) via the HGB e-petition platform, in the format prescribed on the HGB portal, at least 10 clear working days before the date of the meeting. Petitions shall be administered by the Democratic Services Team of Hertfordshire County Council;
- (f) Subject to the discretion of the Chair, a maximum of two petitions will be considered at any one meeting;
- (g) Petition organisers will be permitted to present their petitions to the meeting and will be allowed to address the meeting for a maximum of three minutes;
- (h) Where more than one petition is received in time for a particular meeting and they are considered by the Chair as supporting the same outcome or being broadly similar in intent, it may be necessary for a spokesperson to be nominated and present the petitions. If a spokesperson cannot be nominated or agreed, the petition organiser of the first petition received will be entitled to present their petition;
- (i) Petitions will be rejected if the Chair considers them to be abusive or libellous, frivolous, vague or ambiguous, rude, offensive, defamatory, scurrilous or time-wasting or require the disclosure of exempt information (normally considered as 'confidential');
- (j) Petitions on the same subject matter will not be accepted within a six-month period, unless there has been a material change of circumstances. Whether there has been a material change in circumstances will be determined by the Chief Legal Officer of Hertfordshire County Council in consultation with the Chair (or Vice-Chair).

13.2 Any matters arising from petitions considered by the HGB Scrutiny Committee can be reported to the HGB, as per Standing Order 11.

#### **14. Participation at HGB Meetings by Other Members of Partner Councils or Other Representatives of Partner Bodies**

14.1 At the discretion of the Chair, other elected members of the Councils or the LEP or co-opted members may be entitled to speak and participate at meetings of the HGB.

#### **15. Minutes**

15.1 The Chair will sign the minutes of the proceedings at the next suitable meeting. The Chair will move that the minutes of the previous meeting be signed as a correct record.

15.2 The minutes will be accompanied by a list of agreed action points, which may be discussed in considering the minutes of the previous meeting should they not be specifically listed as items on the agenda for the meeting.

## **16. Exclusion of the Public and Press**

- 16.1 Members of the public and press may be excluded from meetings in accordance with the Access to Information rules of legislation as applied by the administering authority with regard to the consideration of exempt or confidential information.

## **17. Recording of Proceedings**

- 17.1 The recording in any format of meetings of the HGB is permitted, except:
- a. Where the Chair, or person presiding over the meeting, rules that filming is being undertaken in such a way that is disruptive or distracting to the good order and conduct of the meeting;
  - b. Where the public have been excluded from the meeting during the consideration of exempt or confidential information (see Standing Order 16).

## **18. Disturbance by Public**

- 18.1 If a member of the public interrupts proceedings, the Chair, or person presiding over the meeting, will warn the person concerned. If that person continues to interrupt, the Chair will order his or her removal from the meeting room.
- 18.2 If there is a general disturbance in any part of the meeting room open to the public, the Chair, or person presiding over the meeting, may call for that part of the room to be cleared.
- 18.3 If there is a general disturbance making orderly business impossible, the Chair, or person presiding over the meeting, may adjourn the meeting for as long as he or she thinks is necessary.

## **19. Interpretation of Standing Orders**

- 19.1 The ruling of the Chair of the HGB as to the application of these Standing Orders shall be final.

## **20. Suspension of Standing Orders**

- 20.1 With the exception of Standing Orders 4, 5, 7.1, 8, 10 and 15, and as far as is lawful, any of these Standing Orders may be suspended by motion passed unanimously by those entitled to vote.

## Appendix 2

### HERTFORDSHIRE GROWTH BOARD SCRUTINY COMMITTEE TERMS OF REFERENCE

#### **1. Parties**

Hertfordshire County Council  
Borough of Broxbourne Council  
Dacorum Borough Council  
East Hertfordshire District Council  
Hertsmere Borough Council  
North Hertfordshire District Council  
St Albans City and District Council  
Stevenage Borough Council  
Three Rivers District Council  
Watford Borough Council  
Welwyn Hatfield Borough Council

#### **2. Status**

The Hertfordshire Growth Board Scrutiny Committee has been established by the Councils listed above. It is a joint advisory committee of these Councils, established under section 102(4) of the Local Government Act, 1972.

