

CENTRAL AREA GROWTH BOARD - DETAILED TERMS OF REFERENCE AND STANDING ORDERS

Preamble

These Terms of Reference are not legally enforceable between the constituent authorities but set out what the constituent authorities have agreed will form the Growth Board's structure, detailed terms of reference, voting procedures and funding. These Terms of Reference can be amended on a majority vote of the Growth Board (provided all constituent authorities are represented at the meeting by voting members when such a vote is taken). Major changes need to be approved by the Executive of each constituent authority.

CENTRAL AREA GROWTH BOARD

1. GOVERNANCE

1.1 The Central Area Growth Board ("the Growth Board") consists of the following local authorities with effect from 1 September 2021 and these Terms of Reference take effect from (date)

Full Members (also known as "constituent authorities") are as follows:

- Bedford Borough Council.
- Central Bedfordshire Council.
- Luton Borough Council.
- Milton Keynes Council.
- North Northamptonshire Council.
- West Northamptonshire Council.

Each constituent authority will be represented by one councillor (see also paragraph 4.2 regarding substitute members) as notified by the Democratic Services team of the relevant authority.

1.2 Each constituent authority has:

- a. agreed to the establishment of this Growth Board; and
- b. approved these Terms of Reference of the Growth Board (subsequent revisions being subject only to vote by the Growth Board as set out in the preamble above).

- 1.3 The Growth Board will also include associate members, who as co-opted members will be able to participate in meetings but not be able to vote. In further detail:
- a. the Local Enterprise Partnerships (LEPs) which operate in the area of any constituent authority are automatically entitled to be associate members;
 - b. the Growth Board will also automatically include other co-opted non-voting named members from those organisations listed at 4.4 below should they choose to participate;
 - c. the Growth Board may decide on unanimous vote of those present at the meeting concerned that other organisations be invited to be co-opted members; and
 - d. each associate member will be entitled to send a single representative to any meeting of the Growth Board subject to prior notification of the identity of the representative to the Host Authority (see paragraph 2.5 below).

2. ACCOUNTABLE BODY AND HOST

- 2.1 The Accountable Body for the Growth Board is Milton Keynes Council which will provide the Section 151 officer role to the Growth Board.
- 2.2 As Accountable Body, Milton Keynes Council will:
- a) hold, manage and expend funds against the Growth Board's budget;
 - b) employ any staff who work on, or contribute to the delivery of, the Growth Board's functions; and
 - c) enter into any contracts required for the delivery of the Growth Board's functions.
- 2.3 Milton Keynes Council's Chief Finance Officer (Section 151 Officer) will provide the Growth Board with a quarterly financial report. This report will provide the Growth Board with an overview of the funds spent, and funds committed against funds allocated.
- 2.4 Programme management will be provided by dedicated Growth Board officer support from the Accountable Body (see further paragraph 8.2 below).

Although the Growth Board is not a joint committee in the sense of being formally constituted under joint committees arrangements set out in s101 (5) and 102(1) of the Local Government Act 1972 and s.9EB Local Government Act 2000, the meetings of the Growth Board will be hosted under local

government arrangements for meetings and this hosting role (“the Host”) will be rotated in accordance with the arrangements for the Chair (see section 7 below). Committee services will be provided by the Host (see further paragraph 7.3).

3. PURPOSE AND FUNCTIONS OF THE CENTRAL AREA GROWTH BOARD

3.1 The Growth Board will only exercise the relevant functions which have been delegated to it by each constituent authority. Consequently, and without prejudice to the generality of this, the decision-making powers on planning matters, will remain vested with the Local Planning Authority for each constituent authority, as set out in the Planning and Compulsory Purchase Act 2004.

Purpose

3.2 The purpose of the Growth Board is to work towards the following outcomes in relation to the Central Area:

- a) accelerate the delivery of planned growth across the area, where this is enabled by investment in infrastructure and services;
- b) provide the strategic leadership that will enable existing mechanisms and processes to plan for and realise an economic transformation across the area;
- c) secure long term benefits and opportunities for local communities; and
- d) attract increased private sector investment.

Main Tasks

3.3 The Growth Board does not have any formal allocation of functions from constituent authorities; however its main tasks relate to the exercise of the constituent authorities’ powers under Section 1 of the Localism Act 2011 insofar as they relate to the promotion of development or economic growth or matters ancillary to this in the Central Area, and in relation to the matters listed below:

- a. to apply for central government funding in the name of the Central Area Growth Board, and if received, to determine priorities for expenditure and direct such expenditure and direct the Accountable Body or other constituent authority to implement these;
- b. to respond to consultations, express views and make recommendations to Government and others, including partners, on matters of general importance to the Central Area. This will all be in the name of the Central Area Growth Board. This will include on:

- i. proposals for major development, including local plans;
- ii. proposals for major infrastructure;
- iii. funding submissions to Government or its agencies; and
- iv. economic plans and strategies.

