

# Cherwell District Council

## Executive

6 July 2020

### Oxfordshire Growth Board Terms of Reference and Memorandum of Understanding

#### Report of Assistant Director - Growth and Economy

This report is public

#### Purpose of report

This report proposes a revised Terms of Reference and Memorandum of Understanding for the Oxfordshire Growth Board, which requires approval by each of the Oxfordshire Council Cabinets / Executive. These are presented for consideration following a recent public review of the Growth Board's role and functions, which has helped to inform the revisions made.

Similar reports to this one will be considered by respective Cabinets/Executives throughout Oxfordshire during July and early part of August 2020 as set out in paragraph 3.9.

#### 1.0 Recommendations

The meeting is recommended to:

- 1.1 Approve the Terms of Reference (ToR) and Memorandum of Understanding (MoU) at Appendices One and Two respectively.
- 1.2 Delegate authority to the Chief Executive, in consultation with the Leader and the Growth Board, to make minor amendments to these documents, the scale and nature of which does not result in terms that are substantially different from those approved in this report, which support the operational efficiency of the Growth Board's work.

#### 2.0 Introduction

- 2.1 The Oxfordshire Growth Board ("the Board") was established in 2014 as a Joint Committee<sup>1</sup> of the six councils of Oxfordshire, together with key strategic partners. It was set up to facilitate and enable joint working on matters concerning economic development, strategic planning and growth. The Board's establishment was

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<sup>1</sup> Under s101 (5), 102 Local Government Act 1972 (LGA 1972) and s9EB Local Government Act 2000 (LGA 2000) and pursuant to the Local Authorities (Arrangement for the Discharge of Functions) (England) Regulations 2012.

premised on strengthening partnership arrangements throughout Oxfordshire for pragmatic working on key strategic issues. It has successfully done this by overseeing the delivery of cross-county projects that the councils of Oxfordshire were seeking to deliver in a collaborative way – between local authorities, the Local Enterprise Partnership (OxLEP) and wider partners and stakeholders.<sup>2</sup>

- 2.2 On 24 September 2019, the Board agreed to carry out a formal review of its role and function to ensure that the most pragmatic and effective arrangements are in place to enable collaboration and delivery on Oxfordshire wide priorities. The review welcomed the views of the public, partners and councillors through several engagement exercises including workshops and an online survey; with over 250 contributions received.
- 2.3 The review found that there have been a series of unique successes and opportunities realised through the Growth Board collaboration and the duty to cooperate, including securing over £500m of investment in Oxfordshire in recent years. There were however areas identified for improvement concerning communication and the integration of environmental issues within the Board's work. On 28 January 2020, the Board requested that the recommended outcomes of the review be developed into more detailed proposals. A more comprehensive report concerning progress against the outcome of that review will be presented to the Growth Board on 28 July 2020.
- 2.4 The revised Terms of Reference and Memorandum of Understanding for the Growth Board have been updated to take account of the conclusions from the review. These documents are matters for decision within the remit of each local authority Cabinet / Executive and are appended to this report for approval. Each local authority must agree to these amendments before they can take effect.
- 2.5 Before further progress is made in implementing the outcomes of the Growth Board review, it is critical that a robust baseline of core governance documents is agreed, on which further changes can build. Whilst the local, regional and national context continues to evolve concerning the role of Growth Boards and sub-regional governance structures across the Oxford to Cambridge Arc, there is, and there will continue to be, a need to keep these documents under regular review.
- 2.6 In this respect, the adoption of these documents represents stage one of two in implementing outcomes from the Growth Board review. Subject to the new purpose and ToR being agreed by all six local authorities, stage two will take a more detailed look at opportunities to update the Board's operating arrangements to reflect the increasing importance of protecting the environment and tackling climate change. This will include assessing how the Board interacts with emerging proposals for a Local Nature Partnership for Oxfordshire. Any recommended changes will be presented for agreement at the appropriate level.

