

Central Bedfordshire Council

General Purposes Committee

Date 23 August 2018

Central Area Growth Board

Report of: Cllr Nigel Young, Executive Member for Regeneration
(Nigel.Young@centralbedfordshire.gov.uk)

Responsible Director(s): Jason Longhurst, Director Regeneration & Business
(Jason.Longhurst@centralbedfordshire.gov.uk)

Purpose of this report

1. To consider amending the Constitution to include the Central Area Growth Board Terms of Reference following consideration by the Executive on 7 August 2018.

RECOMMENDATION

The General Purposes Committee is asked to recommend to Full Council to approve the proposed additions to the Constitution as set out in Appendix B.

Comments from the Executive

2. This paper was considered by the Executive on 7 August 2018 where they were asked to:
 - note the significance of the National Infrastructure Commission and Government focus on the Cambridge - Milton Keynes - Oxford corridor;
 - commit to associated contribution of £5k of ongoing revenue to support the work of the Central Area Growth Board;
 - recommend to Full Council to:-
 - approve the Council becoming a full member of the Central Area Growth Board adopting the Terms of Reference (Appendix A);

- approve the creation of the Central Area Growth Board as a joint committee under Section 101 (5), 102 Local Government Act 1972 and section 9EB of the Local Government Act 2000 and pursuant (where applicable) to the Local Authorities (Arrangement for the Discharge of Functions) (England) Regulations 2012;
 - approve the additions to the Constitution as set out in Appendix B; and
 - appoint the Executive Member for Regeneration as the Council's representative on the Central Area Growth Board.
3. Comments from the Executive meeting will be provided to Members at the meeting.

Background

4. Since last summer Central Bedfordshire Council has been actively engaging in closer collaborative working with the 17 local authorities within the South East Midlands and Buckinghamshire Thames Valley Local Enterprise Partnerships (LEP) footprints that are locally defined as being within the Cambridge - Milton Keynes - Oxford corridor, with the exception of Buckinghamshire County Council. Partners have agreed in principle to formally establish a Central Area Growth Board, constituted as a joint committee, to coordinate cross-boundary working within the Central Area.
5. In March 2016 the Government commissioned the National Infrastructure Commission (NIC) to consider how to maximise the growth potential of the Cambridge – Milton Keynes - Oxford corridor.

The National Infrastructure Commission's (NIC) Interim report on the Cambridge-MK-Oxford growth corridor, published in November 2016, identified that one factor holding the area back from achieving its full potential as the UK's 'Silicon Valley' is the lack of joined-up planning of housing, jobs and infrastructure across traditional local authority boundaries. Specifically, "**Current governance mechanisms are not sufficient to deliver the step-change in strategic leadership and collaboration needed... and will require a fundamental shift in the scale at which local authorities collaborate on planning and infrastructure.**"

6. In its final report on the Cambridge – Milton Keynes - Oxford growth corridor, published in November 2017, 'Partnering for Prosperity: a new deal for the Cambridge – Milton Keynes - Oxford arc', the NIC encouraged all authorities within the central section of the arc to "*strengthen structures for collaborative governance and collective decision making*" and referenced the work ongoing in the central area to establish a growth board. The authorities within the central section, also known as the Central Area are:

- Aylesbury Vale District Council,
 - Bedford Borough Council,
 - Central Bedfordshire Council,
 - Cherwell District Council,
 - Chiltern District Council,
 - Corby Borough Council,
 - Daventry District Council,
 - East Northamptonshire District Council,
 - Kettering Borough Council,
 - Luton Borough Council,
 - Milton Keynes Council,
 - Northampton Borough Council,
 - Northamptonshire County Council,
 - South Bucks District Council,
 - South Northamptonshire District Council,
 - Borough of Wellingborough Council
 - Wycombe District Council
7. Government, in its initial vision for the Corridor published as part of the Autumn Budget 2017, stated that “it will be necessary for authorities to work together much more closely going forwards.”
 8. Within the Cambridge – Milton Keynes - Oxford corridor, formalised stronger regional working arrangements have been established at either ‘end’ of the corridor through the Cambridgeshire and Peterborough Combined Authority and the Oxfordshire Growth Board. Establishing a Growth Board for the ‘Central Area’ allows Central Bedfordshire Council and its partner authorities within the Central Area to meet the challenge of councils working together closely in the future. These Terms of Reference directly responds to the challenge set.
 9. The establishment of a Central Area Growth Board in the heart of the Cambridge-Milton Keynes- Oxford corridor will also allow the Central Area to be an active participant in the wider cross corridor working arrangements currently being established.
 10. The Central Area Growth Board will be a single coordinating voice for the region with central government. No powers are being ceded from member authorities to the Growth Board. If members of the Growth Board agree to vest powers into it, this would be agreed by individual councils via their decision making processes. Hence Central Bedfordshire Council will only cede powers to the Central Area Growth Board if it and all other member authorities choose to.
 11. In the visioning document ‘Helping the Cambridge, Milton Keynes and Oxford corridor reach its potential’ published at Autumn Budget 2017, government announced its ambition to work with the Central Area on housing and growth deals throughout 2018.

