

Part A

Report to: Cabinet

Date of meeting: Monday, 2 December 2019

Report author: Interim Group Head of Place Shaping

Title: Hertfordshire Growth Board Memorandum of Understanding (MoU)

1.0 Summary

- 1.1 The Hertfordshire Growth Board was established in 2018 and comprises all 10 Districts, the Local Enterprise Partnership and the County Council. Leaders have been working collaboratively to agree common approaches on three key areas: a Growth Delivery Programme for housing and employment across the County, creating a long term infrastructure partnership with government and other investors and developing the Hertfordshire Place Narrative and engagement with local people. Significant progress has been made with joint strategic planning taking place in both SW Herts and North East Central Herts, joint ambition and strategic priorities have been identified and agreed, a draft forward plan of work developed and the Hertfordshire Place Narrative and branding developed providing core positioning and a compelling story for the County.
- 1.2 Discussions with government around major investment in the County are on-going but it is clear that more will be achieved for Hertfordshire locally and as a whole by working together and speaking with one voice. A Memorandum of Understanding (MoU) has therefore been drafted and agreed by the Growth Board for approval by each Local Authority and the Local Enterprise Partnership. The MoU sets out the core objectives and aims of working through the Hertfordshire Growth Board, the principles of partnership between the parties agreeing to a joint statement setting out how the 11 Councils and Local Enterprise Partnership intend to work together in future. It is an important public statement of intent and purpose (particularly in the engagement with government).
- 1.3 This report provides detail on the MoU and seeks approval to sign up to it.

2.0 Risks

2.1

Nature of risk	Consequence	Suggested Control Measures	Response (treat, tolerate, terminate or transfer)	Risk Rating (combination of severity and likelihood)
Failure to approve MoU would undermine	Likely to have a negative impact on council's reputation	Provision of regular updates and briefings for Members on work	3 Treat	6

work of the Growth Board and negotiations with central government		of the Growth Board and implications for Watford		
Delays in considering approval of the MoU	Likely to have a negative impact on the council's reputation. Impact on timeline for govt discussions. Danger of delay due to budget discussions and local election purdah	Cabinet to consider on 2 nd December	3 treat	6

3.0 Recommendations

- 3.1 That Cabinet agree to approve the draft Hertfordshire Growth Board Memorandum of Understanding set out in appendix 2

Further information:

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Report approved by: Manny Lewis, Managing Director

4.0 Detailed proposal

- 4.1 Completion of the Development Programme and prioritisation of the future work programme in September represented a significant milestone in the Growth Board's first year. As the Board moves into its next stage and starts to focus on implementation, agreeing to a joint statement setting out how the 11 Councils and Local Enterprise Partnership intend to work together in future will be an important public statement of intent and purpose (particularly in engagement with HM Government).

Background

- 4.2 Leaders / elected Mayors and the LEP Chairman agreed at the September 2019 Hertfordshire Growth Board meeting that the Chief Executives group would be asked to commission the preparation of a draft MOU for consideration at the Hertfordshire Growth Board. The attached MoU is that document.
- 4.3 Confirming the Board's intentions through the agreed MoU will signal to residents, partners, business and Government the clarity of our intent and the commitment to continued development in the effectiveness of collaborative place-based working across Hertfordshire.

It will mark the forward movement from the completion of the development programme stage and on into implementation.

- 4.4 In terms of scope and content, the draft MoU sets out the core objectives and aims of working through the Hertfordshire Growth Board, the principles of partnership between the parties to the agreement, and also importantly, what is not within the scope of the Hertfordshire Growth Board. The MoU addresses:
- The objectives of the collaboration's focus on strategic planning and positioning, infrastructure, homes, 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 the delivery of the benefits from partnership working – using the two-tier system at its best, responding to wider challenges, providing leadership of place, and having an increasing place-based impact. It also sets out the principles of how the parties will work together, how they will undertake place making in Hertfordshire, and approaches towards governance.
 - The scope of the MoU makes clear that there is no change to any council exercising their particular functions such as local plans, housing, and development management.
- 4.5 The MoU has a number of legal terms and conditions, which are summarised as follows: It is not enforceable in law and cannot override existing statutes. Unless the Hertfordshire Growth Board agrees otherwise, parties also bear their own costs. Parties are free to withdraw individually at any point, and the MoU shall wholly terminate if the Growth Board dissolves. It is amendable only by the unanimous written consent of all its members but will be reviewed annually (recognising that as we move forward with this programme there may be further changes in future).
- 4.6 The draft MoU was reviewed by Chief Executives at their meeting on the 3rd October. The version attached reflects changes made following their feedback, particularly giving climate change greater priority in the aims and objectives, clarifying that the principle of good governance does not alter or apply to any local authority's internal governance arrangements, and clarifying language to ensure it is equally understood by all partners.
- 4.7 The draft MoU, if adopted by the councils and the LEP, 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 the single body that government can talk with about an enhanced collaborative relationship in future.
- 4.8 Cabinet are asked to note that there are official to official level discussions taking place with HM Government (MHCLG) on behalf of the Growth Board. The feedback from MHCLG has been that Government places real importance on the single conversation approach to place-based discussions. Progressing the MoU to its completion to evidence that position in parallel with these discussions will be critical.

Suggested Timescales

4.9 All Districts and Hertfordshire County Council are being asked to agree to the MoU before the end of 2019. If left until later in the financial year there is a danger that the signing off process in individual councils would run into budget approval time and then the local pre-election period. These processes will understandably have to take priority, but it would then make achievement of a joint statement very difficult to deliver without significant slippage and loss of momentum.

4.10 A joint press statement has been prepared for all organisations to use for the approval process once the Hertfordshire Growth Board has agreed next steps.

5.0 **Implications**

5.1 **Financial**

5.1.1 The Shared Director of Finance comments that there are no financial implications. Should individual projects be brought forward under the Memorandum of Understanding, these will be brought forward as part of the normal budget process.

5.2 **Legal Issues** (Monitoring Officer)

5.2.1 The Group Head of Democracy and Governance comments that as stated in the body of the report this is not a binding legal document but a statement of how the parties will work together.

5.3 **Equalities, Human Rights and Data Protection**

5.3.1 Under s149 (1) of the Equality Act the council must have due regard, in the exercise of its functions, to the need to –

- eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act
- advance equality of opportunity between persons who share relevant protected characteristics and persons who do not share them
- foster good relations between persons who share relevant protected characteristics and persons who do not share them.

Having had regard to the council's obligations under s149, it is considered that an Equalities Impact Assessment (EIA) is not needed at this time

Data Protection Impact Assessment

Having had regard to the council's obligations under the General Data Protection Regulation (GDPR) 2018, it is considered that officers are not required to undertake a Data Processing Impact Assessment (DPIA) for this report.

5.4 **Staffing**

5.4.1 No additional resources required

5.5 **Accommodation**

5.5.1 N/A

5.6 **Community Safety/Crime and Disorder**

5.6.1 N/A

5.7 **Sustainability**

5.7.1 N/A

Appendices

- Draft Hertfordshire Growth Board Memorandum of Understanding

Background papers

The following background papers were used in the preparation of this report. If you wish to inspect or take copies of the background papers, please contact the officer named on the front page of the report.

Hertfordshire Growth Board agenda paper 3rd September 2019 – Determination of the Future Work Programme

Hertfordshire Growth Board 2020 Implementation Plan (Draft v25092019)