



# **Agenda Reports & Other Papers**

Presented to the  
Meeting of the  
**Hertfordshire Growth Board**  
on  
**Tuesday, 13 October 2020**

**1. AGENDA**

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## Hertfordshire Growth Board

### Teams Teleconferencing

**Tuesday, 13 October 2020, 16:30- 18:30**

#### Members of the Board

Council Leaders	Council Chief Executives
L Cocking, Broxbourne Borough Council A Williams, Dacorum Borough Council L Haysey, East Herts District Council D Williams, Hertfordshire County Council M Bright, Hertsmere Borough Council M Stears-Handscorn, North Hertfordshire District Council C White, St Albans City and District Council S Taylor, Stevenage Borough Council S Giles-Medhurst, Three Rivers District Council P Taylor (Mayor), Watford Borough Council T Kingsbury, Welwyn Hatfield Borough Council	J Stack, Broxbourne Borough Council S Marshall, Dacorum Borough Council R Cassidy, East Herts District Council O Mapley, Hertfordshire County Council S Bijle, Hertsmere Borough Council A Roche, North Hertfordshire District Council A Foley, St Albans City and District Council M Partridge, Stevenage Borough Council J Wagstaff, Three Rivers District Council D Nolan, Watford Borough Council R Bridge, Welwyn Hatfield Borough Council

#### Hertfordshire Local Enterprise Partnership

M Bretton, Chairman  
N Hayes, Chief Executive

#### Hertfordshire Growth Board

P Dell, Director - Hertfordshire Growth

#### Hertfordshire County Council

M Kemp - Director Environment and Infrastructure  
J Tiley – Head of Spatial Planning

#### 1. Apologies

#### 2. Minutes

To confirm the Minutes of the Board meeting held on 8 September 2020 (attached).

#### 3. Presentation – Overview of South East Herts Economic recovery proposals

Jeff Stack - CEX Borough of Broxbourne

#### 4. Presentation – Hertfordshire Economic Recovery Plan

Neil Hayes - Hertfordshire LEP

## **5. Hertfordshire Growth Board (HBG) Programmes update**

*Report attached*

Programme updates from Political and Chief Executive leads:

- Hertfordshire Southern East – West Growth Corridor Programme Board
- Hertfordshire Northern East – West North Growth Corridor and NEC Joint Planning Update

## **6. Hertfordshire Growth Board – MHCLG Workstream: Update on status of Growth and Housing Deal discussions**

Confidential item – not for future publication due to the confidential and developing nature of the strategic matters covered by the report and appendices

## **7. Hertfordshire Growth Board – Growth Board Joint Committee timetable and implementation update**

*Report attached*

## **8. Growth Board Work Programme 2021 – proposed approach**

*Patsy Dell (verbal update)*

## **9. Growth Board Joint Response to consultation on the ‘Planning for the Future’ White Paper**

*Report attached*

## **10. Standing items**

**South West Herts Joint Plan**

S Marshall, Dacorum Borough Council (verbal update)

## **11. Date of next meeting**

*The next planned meeting will be held on 17 December 2020 09:30 to 11:30 via Teams Teleconferencing unless advised otherwise.*

## **12. Any other business**

If you require further information about this agenda, please contact Stephanie Tarrant, Democratic and Statutory Services, Hertfordshire County Council on Telephone 01992 555481, or email [stephanie.tarrant@hertfordshire.gov.uk](mailto:stephanie.tarrant@hertfordshire.gov.uk)

# Hertfordshire Growth Board Meeting Minutes

Tuesday 8 September 2020



**Hertfordshire**  
Growth Board

# Minutes

**To:** All Members of the Hertfordshire Growth Board  
**From:** Legal, Democratic & Statutory Services, Hertfordshire County Council  
**Ask for:** Stephanie Tarrant or Deborah Jeffery  
**Tel:** 01992 555481 or 01992 555563

**Date:** Tuesday, 8 September 2020

## Members of the Board

### Council Leaders

L Cocking, Broxbourne Borough Council  
A Williams, Dacorum Borough Council  
L Haysey, East Herts District Council  
D Williams, Hertfordshire County Council (Chairman)  
M Bright Leader, Hertsmer Borough Council  
M Stears-Handscorn, North Hertfordshire District Council  
J Day substitute for C White St Albans City and District Council  
S Taylor, Stevenage Borough Council  
S Giles-Medhurst, substitute for S Nelmes - Three Rivers District Council  
K Collett (Deputy Mayor) substitute for P Taylor, Watford Borough Council  
T Kingsbury, Welwyn Hatfield Borough Council

### Council Chief Executives

J Stack, Broxbourne Borough Council  
S Marshall, Dacorum Borough Council  
R Cassidy, East Herts District Council  
S Crudgington, substitute for O Mapley, Hertfordshire County Council  
S Bijle, Hertsmer Borough Council  
A Roche, North Hertfordshire District Council  
A Foley, St Albans City and District Council  
T Pike, substitute for M Partridge Stevenage Borough Council  
G Muggeridge substitute for J Wagstaffe, Three Rivers District Council  
D Nolan (Managing Director), Watford Borough Council  
R Bridge, Welwyn Hatfield Borough Council

