

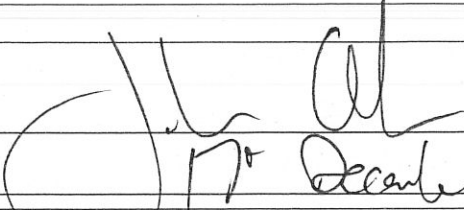
Record of Cabinet portfolio holder decision

Local Government Act 2000 and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

Decision made by	John Cotton, Leader of the Council
Key decision?	No
Date of decision (same as date form signed)	
Name and job title of officer requesting the decision	Margaret Reed Head of Legal and Democratic Services
Officer contact details	Tel: 01491 823656 Email: margaret.reed@southandvale.gov.uk
Decision	<p>To:</p> <p>(1) approve the terms of reference of the Oxfordshire Growth Board attached as the appendix to this decision.</p> <p>(2) delegate the council's executive functions in respect of matters within the terms of reference to the Oxfordshire Growth Board pursuant to Sections 101(5) and 102 of the Local Government Act 1972, Section 9 EB of the Local Government Act 2000 and the Local Authorities (Arrangement for the Discharge of Functions) (England) Regulations 2012.</p> <p>(3) appoint the Leader of the Council to represent the council on the Oxfordshire Growth Board and all other Cabinet members as substitutes.</p>
Background	<p>As part of the Oxford and Oxfordshire City Deal bid process the constituent local authorities and other bid partners have agreed to the establishment of a collaborative board to oversee the delivery and implementation of the bid.</p> <p>Accordingly it is proposed to establish a joint executive committee of the constituent local authorities to be called the Oxfordshire Growth Board. As part of this process it is necessary for all constituent authorities, including South Oxfordshire District Council, to agree the terms of reference of the board, delegate the necessary executive functions to it and appoint a member of the Cabinet and substitutes to attend meetings and represent the council.</p>

	<p>The proposed terms of reference and associated protocol are appended to this decision.</p> <p>To the extent that the Oxfordshire Growth Board will be taking executive decisions jointly on behalf of the constituent local authorities it is necessary to establish the board as a joint committee and for each Council to delegate the relevant executive functions to it pursuant to Section 101 (5) and 102 of the Local Government Act 1972 and Section 9 EB of the Local Government Act 2000. It should, however, be noted that the terms of reference make clear that all non-executive functions are retained by each constituent authority and that each council also retains the capability to exercise all executive functions generally and specifically in relation to economic development, strategic spatial planning and strategic transport planning in their respective areas.</p> <p>As the board comprises a joint executive committee of the local authorities the only voting members can be representatives of local authorities. Any other representatives from other stakeholders supporting the City Deal bid can be co-opted non-voting members only. It is also necessary for the board to be chaired by a voting member i.e. a local authority representative.</p> <p>The terms of reference have been the subject of deliberation between the monitoring officers of the respective local authorities in Oxfordshire and have been recommended for approval by the Oxfordshire Leaders' Group.</p> <p>Only Cabinet members can be appointed to the board and it is accordingly recommended that the Leader be appointed to represent this council's interests on the board and that all other members of the Cabinet are appointed to act as a substitute, in accordance with the requirements of paragraph 4.2 of the terms of reference.</p>
<p>Reasons for decision</p>	<p>As part of the Oxford and Oxfordshire City Deal bid the constituent bidding parties have agreed to establish the Oxfordshire Growth Board as a joint executive committee of the constituent local authorities. In order to ensure that South Oxfordshire District Council plays its appropriate part it is necessary for these decisions to be made.</p>
<p>Alternative options rejected</p>	<p>The following alternative options have been identified:</p> <p>(1) not to agree the proposed terms of reference of the board as appended but suggest amendments. This is not recommended because the draft terms of reference have been collectively agreed by the groups mentioned above. All constituent local authorities are going through a process of approving the terms of reference as set out.</p> <p>(2) not to delegate the appropriate executive functions, nor appoint a councillor to the board. This is rejected because</p>

	the board is being established with the support and endorsement of all of the constituent bidding parties to the Oxford and Oxfordshire City Deal bid which included South Oxfordshire District Council.			
Legal implications	As the proposed board is a joint executive committee of the constituent local authorities to the City Deal bid it is necessary for each council specifically to delegate the relevant executive functions to the board pursuant to the legislation referred to above. The protocol appended to the terms of reference cannot be legally binding on any of the constituent local authorities but is merely an expression of intention to proceed as indicated.			
Financial implications	There are no direct financial implications arising from this report.			
Other implications	None.			
Background papers considered	None.			
Declarations/conflict of interest? Declaration of other councillor/officer consulted by the Cabinet member?	None.			
List consultees		Name	Outcome	Date
	Ward councillors	N/A		
	Legal	Margaret Reed	Approved	6 November 2014
	Finance	Simon Hewings	Approved	6 November 2014
	Human resources	N/A		
	Sustainability	N/A		
	Diversity and equality	N/A		
	Communications	N/A		
	Strategic Management Board	Anna Robinson	Approved	12 November 2014
Confidential decision? If so, under which exempt category?	No			
Call-in waived by Scrutiny Committee chairman?	No			
Has this been discussed by Cabinet members?	Yes, Cabinet briefing on 18 June 2014.			

Cabinet portfolio holder's signature To confirm the decision as set out in this notice.	Signature	
	Date	17 th December 2014

ONCE SIGNED, THIS FORM MUST BE HANDED TO DEMOCRATIC SERVICES IMMEDIATELY.

For Democratic Services office use only		
Form received	Date: 17 December 2014	Time: 14:15
Date published to all councillors	Date: 24 17 th December 2014	
Call-in deadline	Date: 24 December 2014	Time: 17:00

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 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.

1.2 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.

1.3 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.

1.4 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 report. This report will provide the Board with an overview of the funds spent, funds committed against funds allocated.

2.3 Programme management will be provided by the Growth Board Programme Manager and will include milestones and outcomes achieved and where necessary, ensure that action plans are put in place to address any concerns.

2.4 For those programmes and funding streams where another local authority is the Accountable Body, 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.

2.5 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, which may be revised by the Growth Board as wished, subject to approval by the DfT.

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, Growth 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. For the avoidance of doubt these terms of reference are not to be read as incorporating any non-Executive functions and each constituent Authority shall retain the capability to exercise all executive functions generally and specifically in relation to economic development, strategic spatial planning and strategic transport planning. Further, these terms of reference are not to be read as entitling the Board to bind, either financially or contractually, any constituent Authority.

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:

- LEP: Chairman
- Oxford University
- Skills Board
- Harwell/Diamond Light Source
- LEP Business Rep
- LEP Oxford City Business Rep
- Homes and Communities Agency

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

7.1.1 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 forum for partnership working and collaboration 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 assess whether spatial planning, infrastructure and public services are integrated and make recommendations to encourage this.

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 and Growth Board

- To oversee the delivery of all of the local government aspects of City Deal, Growth Deal (where local authorities are the delivery partners) 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 and relevant Growth Deal projects 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, relevant Growth Deal projects and in support of the Strategic Economic Plan.

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

2019/20 Vale of White Horse DC West Oxfordshire DC

9.0 Secretariat and Support

9.1 The secretariat and support will be provided by the existing SPIP Executive Officer Group, now known as the Growth Board Executive. Other investment partners will be involved as appropriate, e.g. Homes and Communities Agency, 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

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.