Whilst any potential housing and growth deals will not cover the whole geography of the Central Area, the relationship and role of the Growth Board will have to be established through any such deal.

Options for consideration

12. Central Bedfordshire Council and all 16 other Local Authorities within the Central Area have two options to consider:
 - a. Do Nothing
 - b. Become a Full member of the Central Area Growth Board.

Reason/s for decision

13. Establishing joint working at the two ends of the corridor (i.e. Oxford and Cambridge) has played a significant role in securing additional investment, flexibilities and commitments from government. Doing nothing would mean that Central Bedfordshire Council would not have a voice in such formal regional discussions.
14. By becoming a full member of the Central Area Growth Board, Central Bedfordshire Council will be an active participant in contributing to shaping and driving the agenda on strategic planning, economic development and infrastructure planning at the sub-regional level.
15. Collaborating and proactively planning for growth through the forum of the Central Area Growth Board will allow all partners to proactively shape the future growth of their places, rather than having growth imposed from above.
16. By joining the Central Area Growth Board, Central Bedfordshire Council is committing to an ongoing annual £5k commitment to support its work and to fund officer roles to support its operation. Further contributions may be sought for specific pieces of work.

Council Priorities

17. Central Bedfordshire Council engagement in the Oxford to Cambridge Corridor through the Central Area Growth Board supports the council priority of “Enhancing Central Bedfordshire” as great place to live and work through planning for the new homes, jobs and infrastructure the area needs while protecting the countryside. It will also help contribute to creating stronger communities, improved educational attainment and promoting health and wellbeing.

Corporate Implications

Legal Implications

18. The Terms of Reference provide that the Central Area Growth Board will be set up as a joint committee under Section 101 (5), 102 Local Government Act 1972 and section 9EB of the Local Government Act 2000 and pursuant (where applicable) to the Local Authorities (Arrangement for the Discharge of Functions) (England) Regulations 2012.
19. They further provide that the Growth Board will exercise the powers which its members have agreed to vest in it on a unanimous basis 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. These powers will be exercised concurrently with the constituent members and members will unanimously decide the voting mechanism for exercising powers. This excludes ceding the decision making powers on planning matters, which will remain vested with the Local Planning Authorities, as set out in the Planning and Compulsory Purchase Act 2004.
20. Further, the terms of reference provide that any questions to be decided by the Growth Board will be decided by way of two thirds majority of constituent members present and voting.
21. In the event formal decision making powers are vested in the Growth Board its terms of reference may require amendment to comply with paragraph 39(1) of Schedule 12 of the Local Government Act 1972 which requires that decisions be made on a simple majority basis. If the joint committee has formal decision making powers vested in it and the Board takes a decision other than by simple majority then it risks being successfully legally challenged as occurred in the case of R V South Norfolk District Council ex parte the friends of Hethel [2010].
22. The process to amend the Terms of Reference, if required, will require full Members to agree to a variation of the Terms of Reference. A variation document could then be drafted that reflects the agreed variations. In respect of voting, it would seem that simple majority voting could be adopted by the Growth Board if all members agreed.
23. With the Central Area Growth Board acting as a Joint Committee under the relevant legislation, meetings will be publicly held, and subject to legislation ensuring meeting documents are published in a timely manner. The work of the Central Area Growth Board at the point of formal establishment will be subject to FOI legislation.

Financial and Risk Implications

24. It is deemed that there will be no significant financial implications to the Council adopting the Central Area Growth Board Terms of Reference other than the ongoing revenue support of £5,000 per annum to support the Growth Board.

Equalities Implications

25. Central Bedfordshire Council has a statutory duty to promote equality of opportunity, eliminate unlawful discrimination, harassment and victimisation and foster good relations in respect of nine protected characteristics; age disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
26. Good planning and effective regeneration can improve environments and opportunities for communities experiencing disadvantage. Planning which does not adequately engage with, or consider the needs of, local communities is unlikely to improve their life chances and may further entrench area-based disadvantage.

Conclusion and next Steps

27. General Purposes Committee formally recommends to Full Council that the Constitution be amended to include the Central Area Growth Board Terms of Reference.

Appendices

Appendix A: Central Area Growth Board Terms of Reference

Appendix B: Additions to the Constitution

The following Appendices are attached.

Background Papers

The following background papers, are available on the Council's website:

- (i) XX NIC, Partnering for Prosperity: a new deal for the Cambridge – Milton Keynes - Oxford arc [link](#)
- (ii) NIC Cambridge - Milton Keynes - Oxford Corridor Interim report [link](#)
- (iii) Helping the Cambridge, Milton Keynes and Oxford corridor reach its potential, HM Government [link](#)

Report author(s): Anna Bosworth, Programme Enabling Manager,
anna.bosworth@centralbedfordshire.gov.uk