### Hertfordshire Local Enterprise Partnership

N Hayes, Chief Executive  
M Bretton, Chairman  
Neil Routledge – Vice Chair

### Hertfordshire Growth Board

P Dell, Director Hertfordshire Growth

### Other Officers

Mark Kemp, Director Hertfordshire County Council  
Jon Tiley Hertfordshire County Council

## 1 Apologies

- 1.1 The following substitution was noted:  
Neil Routledge for M Bretton Herts LEP

## 2 Minutes

- 2.1 The Minutes of the Board meeting held on 4 August 2020 were confirmed as a correct record.

## 3. Hertfordshire Growth Board (HBG) Programmes update

- 3.1 The Board considered a report on the overall progress of the key Growth Board programmes.
- 3.2 The Board noted that the programme boards were firmly established and individual projects across the overall Growth Board programme were at differing stages with their implementation and progress. On the communications update, a second webinar had taken place during August which had received good attendance and feedback had been positive. The webinars had been helpful in promoting the work of the Growth Board; a third Webinar had been arranged for 10 September with the subject matter covering planning for recovery.
- 3.3 In terms of the north east and central corridor, very good progress was being made with regard to the development of the northern growth corridor programme and the joint strategic planning activities. The work in progress documents had been circulated, along with the statement of common ground and the draft scoping report, which leader colleagues and Chief Executives had been asked to review. An update against the key programme had been appended to the report which looked at the science and technology around climate change and sustainability projects.
- 3.4 With regard to the Southern corridor, the Board noted that each of the projects had been checked for anything missing; additional resource requirements etc. Further details had been provided with the agenda papers. It was considered that there were a wide range of projects which were “oven ready”, but others that were innovative and long term.
- 3.5 The Chairman considered the list of projects for resetting the southeast economy an exciting opportunity and questioned if it was appropriate for the Growth Board to have a better understanding of those opportunities, as many members had a degree of familiarity within certain areas; for example a “deep dive” to appreciate initiatives across the south eastern region/Borough of Broxbourne would be welcome.
- 3.6 During discussion, it was mentioned that HCC had held a webinar for interested parties at the commencement of its procurement of a master developer for its land holdings in Baldock. The employment land in that holding represents a unique opportunity due to being in the Stevenage/Baldock/Cambridge life sciences corridor, on the Thameslink route and A1M and could offer an opportunity for the delivery of sustainable homes given the proximity of HCC’s holding to the station, to the centre of Town, and links to employment land. For developers, this would represent a greenfield opportunity to deliver post Covid-19 employment space.

Patsy Dell / Jeff  
Stack/Lewis  
Cocking

## RESOLVED

- 3.7 The Leaders noted the overall progress across the Growth Board programme and individual workstreams since the last meeting.

#### 4. Hertfordshire Growth Board – MHCLG Workstream: Update on Growth and Housing Deal discussions

NOT FOR FUTURE PUBLICATION BECAUSE OF THE CONFIDENTIAL AND DEVELOPING NATURE OF THE STRATEGIC MATTERS THIS PAPER DEALT WITH

#### 5. Hertfordshire Growth Board (HGB) Growth Board Programmes & Growth Board Governance

- 5.1 The board considered a report regarding the proposed Governance Framework and matters of relevance in moving the Growth Board to a Statutory Joint Committee with associated Scrutiny Function.
- 5.2 The Growth Board discussed the Integrated Governance Framework document in detail noting the key points in the proposed Terms of Reference and Standing Orders including that for legal reasons the LEP representatives would not have a voting option once the Board moved to a Statutory Joint Committee status and requested the following amendments to Appendix 1:
- Broxbourne Borough Council to Borough of Broxbourne where mentioned
  - Term of Office – Legal to check use of wording ‘rescinded’ - should the word ‘replaced’ be used?
  - Page 3 – 3.2 each constituent council shall appoint a substitute
  - Chairman – 2-year Term of Office; 1 Consecutive Term; Chairman to have casting vote to be included as per Local Government Act 1972; however, terms to include the Committee Chairman with the HGB convention that the Chair will **not** use the casting vote
  - 2 Vice-Chairmen
  - Quorum of 9 members
  - Varied times of meetings to remain
  - To take place on an 8-week basis from 2021
  - Public questions to relate to the business of the Growth Board only and public questions to include one written answer with one supplementary at meeting based on a time limit. On a first come first service basis. 30 minute maximum for overall public question period
  - Timings for public questions to be submitted 5 clear working days and limit to number of questions
  - Petitions to relate to the business of the Growth Board only
  - Terms to be reviewed at Annual General Meeting
  - The Scrutiny Committee to meet every 8 weeks, ahead of the growth board meetings
  - Scrutiny petitions to relate to Growth Board business
- 5.3 The Board requested circulation of the final version once completed. Also, a Q & A document to be created for the public on how to engage with the Growth Board and particularly answering the question: if the introduction of an S101 committee prohibited or

Patsy Dell



supported any particular option for local government structures (two-tier or unitary) in the future.