Other Tasks of the Growth Board

- 3.4 To provide the strategic leadership by representing the Central Areas as a whole, which will enable the constituent authorities to plan for, and realise, an economic transformation across the Central Area, speaking to Government and its Agencies with one co-ordinated voice and encouraging private sector investment.
- 3.5 To seek to establish Common Planning Areas to produce an integrated and holistic approach to strategic planning for employment, housing and infrastructure that builds on Local Plans, Local Transport Plans and Economic Plans and Strategies.
- 3.6 Coordination in reviewing whether spatial planning, infrastructure and public services are integrated and make recommendations to encourage this.
- 3.7 To accelerate and increase the delivery of planned growth across the area, where this is enabled by investment in infrastructure and services.
- 3.8 To work to influence the route planning options, in order to realise the opportunity for the area in the Cambridge-Milton Keynes- Oxford growth corridor, (road and rail) and other associated linkages that may be delivered.
- 3.9 To approve and monitor the implementation of Central Area programmes of work including those flowing from any Place Deals, Economic Plans and transport strategies and other relevant infrastructure programmes as agreed. (This is not an exhaustive list and may be expanded by agreement of the Growth Board).
- 3.10 To bid for and secure investment, including from Government and external sources of resources to support the above purposes.
- 3.11 Advise partners on matters of collective interest.
- 3.12 Commission and share research and analysis in support of the preparation of statutory and non-statutory plans and strategies (including local plans and economic plans). This will include work designed to assist compliance with the duty to cooperate in connection with plan-making.

- 3.13 Lead and coordinate the Homes England liaison process on Central Area wide regeneration and housing issues and contribute to any related interaction with Government agencies.
- 3.14 Provide a forum for partnership working and collaboration on spatial planning, economic development, housing, transport, and general infrastructure issues.
- 3.15 Input into delivery of a local Industrial Strategy for the Central Area.
- 3.16 Engage with and represent the Central Area to the Sub-national Transport Body covering the Central Area.
- 3.17 Wherever possible, the Growth Board will aim to streamline existing processes.
- 3.18 To contribute and be an active member of the Oxford-Cambridge Arc governance arrangements.
- 3.19 These tasks will be exercised concurrently with the constituent members' own primary exercise of responsibilities in these area, and subject to the primary responsibilities. This means that even where the Growth Board has resolved that a certain course of action be followed, one or more of the constituent authorities may then decide to take a different approach.

4. MEMBERSHIP

- 4.1 There shall be one member from each constituent authority. As the Growth Board is undertaking tasks relating to executive functions then the appointed person from each constituent authority must (where applicable) be from the Executive.
- 4.2 Each constituent authority shall appoint a substitute (also being a member of the Executive). The substitute member shall have the same rights of speaking and voting at the meetings as the member for whom the substitution is made, however shall only attend a meeting of the Growth Board when the main member is unable to do so.
- 4.3 The principle for chairing meetings of the Growth Board is that there will be a rotating Chair and Vice Chair as set out in paragraph 7.2 below. Where the Chair is not present at a meeting, then the Vice Chair shall take the role of Chair. Where both the Chair and Vice Chair are absent, the Growth Board will elect a Chair for that meeting.
- 4.4 Further to the provisions of section 1 above on associate members, other non-voting members shall be a single named-position representative from the bodies as detailed below:
 - England's Economic Heartlands.

- DLUHC/BEIS/Department for Transport.
- Homes England Representative.

5. VOTING

- 5.1 One member one vote for each constituent authority member. This includes the Chair who has only one vote. No member has a casting vote.
- 5.2 Normal rules as to declarations of interest and conflicts of interest are to be applied to members representing constituent authorities in accordance with the respective constituent authority's Code of Conduct.
- 5.3 Representatives from associate members which are Local Enterprise Partnerships (LEPs) shall apply the LEP Assurance Framework in relation to whether they need to withdraw from any meeting they are attending.
- 5.4 Any decisions to be taken by the Growth Board will be decided by way of unanimity of constituent authority members present and voting.
- 5.5 A member of a constituent authority shall not be entitled to vote in relation to a decision in the following circumstances:
- 5.5.1 where that member represents a constituent authority which has not paid the annual subscription (see 10.0 below). (Each constituent authority must pay their contribution before the agreed date for the year, if the subscription is not paid by the agreed date, the member for that constituent authority will only be entitled to observe Growth Board meetings and speak only by invitation from the Chair); or
- 5.5.2 where the vote on the decision has already been taken but has failed to secure unanimity as required under clause 5.4, and the member or members voting against the proposal are unaffected by it – in this case the Chair shall put the matter to a second vote without those members unaffected by the proposal being entitled to vote.

6 QUORUM

- 6.1 The quorum for a Growth Board meeting shall be 2/3rds of the six constituent authority members, including the Chair.

7 MEETINGS

- 7.1 The Chair and Vice-Chair of the Growth Board will be elected at the first meeting and subsequently at the start of each municipal year (i.e. the first meeting after the date in May that local government elections are or would usually be held).

