

CABINET – 17 JUNE 2014

OXFORDSHIRE GROWTH BOARD GOVERNANCE ARRANGEMENTS

Report by Director for Environment & Economy

Introduction

1. At the meeting on 18 March, Cabinet considered a report that gave an update on the Oxfordshire Strategic Economic Plan (SEP) including the SEP executive summary which captured the key themes, geographical focus and governance of the SEP. The document made reference to establishing a new Oxfordshire Growth Board to deliver the key local authority functions needed to achieve priorities as set out in the SEP.
2. The proposal for an Oxfordshire Growth Board builds on proposal within the approved City Deal agreement for the formation of a Statutory Joint Committee to oversee delivery of the programme. The City Deal requires a joint committee to be set up using the powers in section 102(3) of the local government act 1972, as clarified by regulation 12(1) of the 2012 regulations. The advice from the Oxfordshire lawyers group is that such a committee may co-opt members who are not members of the authorities onto the committee but that co-opted members would not have voting rights (section 13 of the Local Government and Housing Act).
3. The final wording of the City Deal agreement signed on 30th January is:

“The City Deal partners will establish a Joint Committee to act as City Deal Board. The Joint Committee would be established under Section 101 of the Local Government Act 1972, and the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012. The Local Authorities will invest powers in the City Deal Board by virtue of representative membership; the Board will comprise 6 local authority and 6 private sector representatives drawn from the wider Local Enterprise Partnership Board membership including the Chairman, university, research institution and private sector business. The City Deal Board will be chaired on a rotational basis by a Local Authority Leader. The City Deal Board (Joint Committee) will ensure that decisions relating to the implementation of this proposal are binding on all parties, thereby bringing confidence to Government and the business community more widely that its ambitions will be delivered. The work of the City Deal Board will be subject to public scrutiny and transparency.”

4. The ambition set out in the Strategic Economic Plan builds upon the narrative and governance arrangements developed as part of the City Deal. The proposed governance arrangements have further evolved in that the Joint Committee will act as the Growth Board for oversight of the delivery of the SEP and bid submission for the Local Growth Fund. It has further been clarified that in addition to the Leaders of each of the Oxfordshire local authorities, there will be six non-voting co-opted members. The proposed governance structure in the diagram at Annex A.

Growth Board Terms of Reference

5. Following consideration of the Oxfordshire SEP Executive Summary by the Cabinet on 18 March the full documents was finalised for submission on 31 March 2014. The full documents and executive summary can be found on the Local Enterprise Partnership (LEP) web site, the reference is contained in the background documents at the end of the report. Subject to successful approval it is anticipated that negotiations will commence soon after, with Local Growth Deals being negotiated in spring concluding in a final Local Growth Fund offer being made in July. Growth Deals will be implemented from April 2015.
6. The overall vision for the SEP is:

“By 2030 Oxfordshire will be a vibrant, sustainable, inclusive, world-leading economy, driven by innovation, enterprise and research excellence.”
7. Delivery of the SEP will be underpinned by several key strategies including:
 - The Oxfordshire City Deal
 - The Oxfordshire Skills Strategy
 - The Oxfordshire Transport Prospectus
 - The Oxfordshire Strategic Housing Market Assessment and subsequent Capacity Assessment and Sustainability Appraisal
 - The Innovation Strategy (which builds on recommendations in the recently published ‘Oxfordshire Innovation Engine’ report)
 - The Oxfordshire European Structural Investment Fund Strategy.
8. The proposed Terms of Reference (TOR) for the Growth Board are intended to provide the mandate to deliver the vision and effectively coordinate the delivery of the plans that emanate from these strategies. The TOR has been developed from the Gloucestershire model to reflect the demands and challenges of the circumstances in Oxfordshire. They are intended to provide sufficient capability to drive collaborative working to achieve agreed collective objectives whilst retaining local sovereignty over the planning of place. The revised draft TOR is attached at Annex B.
9. The intention is that as well as providing strategic direction and the critical oversight of programme delivery the Growth Board will also continue to

support the 'duty to cooperate' in its widest sense in the promotion of strategic overview of forward planning across the county as currently undertaken by the SPIP (Spatial Planning & Infrastructure Partnership) Board.