## RESOLVED

### 5.4 The Leaders/LEP Chairman agreed:

- a. to support the establishment of the Growth Board Statutory Joint Committee and Scrutiny Committee this autumn, in time for the December Growth Board (as rescheduled) to take place under the new arrangements;
- b. the Growth Board Statutory Joint Committee and Scrutiny Committees are established using the Integrated Governance Framework attached at Appendix 1 (subject to c below);
- c. the Growth Board Director in consultation with the Chief Executives Coordinating Group to complete the preparation of the final version of the Integrated Governance Framework (to the extent of correction of any minor typographical, grammatical or other inconsequential matters to finalise the document) by the end of September;
- d. the Hertfordshire Monitoring Officers Group and the Growth Board Director in consultation with the Chief Executives Coordinating Group to complete the preparation of the common committee report by the end of September.

Patsy Dell

## 6. Standing Items

### South West Herts Joint Plan

- 6.1 The two key studies were nearing completion and the next stage would be engaging leaders on the progress of the joint strategic plan. Meetings will be scheduled for October for Leader and Chief Executives to set the objectives for the SGOS and MMS and also the joint strategic partnership programme to prepare a separate response to the white paper to be signed off by the JSP members.

## 7. Date of next meeting

- 7.1 Tuesday, 13 October 2020 at 16:30 via Teams
- 7.2 Patsy to check December dates due to a clash of commitments with some members.

Patsy Dell

## 8. Any other business

- 8.1 None



**Hertfordshire**  
Growth Board



[www.HertfordshireGrowthBoard.com](http://www.HertfordshireGrowthBoard.com)



[@hertsgoodgrowth](https://twitter.com/hertsgoodgrowth)



Room 204, Hertfordshire County Council, County Hall, Pegs Lane, Hertford SG13 8DE

# Agenda item 5

## Hertfordshire Growth Board (HGB) – Growth Board Programmes Update

Report Author: Patsy Dell, Hertfordshire Growth Board (Tel: 07949 887794)

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### 1 Purpose of report

- 1.1. This report provides a short update on the overall progress of the key Growth Board programmes and projects.
- 1.2. Attached at Appendix 1 are the updates from the latest Growth Corridor Programme Board meetings, held monthly to review progress on the Growth Board work programme.

### 2 Overall Growth Board Work Programme Update

- 2.1 The March HGB meeting agreed priority work for the next six – nine months (at that time the period of focus for negotiations with HM Government) to cover and including:
    - Meeting the commitments set out in the letter to the Secretary of State from January 2020 on behalf of all Leaders;
    - Responding to the invitation from MHCLG to work with them to develop a proposition to secure HM Government support (including our level of ambition, what can be achieved in next five years (delivery and devolution new models);
    - An initial portfolio of prioritised corridor delivery projects known as ‘Wave 1’ including:
      - Where detailed Business Cases for infrastructure interventions could be developed in time for Spending Review (SR) 2020 (i.e. before summer recess);
      - Progress that can be made over the next 0 – 5, 6 – 10 years development and delivery window;
      - Projects which will contribute to accelerated outcomes and recovery: employment sites, jobs and housing delivery (with increased affordable housing availability).
  - 2.2 With the national budget and spending review position now being less clear, the original growth board priorities and focus for 2020 and the work programme going into 2021 now needs to be updated. Item 8 on this agenda sets out options for how that could be taken forward.
- ### 3 Updates on Corridor Growth Delivery Programmes and workstreams
- 3.1 Both Growth Corridors have now established programme Board Governance arrangement and are overseeing the development of the Wave 1 projects into fully

fledged delivery programmes, working to a set of agreed key deliverables and milestones.

- 3.2 Project Management Office (PMO) supporting arrangements are now establishing a common suite of planning and reporting documents for use at the programme board and project team level.
- 3.3 Appendix 1 has an update from each of the corridor projects showing the most recent milestones and current status.

#### **4 Update on Place Narrative, Branding and Communications workstream**

- 4.1 The HGB Micro site was launched in July and is now live at [www.hertfordshiregrowthboard.com](http://www.hertfordshiregrowthboard.com).
- 4.2 The three webinars on the work of the Growth Board and its partners, hosted by the Voice of Authority <https://www.thevoiceofauthority.co.uk/webinar/> have now taken place and we saw good interest, attendance and positive feedback on the work of the Growth Board through that activity.

#### **5 Update on Growth Board Accelerated Housing Delivery Programme**

- 5.1 The team has been working directly with the virtual MHCLG/Homes England team that are reviewing the Hertfordshire data as part of the Growth Deal discussions. This is covered more fully in the agenda report at item 4.
- 5.2 The work with MHCLG/Homes England will continue but the focus of the housing group will also be extended to look at engagement with housing developers and Registered Social Landlords operating in Hertfordshire.

