

POLICY AND RESOURCES COMMITTEE – 21 JANUARY 2020

COUNCIL – 25 FEBRUARY 2020

PART I – NOT DELEGATED

6. HERTFORDSHIRE GROWTH BOARD – MEMORANDUM OF UNDERSTANDING (CED)

1 Summary

- 1.1 Since the formation of the Hertfordshire Growth Board in September 2018 Leaders and Chief Executives of the eleven Hertfordshire Councils and the Local Enterprise Partnership have worked together to develop a Place Leadership model for Hertfordshire. In March 2019 the Growth Board development programme was commissioned. This six-month supported programme has explored how issues relating to housing, infrastructure, and funding can be jointly addressed in future. This programme reached a major milestone at the September Growth Board meeting where an ambitious forward work programme was approved and the transition into an implementation phase was started.
- 1.2 At the September meeting Leaders also agreed to develop a Memorandum of Understanding to signal their intent to work collaboratively on place-based issues to central government, partners, and Hertfordshire residents. This document would help set out the objectives of the work to be undertaken through the Hertfordshire Growth Board, the principles which the parties will apply to their work and to working with each other, and what is – and what is not – within its scope.

2 Details

- 2.1 Since September 2018 the Hertfordshire Leaders and Local Enterprise Partnership Chair have been collaborating through the Hertfordshire Growth Board. Together they have undertaken the Growth Board Development Programme, which has allowed the leaders to identify their key growth challenges, emerging programmes of work, and key features of an emerging proposition to government. Work is now taking place to move those programmes into implementation and to deepen our ongoing collaborative ways of working and engagement with central government.
- 2.2 The Leaders of the District Councils, County Councils, and the Local Enterprise Partnership agreed at the September 2019 Hertfordshire Growth Board meeting to develop a Memorandum of Understanding to be considered by the Hertfordshire Growth Board at its meeting on 15 October. The Memorandum of Understanding attached to these papers has now been considered by the Growth Board and is recommended for agreement by all the Hertfordshire Councils and the Local Enterprise Partnership Board.
- 2.3 In terms of scope and content, the Memorandum of Understanding sets out the Core Objectives and Aims of working through the Hertfordshire Growth Board and the Principles of Partnership between the parties to the agreement. It also makes clear what is in and what is not within the scope of the work of the Hertfordshire Growth Board:
- The objectives of the collaboration focus on taking a broader place-based approach to strategic planning for development, infrastructure, transport, climate change, and economy. The aims of the collaboration expand on the work that the parties might undertake through the Hertfordshire Growth Board to help achieve these objectives.

- The principles set out some of the benefits to be achieved through partnership working, using the two-tier system at its best, responding to wider challenges, providing leadership of place, and increasing impact. It also sets out the principles of how the parties will work together, how they will undertake placemaking in Hertfordshire, and approaches towards governance.
- The scope of the Memorandum of Understanding makes clear that any council exercising any particular function shall continue to do so – including local plans, housing, and development management.

2.4 The Memorandum of Understanding has a number of legal terms and conditions, which are summarised as follows:

- It is not enforceable in law and cannot override existing statutes;
- Parties are free to withdraw individually at any point, and the Memorandum of Understanding shall wholly terminate if the growth board dissolves; and
- It is amendable only by the unanimous written consent of all its Members.

2.5 Drafts of the MOU have been circulated through the Chief Executives and Leaders groups and amended as a result of feedback. The attached version has the support of the Growth Board to go forward through individual Councils democratic processes.

2.6 The draft Memorandum of Understanding, if adopted by the Councils and the Local Enterprise Partnership, will give a very clear signal to Government and partners about the Hertfordshire joint working ambition. It will also demonstrate how the Growth Board's members are providing place-based leadership and governance across Hertfordshire and is maturing as a body that government can talk with about an enhanced collaborative relationship in future.

3 Options and Reasons for Recommendations

3.1 The report invites the Committee to approve and recommend to Council the adoption of the attached Hertfordshire Growth Board Memorandum of Understanding setting out the objectives, principles, and scope of the collaborative work being and to be undertaken through the Hertfordshire Growth Board.

3.2 All Hertfordshire Councils and the LEP are in the process of adopting the proposed Memorandum of Understanding. The Council is, of course, not bound to follow this same course of action if it chooses not to. However, this will severely limit the ongoing role the Council is able to play in the collaborative work of Growth Board and its subsequent work programmes.

4 Policy/Budget Reference and Implications

4.1 None specific.

5 Financial Implications

5.1 The signing of the MOU does not commit any Hertfordshire Council or the Local Enterprise Partnership to expenditure at this stage. The work of the Growth Board is evolving and at present is being funded in-kind or through use of the Growth Fund established for use by the Growth Board through the retained Business Rates Pilot Funds secured for Hertfordshire.

6 Legal Implications

6.1 The Legal implications are as set out in Paragraph 2.4 of the report.

7 Equal Opportunities Implications

7.1 There are no direct equality implications arising from this report.

7.2 No Equality Impact Assessment was undertaken in relation to this report.

8 Staffing, Environmental, Community Safety, Public Health, Customer Services Centre, Communications & Website

8.1 None specific.

9 Risk and Health & Safety Implications

9.1 The Council has agreed its risk management strategy which can be found on the website at <http://www.threerivers.gov.uk>. In addition, the risks of the proposals in the report have also been assessed against the Council's duties under Health and Safety legislation relating to employees, visitors and persons affected by our operations. The risk management implications of this report are detailed below.

9.2 The subject of this report is covered by the Strategic Plan. Any risks resulting from this report will be included in the risk register and, if necessary, managed within the plan.

Nature of Risk	Consequence	Suggested Control Measures	Response <i>(tolerate, treat, terminate, transfer)</i>	Risk Rating <i>(combination of likelihood and impact)</i>
Not signing the MoU	The Council would be excluded from the Board and would have no influence.	Monitor and keep informed.	Treat	12

9.3 The above risks are scored using the matrix below. The Council has determined its aversion to risk and is prepared to tolerate risks where the combination of impact and likelihood scores 6 or less.

Likelihood Very Likely -----> Remote	Low 4	High 8	Very High 12	Very High 16
	Low 3	Medium 6	High 9	Very High 12
	Low 2	Low 4	Medium 6	High 8
	Low 1	Low 2	Low 3	Low 4
Impact Low -----> Unacceptable				

Impact Score

4 (Catastrophic)

3 (Critical)

2 (Significant)

1 (Marginal)

Likelihood Score

4 (Very Likely (≥80%))

3 (Likely (21-79%))

2 (Unlikely (6-20%))

1 (Remote (≤5%))

10 Recommendation

10.1 That the Policy and Resources Committee recommend that Council agrees to the Memorandum of Understanding set out in Appendix 1 to this report.

Report prepared by: David Hill, Chief Executive

APPENDIX 1 Hertfordshire Growth Board Memorandum of Understanding

Background Papers - Hertfordshire Growth Board Agendas and Papers