10. The Growth Board TOR incorporates the relevant functions currently undertaken by the SPIP Board and therefore on establishment of the Growth Board it is proposed that SPIP be dissolved.
11. With regard to the Local Transport Board (LTB) the formal approval of the Assurance Framework is seen as a strength and it has been agreed to use the appraisal process to assess and prioritise the proposed LGF projects. Currently, the Department of Transport (DfT) has a 'line of sight' on the accountability for the delivery of schemes through the LTB. The timing of the transition for LTB powers to be incorporated into the Growth Board, once it is established, will be dependent on the formal acceptance of the application of the DfT approved Assurance Framework.

Inter-Authority Agreement

12. As a precursor to the Growth Board Terms of Reference it is important that the protocol covering the working arrangements along with the powers being vested in the Growth Board as a Statutory Joint Committee is incorporated into an Inter Authority Agreement, a draft of which is attached as Annex C.

Timetable and Next Steps

13. As the Growth Board will be an Executive Committee the decision is not required to go to Full Council and it is at the discretion of each constituent authority how they decide to make the decision and confirm their nomination. The indicative timetable is detailed below:

West Oxfordshire DC – Cabinet	18 June
Cherwell DC – Executive	23 June
Vale of the White Horse DC – Cabinet	1 July
Oxford City Council – Executive	3 July
South Oxfordshire DC – Cabinet	10 July

Financial and Risk Implications

14. In terms of resourcing the Growth Board the County Council already provides support to the Local Transport Board, City Deal and the SPIP. It is envisaged that these resources will in future serve as support to the Growth Board and can therefore be met within the existing resource envelope.
15. The LEP has also benefited from recent secondment arrangements and has sufficient resources to enable it to comply with the reporting arrangements set out in the Terms of Reference.

16. The SEP will act as the bidding documents for the Local Growth Fund (LGF), a national £2bn fund that the Government has made available to support proposals for growth from each of the 39 LEPs across the country. At this stage it is not known how much resource Oxfordshire will receive from the LGF but as the Accountable Body for the LEP there is likely to be a significant risk set against the County Council in managing the proceeds from the LGF and how they are deployed. The extent of the risk will be reported to Cabinet once the negotiation for the LGF has been completed. The risk will be mitigated through the use of funding agreements with delivery agencies that will offset project delivery commitments and hence protect the County Council's position.

RECOMMENDATIONS

17. **The Cabinet is RECOMMENDED to agree:**
- (a) the draft Terms of Reference and their relationship to the requirements to deliver the Strategic Economic Plan, City Deal, SHMA and Local Transport Board programmes;**
 - (b) that details of the final agreement is delegated to the Director of Environment & Economy in consultation with the Leader of Council, the Monitoring Officer and Section 151 Officer;**
 - (c) the current position with regard to support for the Spatial Planning & Infrastructure Partnership, City Deal and LTB, and how this will need to develop to support the wider activities of the Growth Board.**

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Director for Environment & Economy