#### **6 Next Steps**

- 6.1 Priorities for the coming month are to move forward with the establishment of the Joint Committee and to progress with the corridor programmes and project work.

#### **7 Recommendation**

- 7.1 That Leaders note the update in Appendix 1 and overall progress across the Growth Board programme and individual workstreams since the last meeting.

Project	RAG Status	Description
<b>Northern Growth Corridor</b>		
<b>Accelerated Housing</b> <i>(Update for both Northern and Southern Growth Corridors)</i>	Green	<ul style="list-style-type: none"> <li>Housing Team ongoing positive engagement with Homes England discussing the latest accelerated housing delivery data (delivery trajectories and required investment).</li> <li>The overall delivery programme and various Growth Board identified packages (including GVA / economic contribution) are being discussed at meetings with MHCLG.</li> <li>Other papers have been prepared as part of the overall package, including on Resources, Freedoms &amp; Flexibilities and Future Growth Fund.</li> <li>Housing Team undertaken Round 3 discussions with all local authority teams to confirm housing delivery trajectories, investment information and a list of developer / agent per site housing numbers, and COVID-19 impact.</li> <li>The latest data updates are close to being completed; the Task Team is awaiting further clarification on information from some of the District/Boroughs, with a deadline of 30/09 for receipt of data. At this date, a "line will be drawn" against the data set to be used in final discussions with Homes England and MHCLG.</li> </ul>
<b>North East and Central Joint planning work</b>	Green	<ul style="list-style-type: none"> <li>Initial Scoping Report and Statement of Common Ground papers shared in August, approved subject to final amendments.</li> <li>A summary presentation of the Joint Spatial Plan business case timeline and next steps to November Programme Board,</li> </ul>
<b>Community Wealth Building</b>	Green	<ul style="list-style-type: none"> <li>SBC officer meetings held. External partners forming working group now being contacted,</li> <li>CWB metrics in progress and will be included within CWB milestones spreadsheet.</li> <li>Preparing for Cooperative and Inclusive Economy Charter launch next month. Working to secure early pledges.</li> <li>Initial skills survey of social economy sector and skills plan completed.</li> <li>Stevenage and North Herts pilot activities are being identified, offers of interest to work on this pilot from Broxbourne and Watford</li> </ul>
<b>Future Growth Locations, New Settlements and Connectivity</b>	Amber	<ul style="list-style-type: none"> <li>A project scope for the 'next steps' was circulated on 9/9 to officers, with final draft due for completion 25/9.</li> <li>Consultants brief for review/ sign-off at November Board. Once final brief is accepted, procurement of the consultant will commence.</li> </ul>
<b>Reinvigorating Town Centres</b>	Amber	<ul style="list-style-type: none"> <li>Meeting of LEP and HGB team to review project status took place 22/9.</li> <li>Additional HGB support (Jane Briginshaw) now in place to assist with these projects.</li> <li>Town centres team to be reconvened, scoping review to take place (Stevenage Town Deal, LEP Economic Recovery Plan plus Covid implications need to be considered).</li> <li>Updated project scope, timelines and milestones to be brought back to Board for approval in November.</li> </ul>
<b>Growing Science &amp; Technology Sector</b>	Amber	<ul style="list-style-type: none"> <li>Meeting of LEP and HGB team to review project status took place 22/9.</li> <li>Additional HGB support (JB) now in place to assist with these projects.</li> <li>LEP and HGB team to be reconvened, scoping review to take place (relationship to OJOU promotion of land North of Baldock, Stevenage Town Deal, LEP Economic Recovery Plan plus Covid implications need to be considered).</li> <li>LEP have produced a paper capturing sector assets in this area, focusing on cell &amp; gene, advanced manufacturing and ICT (Inc. AI and logistics).</li> </ul>
<b>Climate Change &amp; Sustainability</b>	Amber	<ul style="list-style-type: none"> <li>Herts Climate Change &amp; Sustainability Partnership (HCCSP) have agreed 4 priority areas: Biodiversity, Water, Transport and Carbon reduction.</li> <li>The Water Acton Plan has been drafted but requires further work prior to sign off</li> <li>Biodiversity was discussed at the HCCSP Board meeting on 24/9.</li> <li>A paper was taken to the HCCSP meeting on 24/9, highlighting the need to ensure that the key priority action plans are sufficiently strategic to inform the growth corridor project proposals. The paper also sought agreement for external support to ensure the plans are sufficiently strategic.</li> </ul>

