

**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 objectives¹; 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 framework²
- 2.5 Agree the Council's nominated representatives on the Growth Board and Scrutiny Committees.³

¹ Note exclusions as per 4.3 of Appendix 1 to HGB Appendix.

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

³ 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.