#### **3. Membership**

- 3.1 One elected member appointed by each of the member Councils and one member appointed by the LEP (total 12).

#### **4. Functions of the HGB Scrutiny Committee**

- 4.1 The HGB Scrutiny Committee is established to advise the HGB with regard to the latter's role in achieving the objectives in the HGB Terms of Reference.
- 4.2 The HGB Scrutiny Committee will act as a forum for discussion with a wider range of members and stakeholders across the Hertfordshire area, so that the HGB benefits from a wider range of expertise in making its decisions.
- 4.3 To this end, the HGB Scrutiny Committee may receive and comment on ("pre-scrutinise") reports to the HGB, may offer advice to the HGB on the discharge of its functions and may review its work.

4.4 The HGB Scrutiny Committee shall develop its own Forward Plan and may submit reports or recommendations to the HGB for consideration, as appropriate.

## **5. Professional and Administrative Support**

5.1 Committee management and administrative support to the HGB Scrutiny Committee will be provided by Hertfordshire County Council.

5.2 Other professional support will be provided to the HGB Scrutiny Committee on an ad hoc basis as agreed between the Councils.

## **6. Standing Orders**

The HGB Scrutiny Committee will be governed by the Standing Orders set out in Annex A attached to these Terms of Reference.

## **7. Costs**

The costs of running the HGB Scrutiny Committee will be funded from the HGB Growth Fund.

## Appendix 2 – Annex A

### HERTFORDSHIRE GROWTH BOARD SCRUTINY COMMITTEE STANDING ORDERS

#### **1. Membership**

- 1.1 The HGB Scrutiny Committee will have a membership of 12, with each Council and the LEP being entitled to appoint one member. Members must not be executive members of their appointing authority.

#### **2. Alternate or Substitute Members**

- 2.1 Each Council will be entitled to appoint one named alternate or substitute member who may act in all aspects as a voting member of the HGB in the absence of the voting member appointed.
- 2.2 Subject to the discretion of the Chair, the relevant member shall notify the HGB at least 5 working days in advance of the relevant meeting of the identity of their substitute.

#### **3. Term of Office**

- 3.1 The term of office of members from the Councils shall end:
- a. if rescinded by the appointing Council; or
  - b. if the member ceases to be a member of the appointing Council.

#### **4. Appointment of Chair and Vice-Chair**

- 4.1 The HGB Scrutiny Committee will appoint a Chair and Vice-Chair at its first meeting.
- 4.2 The appointment of the Chair described in 4.1 shall be for a term up to the first meeting of the HGB Scrutiny Committee that follows both the 2021 local elections and the 2021 Annual Meetings of the constituent Councils (the **Post-Election Meeting**). At the Post-Election Meeting, the HGB Scrutiny Committee may either re-appoint the same member as Chair, or appoint a new Chair for a term of two years. Save in the above case, the Chair shall serve a single consecutive term of two years.
- 4.3 There shall be no term limits for Vice-Chairs.
- 4.4 Where there are three or more candidates for appointment and there is, after balloting, no candidate with a clear majority, meaning in this case the votes of more than 50% of members present and voting, the candidate with the least number of

votes will withdraw and there will be a fresh ballot of remaining candidates; and so on until a candidate has that majority.

## **5. Quorum**

- 5.1 The quorum for meetings of the HGB Scrutiny Committee will be 7 members.
- 5.2 If there is no quorum at the published start time for the meeting, a period of ten minutes will be allowed, or longer, at the Chair's discretion. If there remains no quorum at the expiry of this period, the meeting will be declared null and void.
- 5.3 If there is no quorum at any stage during a meeting, the person presiding over the meeting will adjourn for a period of ten minutes, or longer, at their discretion. If there remains no quorum at the expiry of this period, the meeting will be closed and the remaining items will be declared null and void.