		<ul style="list-style-type: none"> <li>When the individual priority area action plans are signed off by the HCCSP they can be considered by the Growth Corridor Boards with a view to selecting specific projects that could form part of the individual growth corridor / future HGB bids to Government.</li> </ul>
<b>Southern Growth Corridor</b>		
<b>Mass Rapid Transit</b>	Green	<ul style="list-style-type: none"> <li>Outline for MRT strategic narrative agreed. Summary document to be produced to go alongside the promotional video.</li> <li>On track for draft Strategic Outline Business Case to be produced by Feb 2021. Consultation and finalisation will be after the Spring 2021 elections.</li> <li>Storyboard for MRT promotional video will be presented to the A414 members Group on 13<sup>th</sup> October. Video should be available end of October.</li> <li>Options Assessment Report; Appraisal Specification Report - work commissioned – long list of route options developed and presented to district &amp; county officers for comment. Constraints mapping and background evidence completed.</li> </ul>
<b>Harlow &amp; Gilston Garden Town</b>	Green	<p><u>Hubs and Sustainable Mobility Behavioural Change</u></p> <ul style="list-style-type: none"> <li>A Local Cycling and Walking Infrastructure Plan (LCWIP) has been reported to HGGT Board to identify priority investment in new infrastructure to support a greater number of people making journeys on foot or on cycle.</li> <li>A Task and Finish group on Hubs is being set up by HGGT Officers.</li> </ul> <p><u>Local Employment Space and Digital Implementation</u></p> <ul style="list-style-type: none"> <li>Ongoing dialogue continues with planning applicants on the provision of employment land allocation at Gilston</li> <li>HGGT Digital Task &amp; Finish group has been established to identify the digital infrastructure needs of the Garden Town. Meeting on a fortnightly basis and will progress this agenda.</li> </ul> <p><u>Infrastructure</u></p> <ul style="list-style-type: none"> <li>The HGGT Team is working closely with HCC as accountable body for Housing Infrastructure Grant to progress negotiations on the Grant Determination and set up of Rolling Infrastructure Fund.</li> <li>The LCWIP has achieved HGGT Board approval for consultation and identifies the interface points for cycling and walking to the Gilston development allocation.</li> </ul>
<b>Resetting the SE Herts economy in response to COVID-19 and climate change</b>	Green	<p>In progress and upcoming milestones:</p> <ul style="list-style-type: none"> <li>Project 1 Park Plaza West: Aug 2020 - On site infrastructure design commenced, due to complete end Dec 2021 (tbc as subject to Third-Party dependencies);</li> <li>Project 2 New Park Lane Railway Station, Waltham Cross: Aug 2020 - Business Case for new station in development, due to complete Nov 2020. Footbridge design refreshed with Network Rail, due to complete Jan 2021;</li> <li>Project 3 Development of a new Business Park and hi-tech starter Centre – Maxwells West: Design work commenced Sept 2020;</li> <li>Project 4 Brookfield &amp; surrounding infrastructure: Design - infrastructure &amp; overall Brookfield development commenced Aug 2020, due to complete Oct 2020;</li> <li>Project 5 Waltham Cross Town Centre Regeneration: Public realm design - Phase 1 commenced Aug 2020, due to complete Oct 2020.</li> </ul>
<b>Watford Junction Quarter</b>	Green	<p><u>Station</u></p> <ul style="list-style-type: none"> <li>Network Rail and Kingshott close to agreeing business case for station concourse improvements;</li> <li>Detailed design work to start imminently with 6-month programme;</li> <li>Start on site in 2021;</li> <li>Network Rail close to confirming business case for pedestrian link bridge across rail lines;</li> <li>Design feasibility work to commence shortly.</li> </ul> <p><u>Systra work on transport interventions</u></p> <ul style="list-style-type: none"> <li>Strategic work - technical and pre-strategic outline business case - now completed;</li> <li>Stage 2 work to look at more detailed design feasibility of key interventions to be commissioned.</li> </ul>