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<sup>2</sup> As a Joint Committee, the Board may discharge executive functions if delegated to it by each constituent local authority, but each constituent authority retains the ability to exercise all executive and non-executive functions generally and specifically in relation to economic development including where applicable provision of housing, strategic spatial planning and strategic transport planning.

## 3.0 Report Details

### Growth Board Terms of Reference

- 3.1 The Growth Board's revised ToR now have a clear purpose from the outset, with an emphasis on sustainable development, the pursuit of a zero-carbon future, and the oversight of delegated programmes of work within this remit as required. This includes amendments throughout to give a greater emphasis on sustainability in the Board's work, reflecting feedback received during the review. This is perhaps the most significant change in how the Board is organised, reflecting the specific importance of environmental preservation and tackling climate change in Oxfordshire's future. An early draft of this new purpose received positive feedback from some public contributors to the review, as well as formal support from the Board's cross-party and cross-authority Scrutiny Panel in January 2020. Once this new purpose receives the relevant approvals, it can be communicated more widely and integrated as a key element of ongoing work.
- 3.2 The name of the Growth Board has also been scaled back significantly in the ToR in favour of reference to the "Joint Committee." The review recognised that several public contributors were critical of the Board's name, often citing that it did not take account of the importance of sustainability and the environment.
- 3.3 When the previous ToR were last considered in April 2018, the ToR for the Advisory Sub-Groups and the Scrutiny Panel were still in development. Now that they have been established, the Board's ToR does not need to list the specific detail of how each of these external groups will operate. The revised ToR instead now summarise in general terms the role of these groups and redirects to the separate ToR that now exist. Both the Advisory Sub-groups and the Scrutiny Panel are non-statutory and, whilst they are a critical component of the Board's work, they do not hold any formal decision-making powers.
- 3.4 Non-voting members have been renamed as associate members. This has been done in order to move away from voting terminology being a defining feature of their role. Instead, the associate status brings a parity of esteem between colleagues on the Board. The revised draft does however retain the distinction that associate members will not be able to vote on local authority matters.
- 3.5 Included in the new ToR is a provision to request a subscription fee from each member of the Board. This is to raise the visibility and transparency of the need for continued joint funding arrangements for the Board's work to be delivered. The Board currently has a spending pot for administrative costs of approximately £24k which has no current commitment to top up. Separately, approximately £118k in staffing costs are divided equally and recharged in arrears to all six local authorities each year. Subscription fees will enable a more formalised budgeting structure to exist for the Board's operations, and for budget approval to be recommended to each authority in February. This will bring greater visibility to the ongoing costs and improve our ability to plan for future budget rounds.
- 3.6 As required under the emerging Oxford to Cambridge Arc governance arrangements, provision has been included in the ToR for the Growth Board to appoint representatives to relevant bodies as required. It is anticipated that greater clarity will come forward in the next year about the precise implications of the emerging Arc concept, and the role of local authorities and the Board in that process.

- 3.7 Provision has been included in the new ToR for members to withdraw from the Board, which provides certainty around the process if this were to occur. Importantly, it specifies periods of notice which will allow enough time for withdrawal to take place, and for budget impacts to be assessed.

### **Memorandum of Understanding**

- 3.8 The Memorandum of Understanding between Oxfordshire County Council and the Growth Board was established in April 2018. This is principally an operational document to support the administration of the Board's work. A revised version is included at Appendix 2 for agreement, which must also be agreed by each of the partner local authority Cabinets. The updated MoU provides greater operational clarity concerning the handling freedom of Information requests related to the Growth Board. Several minor changes have also been included to mirror the terminology and arrangements now included in the revised ToR for the Growth Board.

### **Timescales**

- 3.9 The list of meeting dates below sets out a timetable for the ToR and MoU being considered by each local authority Cabinet / Executive. Pending agreement by all local authorities, the revised ToR and MoU will take effect from 7 August 2020; the date on which the last council's Cabinet meets to approve the revised documents.