## **6. Member Conduct**

- 6.1 HGB Scrutiny Committee members appointed by the Councils shall be bound by the Code of Conduct of their nominating authority.
- 6.2 If a member persistently disregards the ruling of the Chair, or person presiding over the meeting, by behaving improperly or offensively or deliberately obstructs business, the Chair, or person presiding over the meeting, may move that the member be not heard further. If seconded, a vote will be taken without discussion.
- 6.3 If the member continues to behave improperly after such a motion is carried, the Chair, or person presiding over the meeting, may move that either the member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, a vote will be taken without discussion.

## **7. Notice of and Summons to Meetings**

- 7.1 Notice will be given to the public of the time and place of any meeting of the HGB Scrutiny Committee in accordance with the Access to Information rules of Hertfordshire County Council.
- 7.2 At least five clear working days before a meeting, a copy of the agenda and associated papers will be sent to every member of the HGB Scrutiny Committee. The agenda will give the date, time and place of each meeting; specify the business to be transacted, and will be accompanied by such details as are available.

## 8. Meeting Frequency

- 8.1 The HGB Scrutiny Committee may set its own timetable for meetings, normally on a date preceding meetings of the HGB in order to allow the HGB Scrutiny Committee to consider issues the HGB will be taking decisions on and advise accordingly.

## 9. Virtual Meetings

- 9.1 The following provisions shall apply to meetings which are scheduled during the period that **The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020**, or such other legislation as permits meetings to take place remotely, remain in force.
- 9.2 The HGB may hold any meeting remotely using Zoom, Microsoft Teams, or any other suitable platform, and may live-stream the meeting.
- 9.3 Where it elects to do so, notice of this shall be given to the public in advance, and the platform used shall enable the public to see and hear the proceedings. A link will be made available to enable members of the public whose questions have been selected in accordance with Standing Order 12 to address the HGB. Where a public questioner is unable to access the meeting, or cannot be heard by the Members during the time allocated for his or her question, the Chair shall have discretion to move on to deal with another question, or if the question is the last to be heard, to move on to other business.
- 9.4 Voting shall be managed by the Chair, by either (i) requiring members to vote using the applicable poll function, (ii) requiring members to vote orally in turn, or (iii) any other convenient method.
- 9.5 Where the public and press are excluded under Standing Order 16, members will be required to confirm that there are no other persons present with them who are not entitled to hear or see the proceedings.
- 9.6 The Quorum provisions at paragraph 5 shall apply equally to virtual meetings.

## Voting

- 10.1 All HGB Scrutiny Committee members will be voting members.
- 10.2 Voting for meetings of the HGB Scrutiny Committee will be conducted on the basis of a simple majority. The Chair shall have a casting vote; the convention shall be that the Chair shall not exercise this.

## **11. Reports from the HGB Scrutiny Committee to the HGB**

- 11.1 The Chair of the HGB Scrutiny Committee, or a nominated representative on his or her behalf, will be entitled to attend meetings of the HGB to present reports from the HGB Scrutiny Committee as appropriate.

## **12. Questions by the Public and Public speaking**

- 12.1 At the discretion of the Chair, members of the public may ask questions at meetings of the HGB Scrutiny Committee. This standard protocol is to be observed by public speakers:

- (a) There shall be a maximum of six public questions in each meeting, subject to a time limit of 30 minutes. Questions will be addressed on a first-come-first-served basis with reference to when they were submitted to the HGB, save that questions which in the opinion of the Chair are vexatious shall not be addressed;
- (b) Notice of the question should be submitted the Chief Legal Officer of Hertfordshire County Council at the latest by 10am three working days before the meeting;
- (c) Questions must be limited to a maximum of 300 words;
- (d) Answers will be given in writing and will be circulated at the meeting;
- (e) With the Chair's permission, the questioner may ask a supplementary question relevant to the original question (or its answer). The questioner's supplementary question must not last longer than two minutes. The answer to the supplementary question may be: (i) an oral answer lasting no more than three minutes; or (ii) where the desired information is contained in a publication of the Council, a reference to that publication; or (iii) in writing (to be available within seven days); or (iv) a combination of the above;
- (f) Questioners will not be permitted to raise the competence or performance of a member of the HGB Scrutiny Committee or the HGB, nor any matter involving exempt information (normally considered as 'confidential');
- (g) Questioners cannot make any abusive or defamatory comments, or raise points which in the opinion of the Chair are vexatious;
- (h) If any clarification of what the questioner has said is required, the Chair will have the discretion to allow other HGB Scrutiny Committee members to ask questions;
- (i) The questioning member will not be permitted to participate in any subsequent discussion and will not be entitled to vote;
- (j) In the event that one of the questions considered by the Chair is duplicated by later questions, it may be necessary for a spokesperson to be nominated to put forward the question on behalf of other questioners. If a