		<p><u>Planning Policy</u></p> <ul style="list-style-type: none"> <li>Text for Strategic Development Area in Local Plan now drafted and being reviewed;</li> <li>Supplementary Planning Guidance to be progressed during 2021.</li> </ul> <p><u>Funding</u></p> <ul style="list-style-type: none"> <li>Funding request submitted with Herts Growth Board - for £131m.</li> <li>Stakeholder engagement with key landowners on-going.</li> </ul>
<b>Creative &amp; Screen Industries</b>	Amber	<ul style="list-style-type: none"> <li>The Group will be meeting shortly to agree the updated scope of the project and its activities, its area of focus (geographic not just thematic as CS&amp;I extends beyond SW Herts), review current activities in the sector, review/refresh the identified projects, and start to determine a process for delivery.</li> <li>The LEP was awarded £16.8m under the Government's Getting Building Fund. Investment in CS&amp;I is one of five projects that has been progressed for a decision by the LEP Board on 24<sup>th</sup> September for a final decision on funding. If approved the project will commence almost immediately.</li> <li>Additional HGB support (Jane Briginshaw) now in place to assist with these projects.</li> </ul>
<b>Hemel Garden Communities</b>	Amber	<ul style="list-style-type: none"> <li>The business case will be updated in October/November 2020. This will reflect the review of housing numbers, delivery trajectory and economic contribution/cost/benefits in line with DBC Local Plan progress.</li> <li>MHCLG capacity Funding bid submitted £852,500 in total, for capacity funding to support the programme staff and study costs for 2021 - £635,000, it also included a bid for funding to support collaborative transformational projects with other Garden Towns £217,500 (HGC share of total costs): <ul style="list-style-type: none"> <li>1 - for a solar bulk-buying scheme in partnership with Aylesbury Garden Town (AGT) to cover all towns in HCC and BCC;</li> <li>2 - for a joint Garden Town proposal for HGC, AGT and Harlow and Gilston Garden Town to deliver a digital strategy to contribute to the development of a mobile and internet connectivity and open data networks (LORaWAN) and</li> <li>3 - for HGC and AGT to deliver a LORAWAN network for Aylesbury and Hemel Hempstead.</li> </ul> </li> <li>Upcoming milestones: <ul style="list-style-type: none"> <li>September 2020: MHCLG HGC Garden Communities Bid Submitted</li> <li>October 2020: Collaborative Garden Town projects - programme scoping.</li> <li>October/November 2020: Refresh HGB HGC business case proposal.</li> <li>September-November 2020: HGC Spatial Vision – workshops to refine draft vision; sign off Nov 2020.</li> </ul> </li> <li>September-December 2020: draft briefs and procure key studies – Programme Delivery Strategy and Plan, Transformation Plan, Infrastructure Delivery Plan and Infrastructure and Transformation Framework SPD.</li> </ul>

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# Agenda item 7

## Hertfordshire Growth Board (HGB) Implementation of Growth Board Joint Committees

Report Author: Patsy Dell, Hertfordshire Growth Board (Tel: 07949 887794)

### 1 Purpose of report

- 1.1 This report updates on the progress with the proposed Integrated Governance Framework and implementation of the Growth Board Statutory Joint Committees.

### 2 Background

- 2.1 At the last HGB meeting Leaders agreed to the Growth Board Joint Committees Integrated Governance Framework (as subsequently finalised) being put forward and for all partners to proceed with seeking approval to establish the joint committees. The final framework and common covering report for that process is attached at Appendix 1.
- 2.2 All councils are now in the process of taking the framework through their democratic processes and the confirmed timescales for that are set out in Table 1 below. The Local Enterprise Partnership has confirmed its support at the Board meeting on 24<sup>th</sup> September.

**Table 1** – Timeline for approval of the Integrated Governance Framework and Establishment of the Growth Board Joint Committees

Growth Board Member Organisation	Cabinet/Committee Meeting Dates	Council Meeting Date
Borough of Broxbourne Council	21 <sup>st</sup> October	3 <sup>rd</sup> November
Dacorum Borough Council	20 <sup>th</sup> October	18 <sup>th</sup> November
East Herts District Council	24 <sup>th</sup> November	1 <sup>st</sup> December
Hertfordshire County Council	19 <sup>th</sup> October	20 <sup>th</sup> October
Hertsmere Borough Council	11 <sup>th</sup> November	18 <sup>th</sup> November
North Hertfordshire District Council	22 <sup>nd</sup> October	12 <sup>th</sup> November
St Albans City and District Council	22 <sup>nd</sup> October	2 <sup>nd</sup> December
Stevenage Borough Council	13 <sup>th</sup> November	16 <sup>th</sup> December
Three Rivers District Council		20 <sup>th</sup> October
Watford Borough Council	5 <sup>th</sup> October	13 <sup>th</sup> October
WelwynHatfield Borough Council	3 <sup>rd</sup> November	23 <sup>rd</sup> November
Hertfordshire Local Enterprise Partnership	Board Meeting 24 <sup>th</sup> September	

- 2.3 Agenda item 6 addresses the most recent feedback from HM Government on the availability of Housing Growth Deals through this year's budget. The challenging economic position and the range and complexity of national issues being grappled with concurrently has now increased the uncertainty of achieving some kind of deal for Hertfordshire this autumn.
- 2.4 Whilst the national picture and timetable in relation to Growth Deals has changed since MHCLG officials spoke to the Growth Board on 4<sup>th</sup> August, the genesis of the Growth Board work was to further common cause and additionality across a range of interventions and supported areas felt to be important by Hertfordshire Leaders. This includes working

together to deliver long-term beneficial growth and place related outcomes beyond that which the partners could secure on their own. This ambition across the wide breadth of programmes being pursued still remains the case even if there is greater uncertainty about the timetables for securing deals with Government.