- 7.2 It is expected that the role of Chair and Vice Chair will rotate on a municipal year basis (except in the first year which will be slightly longer than a municipal year), and that the Vice-chair will serve as the Chair in the following year. It is expected that there will be a rotation of those positions to ensure that each constituent authority member and geographical area of the Central Area has the opportunity to serve, over time.
- 7.3 Meetings shall normally be held on a bi-monthly basis at the premises of the Host (that of the Chair), but meetings may be called as and when required to ensure that important timescales are met, either through being convened by the Chair or on the written request of two or more constituent authority members. Papers will be published in line with the Local Government Act 1972 and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, to include publication of agendas and minutes according to statutory timescales, access to background papers and public attendances at meetings.
- 7.4 Proposals for agenda items and decisions by the Growth Board may be put forward by the Chair or by any member of the Growth Board.
- 7.5 The Growth Board can also invite other relevant observers to meetings of the Board who may speak only by invitation from the Chair. In particular, Chief Executives from constituent authorities may attend meetings in support of the members representing their constituent authority but shall not be entitled to vote in place of their member if he/she is not attending. Local Enterprise Partnership Chief Executives may attend in support of their LEP representative. In either case, speaking at the meeting shall be at the invitation of the Chair.

8 SECRETARIAT AND SUPPORT

- 8.1 The secretariat and support for the Growth Board will be established by the Accountable Body (see section 2 above). Primarily the support will be led by dedicated Growth Board officer support (see paragraph 8.2) and an Executive Officer Group, known as the Central Area Officer group. This group will drive the technical and operational elements and the preparation of advice and recommendations to the Growth Board.
- 8.2 Dedicated Growth Board officer support including a programme manager will be established by the Accountable Body. Such management will include identifying milestones and outcomes to be achieved, monitoring what has been achieved against these milestones and outcomes, reporting to the Growth Board and the constituent authorities, and, where necessary, ensuring that action plans are put in place to address any concerns.

- 8.3 Support will also be provided by lead executive officers at each constituent authority member and LEP member, each of whom will link into the officer group.
- 8.4 Other investment partners will be involved as appropriate, again connecting directly to the Programme Manager and linking to officer group as the lead co-ordination group for matters of general importance to the Central Area including Homes England, Environment Agency, National Highways, Network Rail and England's Economic Heartlands. These will advise on the investment and work programme.

9. FUNDING CONTRIBUTIONS

- 9.1 The budget of the Growth Board for each financial year will be agreed by the Growth Board not later than 1 December of the preceding financial year. A financial year runs from 1 April in any year to 31 March of the subsequent year. The cost of meeting the expenditure planned in the budget shall, to the extent not met from other sources, be divided equally among the members (both constituent authorities (full members) and associate members) of the Growth Board. This shall be the "Subscription". For financial year 2022/23, the Subscription will be £5,000. If the Growth Board wishes to seek additional contributions for any further work, proposals will be referred to the next meeting of the Growth Board for decision.
- 9.2 If the proposed Subscription is higher than the preceding year's subscription plus CPI, if any constituent or associate member is unwilling to pay the Subscription so determined they may give written notice to the Host no later than 1st January preceding the financial year to which the budget will apply. Unless they withdraw in writing that notice they shall cease to be a member from 1st April of that year (and the normal notice period given in Section 10 will not apply).
- 9.3 Any member which has not given due notice under paragraph 9.2 (and whose membership has not come to an end under Section 10) shall be obliged to pay its Subscription for the year.

10. WITHDRAWAL

- 10.1 Any member may give written notice to the Host, on behalf of the Growth Board, of its intention to withdraw from the Growth Board.
- 10.1 Such notice, unless withdrawn in writing, shall come into effect on the first 1 April which falls at least 12 months after the notice is given.

11. JOINING

- 11.1 Any principal local authority with an association to the Central Area may apply to become a constituent member of the Growth Board. The Growth Board may approve such an application if it is satisfied that the applicant's area is closely economically linked to the existing Central Area, and that its joining would not render the governance of the Central Area unreasonably difficult.
- 11.2 Any Local Enterprise Partnership may apply to become an associate member of the Growth Board. The Growth Board may approve such an application if it is satisfied that the applicant's area is closely economically linked to the existing Central Area, and that its joining would not render the governance of the Central Area unreasonably difficult.
- 11.3 On the application to join being approved, the new member shall take on the rights and obligations of the existing members of the Growth Board, according to the class of membership as Full member or associate member, including paying the appropriate proportion of the Subscription due from members for the financial year in which it joins.

12 SCRUTINY ARRANGEMENTS

- 12.1 Any constituent authority's overview and scrutiny committee may carry out detailed investigation and prepare reports on matters which form part of the tasks of the Growth Board. Moreover, the Growth Board may submit a request to any constituent authority's overview and scrutiny committee (or to all such committees) for an investigation or similar task to be carried out, in which case the conclusion of such investigation shall be reported back to the Growth Board by the member concerned.

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