spokesperson cannot be nominated or agreed, the questioner of the first such question received will be entitled to put forward their question; and

(k) Questions should relate to items that are on the agenda for discussion at the meeting in question. However, the Chair will have discretion to allow questions to be asked on other issues.

### **13. Petitions**

13.1 At the discretion of the Chair, members of the public may submit and present petitions to the HGB Scrutiny Committee. This standard protocol is to be observed by petitioners:

(a) Petitions should include a clear statement of the petition organiser's concerns and what they would like the HGB Scrutiny Committee to do;

(b) Petitions must relate to something which is within the responsibility of the HGB Scrutiny Committee, or over which it has influence;

(c) Petitions must include the name and contact details of the petition organiser;

(d) Petitions must include at least 500 signatures of people living or working in Hertfordshire. Petitions below this threshold will not be presented to the HGB Scrutiny Committee, but HGB Scrutiny Committee members will be notified of them as long as they contain at least 50 signatures;

(e) Petitions must be submitted either (i) in hard copy, or (ii) via the HGB e-petition platform, in the format prescribed on the HGB portal, at least 10 clear working days before the date of the meeting. Petitions shall be administered by the Democratic Services Team of Hertfordshire County Council;

(f) Subject to the discretion of the Chair, a maximum of two petitions will be considered at any one meeting;

(g) Petition organisers will be permitted to present their petitions to the meeting and will be allowed to address the meeting for a maximum of three minutes;

(h) Where more than one petition is received in time for a particular meeting and they are considered by the Chair as supporting the same outcome or being broadly similar in intent, it may be necessary for a spokesperson to be nominated and present the petitions. If a spokesperson cannot be nominated or agreed, the petition organiser of the first petition received will be entitled to present their petition;

(i) Petitions will be rejected if the Chair considers them to be abusive or libellous, frivolous, vague or ambiguous, rude, offensive, defamatory, scurrilous or time-wasting or require the disclosure of exempt information (normally considered as 'confidential');

(j) Petitions on the same subject matter will not be accepted within a six-month period, unless there has been a material change of circumstances. Whether there has been a material change in circumstances will be

determined by the Chief Legal Officer of Hertfordshire County Council in consultation with the Chair (or Vice-Chair).

13.2 Any matters arising from petitions considered by the HGB Scrutiny Committee can be reported to the HGB as per Standing Order 10.

#### **14. Participation at HGB Scrutiny Committee Meetings by Other Members of Partner Councils or Other Representatives of Partner Bodies**

14.1 At the discretion of the Chair, other elected members of the Councils, or representatives from the LEP or other co-opted members, may be entitled to speak and participate at meetings of the HGB Scrutiny Committee.

#### **15. Minutes**

15.1 The Chair will sign the minutes of the proceedings at the next suitable meeting. The Chair will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

15.2 The minutes will be accompanied by a list of agreed action points, which may be discussed in considering the minutes of the previous meeting should they not be specifically listed as items on the agenda for the meeting.

#### **16. Exclusion of the Public and Press**

16.1 Members of the public and press may be excluded from meetings in accordance with the Access to Information legislation as applied by the administering authority with regard to the consideration of exempt or confidential information.

#### **17. Recording of Proceedings**

17.1 The recording in any format of meetings of the HGB Scrutiny Committee is permitted, except:

- a. Where the Chair, or person presiding over the meeting, rules that filming is being undertaken in such a way that is disruptive or distracting to the good order and conduct of the meeting; and/or
- b. Where the public have been excluded from the meeting during the consideration of exempt or confidential information (see standing order 16).