- 2.5 The Growth Board provides the partners with:
- Strategic direction, monitoring, delivery and co-ordination of current and future Growth Board strategy, identified programmes, projects and implementation of any Growth Deal
  - A Governance body that secures strategic collaboration and delivery across the councils and with the LEP on place, economic performance and infrastructure matters
  - Acts as the place leadership body for Hertfordshire that provides a single voice to Government, also identifies, promotes, lobbies for Hertfordshire's interests and for funding
  - Oversight, accountability for and prioritisation of the Growth Board Growth fund
- 2.6 These activities along with the ambition to continue to strengthen and develop the Growth Board will be enhanced by continuing to move on the plans to implement the statutory joint committees. At the Growth Board meetings on 4<sup>th</sup> August and 8<sup>th</sup> September it was agreed to progress more rapidly with evolving the Growth Board Governance into a joint (s.101 type) committee and for that to happen this year.
- 2.7 This recognises advantages for Growth Board partners in signalling the strong local commitment to the Growth Board work, its delivery programmes and co-ordinating role now and in the future including:
- a) Establishment of the formal governance structure continues to build on the momentum and progress made by the Growth Board over the last two years,
  - b) Helps maintain government and investor confidence in the visible alignment of business, political and civic support to delivery commitments in Hertfordshire,
  - c) Increases openness and transparency in the work of the Growth Board
  - d) Provides a governance vehicle that is neutral in respect of any future devolution position or option, allowing Hertfordshire to continue to pursue common cause and collaborative joint working on the established programmes
  - e) Continues the Growth Board work and positions Hertfordshire in anticipation of and in readiness for any deal discussions or options that flow from HM Government in coming months.
- 2.8 Given the above, Leaders are recommended to continue to support the implementation of the Growth Board joint committee. The first joint committee was being planned to take place this December, that date is no longer possible, so it is now proposed that the first meeting of the Growth Board in 2021 is used. Proposed dates for the Growth Board in 2021 are about to be circulated for approval allowing the amended date for the first joint committee to be confirmed at the Board on 13<sup>th</sup> October.
- 2.9 As far as the Growth Board Scrutiny Committee is concerned, the establishment and provision of ongoing support to a new scrutiny committee will be significant and this should be aligned to when the work programme requirements arise. Given this it would be sensible for all partners to secure the legal basis to establish the Scrutiny Committee, but for the commencement of the scrutiny committee to be aligned to MHCLG announcement of any growth deal.

### **3 Next Steps**

- 3.1 Assuming that all Growth Board partner councils secure approval to establish the Growth Board Joint Committees then the next step would be to press on with the first meeting in early 2021 (date to be confirmed).

### **4 Recommendations**

- 4.1 That Leaders/LEP Chair agree:
- a. To proceed with securing the partner approvals necessary for implementation of the Growth Board Statutory Joint Committees as agreed at the September 8<sup>th</sup> Growth Board;
  - b. The first Growth Board Joint Committee to take place in early 2021 under the new arrangements set out in the Integrated Governance Framework attached at Appendix 1;
  - c. The implementation of the Growth Board Scrutiny Committee to be aligned to MHCLG confirmation of a Growth and Housing Deal.

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# Hertfordshire Growth Board Integrated Governance Framework

September 2020



**Hertfordshire**  
Growth Board

# Hertfordshire Growth Board Proposed Joint Committees Integrated Governance Framework

## 1. Background

- 1.1 Hertfordshire Growth Board (HGB) has been operating since late 2018 as a non-constituted partnership of the 11 Local authorities and Local Enterprise Partnership in Hertfordshire. Formed as a coalition of the willing with the purpose of taking a longer term place leadership approach to our place ambitions, growth pressures and economic performance, it has promoted effective joint working and common cause, delivering more than the sum of the parts and seeking to create additionality for all partners and the residents and businesses of Hertfordshire.
- 1.2 The Growth Board Partners have invested significant capital in the work that has been undertaken on developing the Growth Board programmes so far, charting a course of collective action through the dedication of political, officer and financial resources. The Growth Board is a unique construct for Hertfordshire and the progress that it has made in its two years of operation is important. The relationships that have been built between the partners, the set of programmes that have been developed and the outcomes that are being sought in place and economic terms are significant and will extend beyond political horizons. They represent a coherent response to the ambitions that the partners have articulated together, and the challenges that we face, including economic recovery.
- 1.3 Through the Growth Board work, including the joint signing of the collaboration Memorandum of Understanding (MOU) in 2019/20 we have signalled to HM Government unity and joint commitment to the Growth Board programmes across Hertfordshire and to pursuit of a Growth Deal for our area. A Growth Deal will require a strengthening of the current governance of the Growth Board, to give it a legal identity and statutory weight.
- 1.4 The Growth Board has increased the openness and transparency around its activities in 2020, publishing its board papers and developing a website and greater visibility of its work and ambitions. There is recognition however, that an informal constitution and governance can only take those ambitions so far and formalising the Growth Board into a statutorily constituted Joint Committee with associated scrutiny function will bring benefits for the partnership including:
  - a) signalling the strong and ongoing local commitment to the joint Growth Board work, its pan Herts focus, delivery programmes and co-ordinating role now and in the future (going above the commitments set out in the existing MOU)
  - b) Helps maintain government and investor confidence in the visible alignment of business, political governance and civic support to delivery commitments in Hertfordshire
  - c) Would aid openness and transparency in decision making for councils whilst the negotiations with HM Government move forward
  - d) Provides a governance vehicle that can operate and take advantage of potential opportunities now, building on the progress made so far and maintaining the momentum that has been established by the partnership

e) Has a neutral impact upon any structural change considerations in Hertfordshire, enabling focus to be maintained on the joint Growth Board work and building on the progress and investment made over the last two years.