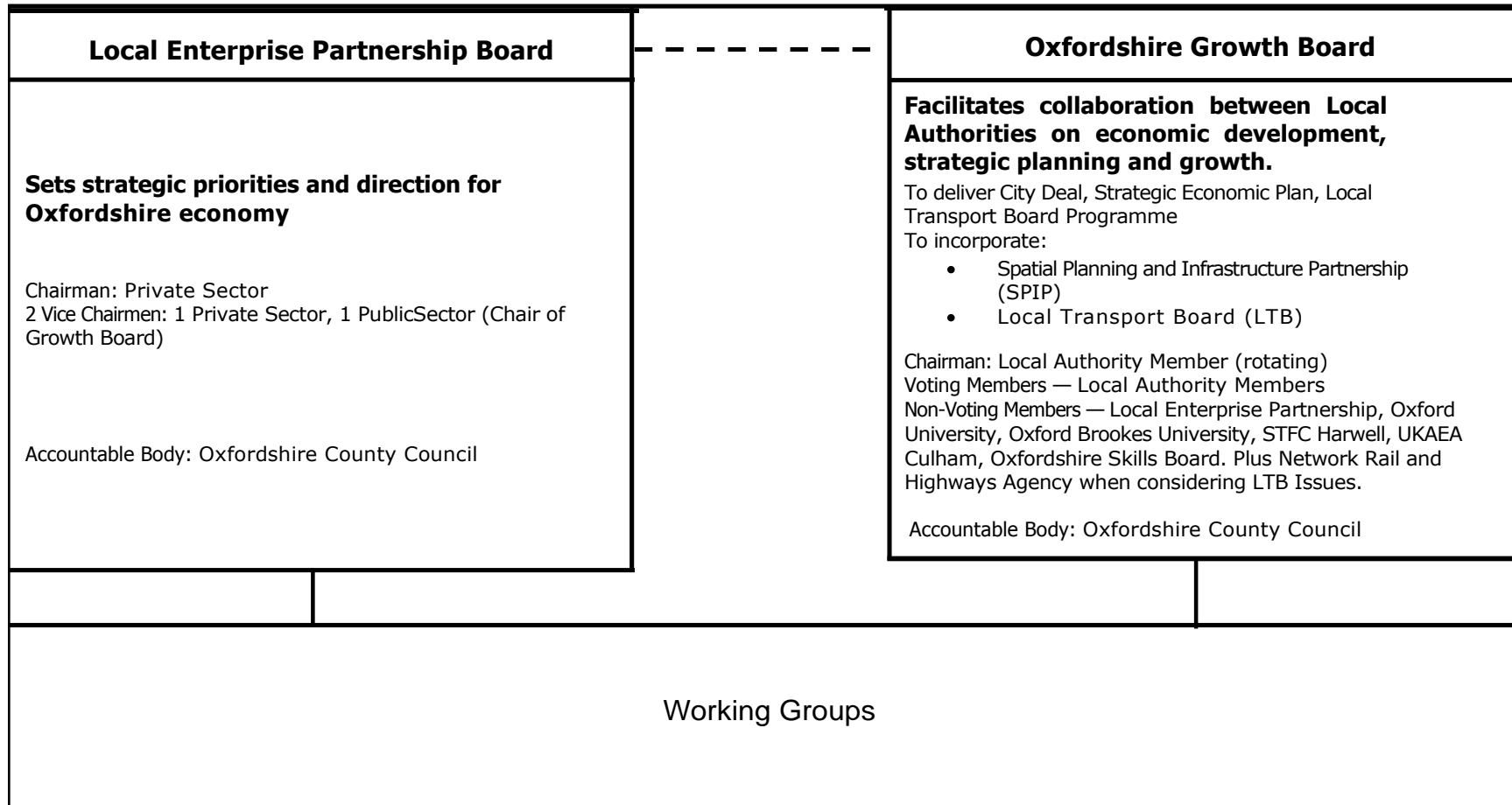
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20 May 2014

Oxfordshire Governance Structure

Annex A



Oxfordshire Growth Board Joint Statutory Committee

Draft Terms of Reference

1.0 Governance

1.1 The Oxfordshire Growth Board (the joint committee) includes the local authorities within the LEP area, namely, Oxfordshire LEP 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. It will also include co-opted non-voting named members from those organisations listed at 4.4 below. In addition when considering matters that sit under the purview of the Local Transport Board then Network Rail and the Highways Agency will have the right to attend the Growth Board as non-voting investment partners.

1.2 The Oxfordshire Economic Growth Board is a Joint Committee under s101 (5), 102 Local Government Act 1972 and s9EB Local Government Act 2000 and pursuant to the Local Authorities (Arrangement for the Discharge of Functions) (England) Regulations 2012.

1.3 The Committee will be hosted under local government arrangements and this will be rotated in accordance with the arrangements for the Chairman (see Section 8.1).

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.

2.2 The County Council's Chief Finance Officer (Section 151 Officer) in conjunction with the LEP Chief Executive will provide the Growth Board with a quarterly financial and programme performance report. This report will provide the Board with an overview of the funds spent, funds committed against funds allocated, milestones and outcomes achieved and where necessary, ensure that action plans are put in place to address any concerns.

2.3 For those programmes and funding streams where another local authority is the Accountable Body, e.g. the Enterprise Zone, the relevant Section 151 Officer will provide the financial and programme performance information to

the County Council's Chief Finance Officer to enable a complete picture to be presented to the Growth Board.