## **18. Disturbance by the Public**

- 18.1 If a member of the public interrupts proceedings, the Chair, or person presiding over the meeting, will warn the person concerned. If the individual continues to interrupt, the Chair will order his or her removal from the meeting room.
- 18.2 If there is a general disturbance in any part of the meeting room open to the public, the Chair, or person presiding over the meeting, may call for that part of the room to be cleared.
- 18.3 If there is a general disturbance making orderly business impossible, the Chair, or person presiding over the meeting, may adjourn the meeting for as long as he or she thinks is necessary.

## **19. Interpretation of Standing Orders**

- 19.1 The ruling of the Chair as to the application of these Standing Orders shall be final.

## **20. Suspension of Standing Orders**

- 20.1 With the exception of Standing Orders 5, 7.1, 10 and 15, and as far as is lawful, any of these Standing Orders may, as far as is lawful, be suspended by motion passed unanimously by those entitled to vote.



**Hertfordshire**  
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Room 204, Hertfordshire County Council, County Hall, Pegg Lane, Hertford SG13 8DE

**CABINET  
22 OCTOBER 2020**

**\*PART 1 – PUBLIC DOCUMENT**

**TITLE OF REPORT: BUSINESS RATES POOLING 2021/22**

REPORT OF THE SERVICE DIRECTOR - RESOURCES

EXECUTIVE MEMBER FOR FINANCE AND IT

COUNCIL PRIORITY: ENABLE AN ENTERPRISING AND CO-OPERATIVE ECONOMY

**1. EXECUTIVE SUMMARY**

- 1.1 The Ministry for Housing, Communities and Local Government (MHCLG) have issued an invitation for groups of Authorities to become Business Rate pools. The deadline for applications is 23rd October 2020. Urgent work needs to be carried out to determine whether it is worth Hertfordshire Authorities forming a pool and then who the optimum members of that would be. The economic impacts of Covid-19 make it very difficult to determine Business Rate forecasts for future years. Any gains from pooling will be significantly less than they have in previous years, and also subject to much greater risk. If relevant, an addendum report will be provided in advance of the Cabinet meeting to update on the latest position.

**2. RECOMMENDATIONS**

- 2.1. That Cabinet approve that the Council is part of a Hertfordshire Business Rates pool in 2021/22 (subject to confirmation that the Council is part of an optimum pool for Hertfordshire).

**3. REASONS FOR RECOMMENDATIONS**

- 3.1 Subject to further forecasts and analysis, it is possible that the Council could benefit financially from being part of a Business Rates pool.

**4. ALTERNATIVE OPTIONS CONSIDERED**

- 4.1 NHDC could choose not to be part of a Business Rate Pool, even if it would have been an optimum member. A Hertfordshire pool could still be formed by the County Council and a selection of other Districts/ Boroughs, that might still allow them to benefit from being part of a Pool.

## **5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS**

- 5.1. Hertfordshire County Council (HCC) are collecting information from all the Districts and Boroughs, that will be used to determine the optimum pool. The results of this will be discussed between the Chief Finance Officers. If relevant, the results of this will be provided as part of an addendum report.

## **6. FORWARD PLAN**

- 6.1 This report contains a recommendation on a key Executive decision, which has not been notified to the public in the Forward Plan. It is not possible to defer consideration of this decision because of the deadline for Pool submissions set by the Ministry for Housing, Communities and Local Government (MHCLG). The Chairman of the Overview and Scrutiny Committee has been informed and notice of the recommendation has been available at the Council Offices in Gernon Road, Letchworth for three clear working days prior to the date of this meeting.

## **7. BACKGROUND**

- 7.1. A Business Rate Pool allows the Authorities within the pool to reduce the amount of levy payable to the MHCLG on any business rate growth above a baseline. A pool can be made up of any Authorities, although it does need to include at least one top-up Authority (i.e. the County Council). To provide the optimum financial gains they usually include the Districts/ Boroughs with the highest forecast Business Rate growth. NHDC has been part of a pool in all 4 years that they have been in Hertfordshire (i.e. 2015/16, 2016/17, 2018/19 and 2020/21).