- Cherwell District Council: 6 July 2020
- South Oxfordshire District Council: 9 July 2020
- Oxford City Council: 15 July 2020
- Oxfordshire County Council: 21 July 2020
- West Oxfordshire District Council: 22 July 2020
- Vale of White Horse District Council: 7 August 2020

## **4.0 Conclusion and Reasons for Recommendations**

- 4.1 The Oxfordshire Growth Board carried out a formal review of its role and function to ensure that the most pragmatic and effective arrangements are in place to enable collaboration and delivery on Oxfordshire wide priorities. The revised Terms of Reference and Memorandum of Understanding for the Growth Board have been updated to take account of the conclusions from the review.

## **5.0 Consultation**

None on this report. Although, there has been a detailed programme of consultation on the Growth Board review.

## **6.0 Alternative Options and Reasons for Rejection**

- 6.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option One: Withdrawal of CDC from ongoing participation from the Growth Board – this was rejected mainly because Cherwell is an integral part of Oxfordshire and it would disadvantage Cherwell residents, communities and businesses from taking advantage of future opportunities, generally, and, in future, possible future funding streams.

Option Two: Keeping the Growth Board as it was – this was rejected because there was evidence that the Growth Board needed to realign itself to changing circumstances and demands.

## **7.0 Implications**

### **Financial and Resource Implications**

- 7.1 The introduction of a subscription fee will enable greater transparency and forward planning in the budgeting for the Growth Board's support arrangements between the County Council as the accountable body and the remaining five participating Councils across Oxfordshire. These are not new costs for the Board's management, but instead a clearer process by which budgeting, and cost sharing can be undertaken. The subscription will be linked to the overall running costs of the Growth Board and will be met from within the existing Growth and Economy budget. Based on the current running costs of approximately £120,000 per annum this would result in an equal subscription of £20,000 per Council for the six participating Councils.

Comments checked by: Dominic Oakeshott - Assistant Director Finance (Interim), 0300 003 0110; Email: [dominic.oakeshott@cherwell-dc.gov.uk](mailto:dominic.oakeshott@cherwell-dc.gov.uk)

### **Legal Implications**

- 7.2 The Oxfordshire Growth Board is a Statutory Joint Committee<sup>3</sup>. As such, agreement to the revised ToR and MoU is an executive function which falls to the respective local authority Cabinets/Executives to agree.

Comments checked by:

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### **Risk implications**

- 7.3 There is a risk that by not participating in the Growth Board structures that Cherwell residents, communities and businesses might be disadvantaged from taking advantage of future opportunities, generally, and possible, future, funding streams.
- 7.4 There is a risk that the Board may not fulfil its obligations and so there is a need to ensure that appropriate structures and governance arrangements are put in place to enable the Board to function in the correct manner. Such arrangements are already in place and are reviewed on a sufficiently regular and timely basis as part of the

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<sup>3</sup> Under s101 (5), 102 Local Government Act 1972 and s9EB Local Government Act 2000, pursuant to the Local Authorities (Arrangement for the Discharge of Functions) (England) Regulations 2012

board risk register. Any escalations of risks will be fed into the Leadership Risk Register as and when appropriate.

Comments checked by:

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## 8.0 Decision Information

### Key Decision

**Financial Threshold Met: No**

**Community Impact Threshold Met: Yes**

### Wards Affected

All

### Links to Corporate Plan and Policy Framework

The work of the Growth Board contributes to all four strategic priorities within the Council's 2020-2021 Business Plan; Housing that meets your needs, Leading on environmental sustainability, creating an enterprising economy with strong and vibrant local centres and healthy, resilient and engaged communities. It also contributes to the themes of healthy places, partnerships, customers and continuous improvement.

### Lead Councillor

Councillor Barry Wood, Leader of the Council

### Document Information

Appendix No	Title
One:	Revised Growth Board Terms of Reference.
Two:	Revised Growth Board Memorandum of Understanding.
Background Papers	
None	
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