- 2.4 The Local Transport Board Assurance Framework will be the basis on which the appraisal, assessment and prioritisation for proposed Local Growth Fund projects and future growth programmes will be undertaken. [N.B. As agreed at the Leaders meeting on 4 March]

3.0 **Purpose of the Oxfordshire Growth Board**

- 3.1 To facilitate and enable collaboration between local authorities on economic development, strategic planning and growth.
- 3.2 To deliver cross-boundary programmes of work including City Deal, Strategic Economic Plan and Local Transport Board programmes, within government timescales, including agreeing the detailed contents of specific priorities, plans, projects and programmes.
- 3.3 To approve and monitor the implementation of a detailed work programme as laid out in the City Deal, Strategic Economic Plan and Local Transport Board programmes together with any future Growth Deals or other programmes as agreed.
- 3.4 To bid for the allocation of resources to support the above purposes.
- 3.5 For the avoidance of doubt each constituent authority will retain non-executive functions and those functions in relation to the promotion of economic well-being and strategic planning in its area including strategic transport and strategic planning.

4.0 **Membership**

- 4.1 As the Joint Committee is discharging 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 Subject to the legal right of the Joint Committee to appoint a Chairman and Vice Chairman of its choice each year the proposed protocol is that there will be a rotating Chairman and Vice Chairman as set out in table 8.2 below.

4.4 Other non-voting members as required for good linkages with the Local Enterprise Partnership shall be a single named-position representative from the bodies as detailed below:

- Oxford University.
- Oxford Brookes University.
- Oxfordshire Local Enterprise Partnership.
- STFC Harwell
- UKAEA Culham
- Oxfordshire Skills Board

4.5 When considering matters that sit under the purview of the Local Transport Board then a single representative of Network Rail and the Highways Agency will have the right to attend the Growth Board as non-voting investment partners.

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 Committee, would be to give rise to contractual or financial implications for any constituent authority, then a protocol will be established where the expectation would be that the vote of the member appointed by that constituent authority, in favour of the proposition, would be required. In respect of other matters, all other voting will be on a normal majority basis.

6.3 When considering matters that sit under the purview of the Local Transport Board, this protocol will apply to the vote of the member appointed by the County Council.

7.0 Functions

7.1 The opportunity provided by establishing the Growth Board and aligning the strategic meetings including SPIP and the LTB is to streamline the governance arrangements and incorporate the combined terms of reference under a single governing body:

From the Spatial Planning & Infrastructure Partnership

- To provide a liaison forum on spatial planning, economic development, housing, transport, and general infrastructure issues arising at regional and sub-regional level;
- To lead and co-ordinate liaison with the Local Enterprise Partnership on Oxfordshire wide issues and support the LEP in the identification of priorities and development of investment strategies and economic plans for Oxfordshire;
- To lead and co-ordinate liaison with the Homes and Communities Agency (HCA) to develop plans to enhance Oxfordshire share of HCA development programmes and contribute to any related interaction with Government agencies;
- To lead on production of joint work on cross border issues to ensure partners meet the requirements of the Duty to Cooperate and wider national policy;
- To lead and coordinate the Homes and Communities Agency (HCA) process on regeneration and housing issues leading to the production of the Local

Investment Plan (LIP) and contribute to any related interaction with Government agencies;

- To seek agreement on local priorities and targets and advise partners on matters of collective interest in the fields of activity listed above;
- 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;
- To ensure that regional policy development, the Local Transport Plan and joint working through the Oxfordshire Partnership and District Local Strategic Partnerships on service planning and community development is appropriately linked to the decision making role of the Local Planning Authorities on Local Development Frameworks and related infrastructure planning;
- To ensure that spatial planning, infrastructure and public services are integrated, in specific localities e.g. Science Vale Enterprise Zone, Bicester Eco Village, Northern Gateway.

From the Local Transport Board

- To have the role of prioritising transport 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;
- To have the ability to comment on wider consultations, such as the Local Transport Plan, and funding investment decisions from national agencies, e.g. Network Rail, Highways Agency, where these have a strategic impact on the local transport network;

From the City Deal Programme

- To oversee the delivery of all of the local government aspects of City Deal and to have oversight of the LEP Work Programme;

- Prioritisation of the investment in the Escalator Hubs, the allocation of funding from City Deal and the accountable body for each project;
- Establishing the City Deal infrastructure programme and agreement of the contribution level from either retained business rates or the proposed funding streams;
- Responsible for prioritising the delivery of schemes to be funded through the City Deal infrastructure fund, for transport, housing or economic development schemes;
- Agreement to the work programme for the City Deal and in support of the LEP Growth Strategy.

8.0 Meetings

8.1 The Chairman and Vice-Chairman of the Growth Board will be elected at the first meeting but are expected to follow the arrangements as set out in paragraph 8.2.