## **8. RELEVANT CONSIDERATIONS**

- 8.1. On 9<sup>th</sup> September 2020, the MHCLG wrote to Authorities to invite them to form Business Rate Pools for 2021/22. HCC sought initial advice from a consultancy firm that specialise in advising Local Authorities on whether there would be any benefits from forming a Pool. This was in the context of Covid-19 and the significant impact it has had on Business Rate income and the ability to forecast future income. The initial advice was that it would not be beneficial. It has recently been decided that it is worth looking in to again and therefore opens up the potential that there could be a viable Hertfordshire pool and that NHDC could be an optimum member.
- 8.2. HCC have asked all the Districts and Boroughs to provide forecasts of Business Rate income and highlight any specific risks. The information that the Council has provided includes the pending closure of the Morrisons store in Royston, which depending on future use of the building could have a relatively significant impact on Business Rate income. This information is being collected at a very late stage as it might allow for a slightly better forecast. This information will be analysed to determine whether:
- There is a viable Pool based on forecasts
  - The risks associated with that Pool
  - Which Districts and Boroughs would be in an optimum Pool
- 8.3. If relevant an update on the above will be provided as an addendum report. It could be that there is not a viable pool or the Council would not be an optimum member. In that event there would not be a decision for Cabinet to make.

## **9. LEGAL IMPLICATIONS**

- 9.1. Cabinet's terms of reference in the Council's constitution include at paragraph 5.6.1 "to prepare and agree to implement policies and strategies other than those reserved to Council".
- 9.2. Business Rate Pools are established under paragraph 34 of Part IX Schedule 7B of the Local Government Finance Act 1988 (as inserted by Schedule 1 of the Local Government Finance Act 2012).

## **10. FINANCIAL IMPLICATIONS**

- 10.1 The current system is 50% Business Rates Retention. However, this does not mean that an Authority retains 50% of the Business Rates income that it collects, but instead means that 50% of total Business Rates income is retained within Local Government overall. For example, in previous years it has been assumed that NHDC will collect around £38 million in Business Rates income. NHDCs share of this is 40%, which is just over £15m (10% goes to HCC and 50% goes to MHCLG). However, it is assessed that NHDC only needs £2.6m of this income, so is required to pay a further £12.5m to MHCLG as a tariff. If NHDC has any growth in its business rate income above the baseline of £2.6m, then it has to pay 50% of this to the MHCLG and 10% to HCC. So that leaves 40%, but this is then further reduced by a levy. The levy is calculated so that the increase in the income received is proportionate to the growth in total Business Rates. Being part of a Pool allows the Council to pay a lower levy.
- 10.2 If NHDCs Business Rate income falls such that its share of what it collects is less than the baseline, then this is reduced funding income to the Council. If the shortfall is greater than 7.5% (around £200k) in the example above then any shortfall above the 7.5% is paid by Government as a safety net. If the Council is part of a Pool then the 7.5% is assessed at a Pool level, and the Council may end up having to fund another Pool members losses. The pool overall does still have a safety net level of its losses.

## **11. RISK IMPLICATIONS**

- 11.1. The financial risk that the Council faces is detailed in paragraph 10.2 above. This needs to be compared against any potential gain.

## **12. EQUALITIES IMPLICATIONS**

- 12.1. In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 12.2 There are no equalities implications in relation to this report.

## **13. SOCIAL VALUE IMPLICATIONS**

- 13.1. The Social Value Act and "go local" requirements do not apply to this report.

**14. ENVIRONMENTAL IMPLICATIONS**

14.1. There are no known Environmental impacts or requirements that apply to *this report*.

**15. HUMAN RESOURCE IMPLICATIONS**

15.1 There are no HR implications in relation to this report.

**16. APPENDICES**

16.1 None

**17. CONTACT OFFICERS**

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**18. BACKGROUND PAPERS**

18.1 None