8.2 The lead authority for convening meetings will be that of the elected Chairman and it will provide Secretary/Clerk support to the Board. Meetings shall be held on a bi-monthly basis, meetings may be called as and when required to ensure that critical timescales are met.

Year	Chairman	Vice chairman
2014/15	West Oxfordshire District Council	Cherwell District Council
2015/16	Cherwell District Council	Oxfordshire County Council
2016/17	Oxfordshire County Council	Oxford City Council
2017/18	Oxford City Council	South Oxfordshire District Council
2018/19	South Oxfordshire District Council	Vale of White Horse District Council

9.0 Secretariat and Support

9.1 The secretariat and support will include the existing SPIP Executive Officer Group and involve other investment partners as appropriate, e.g. Environment

Agency, Highways Agency, Network Rail; to advise on the investment and work programme.

- 9.2 The Group will be chaired by the lead authority (as in previous SPIP arrangements). In the first instance this will be West Oxfordshire.

10.0 Scrutiny Arrangements

- 10.1 Decisions made by the Committee shall be subject to the scrutiny arrangements of each constituent authority.

Annex C

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 than 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 Chairman shall have a casting vote.
4. Where the effect of the particular proposition, if adopted by the Joint Committee, would be to give rise to contractual or financial implications for any part of one of the Parties, then in addition to the normal requirement for a simple majority of votes, the Parties will seek to ensure that the vote of the Member of the effected Party, in favour of the proposition, will be obtained.

Status

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

Growth Deal Programme

Annex D

	Total Cost	Total Ask	13/14	14/15	15/16
Local Transport Board (Confirmed)					
Bicester: London Road Level Crossing	27.40	2.30			
Oxford: Northern Gateway A40 Cutteslowe Roundabout	4.30	3.80			
Science Vale: Wantage Eastern Link Road	14.00	4.50			
	45.70	10.60			
City Deal (confirmed)					
Science Transit - Hinskey Interchange	23.5	8.7			
Northern Gateway	17.8	7.3			
Access to the EZ	28.8	6.1			
Harwell Innovation Hub	14.1	7			
Culham Advanced Manufacturing Hub	21.2	7.8			
Bio Escalator	22	11			
Begbroke Innovation Accelerator	11.2	4.2			
Oxfordshire Innovation Support Programme	7	2			
Oxfordshire Experience for work	24	1.5			
Oxford Accelerated Housing programme					
	146.1	55.6			
SEP schemes (TBC June 2014) LGF					
Centre for Applied Superconductivity	6.5	4.49			
Advanced propulsion centre	10	4.99			
Northern Gateway Innovation Area	286.7	12.02			
Innovation e-infrastructure	52	20.99			
Centre for 5G telecommunications and its applications	11	2			
Oxfordshire Business Support Hub for Business, Innovation & Export	14.8	7.2			
National Science Centre	25	12.5			
Clinical Bio Manufacturing Centre	6	3			
Oxfordshire Centre for Technology and Innovation	7.84	4.5			
Advanced Engineering and Technology Skills Centre (ASC)	5.9	4			
Active Care Suite	0.9	0.72			
Animal Husbandry	1.5	1			
Harwell Oxford Education and training Hub	12	10			
Oxfordshire Flood Risk Management Scheme	125	62.5			
Didcot Station Building Enhancements	25	2			
Westgate Knowledge & Skills Exchange Centre	400	5			
Didcot Town Centre Knowledge & Skills Exchange Centre	120	4			
Upstream flood Storage at Northway	1.9	0.6			
County Houses Project	0.56	0.56			
Headington Phase 1 & Eastern Arc Transport Improvements	12.5	8.2			

CA7

A34 improvements Phase 1 (Including Seacourt P&R)	23.62	21.32			
Bicester London Road - Level Crossing - phase 1 Cycle/Ped Crossing	3.6	1.3			
Bicester Charbridge Lane Railway crossing	8.75	7.5			
Didcot Station Car Park Expansion (Foxhall Rd)	23	9.5			
Oxford City Transport - West End	8.8	4.6			
Science Vale Cycle Network Improvements	4.91	4.52			
Oxford Station Gateway	72	40			
Oxford Science Transit Phase 2 - A40 Public Transport improvements	40	35			
Bicester improvements to peripheral routes	35	22.5			
Access to EZ - A417 improvements	4	3			
Oxpens pedestrian and cycle bridge	4	3.6			
	1352.78	323.11			