- 1.5 Moving to establish a statutory joint committee will bring the work of the Growth Board within a legally prescribed process. Good governance requires an associated scrutiny function to be established alongside. Both of these are now proposed to the Growth Board partners. Subject to all partners agreeing to establish the joint committees, and the local authority partners confirming this decision and taking the legislative steps to establish the joint committees, the first Growth Board joint committee could take place in December 2020. The first Growth Board Scrutiny Committee would follow in February 2021.

## **2. The Integrated Governance Framework – Key components**

- 2.1 The Hertfordshire Growth Board and Growth Board Scrutiny Committee will be joint committees of the District, Borough and County Councils, formed under provisions of Local Government legislation<sup>1</sup> which enable councils to come together to discharge various of their functions. The Hertfordshire Local Enterprise Partnership shall also be a member of the HGB, in accordance with the same legislative provisions.
- 2.2 The Integrated Governance Framework attached to this paper provides the proposed Terms of Reference (TOR) and Standing Orders (SO) for the both of the Growth Board and Scrutiny Joint Committees.

### **Role of the Hertfordshire Growth Board**

- 2.3 The HGB has the primary aim of coordinating strategic development planning and delivery across Hertfordshire. The **HGB** is currently operating to provide strategic co-ordination around growth and place leadership for the eleven councils and Local Enterprise Partnership (the **LEP**) in Hertfordshire. Governance is through an agreed Terms of Reference and a collaboration Memorandum of Understanding. The HGB has developed a common purpose and a pan-Hertfordshire programme of projects supporting its vision and ambition for Hertfordshire the place.
- 2.4 HGB is also in negotiation with HM Government to secure a Growth Deal which will require a formal governance model to provide accountability to government and good governance and transparency in the local management and use of any funds received under such an arrangement. If this is achieved, HGB will be responsible for commissioning the projects which will be funded by the Growth Deal, and for the overall control of the project programme.
- 2.5 Going forward, within the framework of distributed leadership provided by the Growth Board, individual projects may be led by a constituent council, councils or by the HGB, and the HGB may delegate various of its functions to officers of the Councils. The constituent councils will also form a joint Scrutiny Committee to review the work of the HGB, comprising members from each of the constituent councils.

### **Core Provisions regulating the HGB and the Scrutiny Committee**

- 2.6 The Growth Board commissioned the preparation of the Integrated Governance Framework with support and input from the Hertfordshire Heads of Legal/Monitoring Officers Group. The Framework drew on relevant governance models and examples from elsewhere

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<sup>1</sup> Sections 101 and 102 of the Local Government Act 1972; Section 9EB of the Local Government Act 2000 and pursuant to the Local Authorities (Arrangement for the Discharge of Functions) (England) Regulations 2012

(Oxfordshire and Cambridgeshire) and has also been reviewed in a number of previous iterations through the Chief Executives group. The version attached to this paper has been endorsed by the Growth Board for consideration by constituent councils in their individual democratic processes.

- 2.7 Each of the HGB and the HGB Scrutiny Committee shall operate in accordance with respective Terms of Reference and Standing Orders. Core Provisions of these are set out in summary below and the full framework is attached at Appendix A to this paper:

HGB - Terms of Reference (Summary)	<p><u>Membership and Voting</u> – The HGB shall have twelve members, comprising one member from each council and one member from the LEP. The strong ambition of the HGB shall be for all decisions to be made on a unanimous basis, and issues on which consensus cannot be reached shall be deferred to the following meeting.</p> <p>Only where consensus cannot be achieved at a subsequent meeting will issues be put to a vote. In those cases, and in compliance with the law applicable to joint committees, the voting members shall be the Council members only, and votes shall be decided by majority. The Chair is entitled to a casting vote, but there will be a convention that he/she will not rely on this. Before taking any decision, the local authority members of the HGB will have due regard to the advice and opinions expressed by the LEP member.</p> <p><u>Division of functions between the HGB and constituent councils</u> – Section 4 of the Terms of Reference clarifies those functions that will be given to the HGB, and those that will be retained by the constituent councils and the LEP (where applicable).</p>
HGB - Standing Orders (Summary)	<p>The HGB members shall appoint a Chair and two Vice-Chairs. There shall be a two-year non-consecutive limit on the Chair's appointment (i.e. he/she may be reappointed, but only after a different member has been Chair).<sup>2</sup></p> <p>Meetings will have a quorum of 9 members.</p> <p>Meetings will be open to public attendance (whether physical or virtual meetings) and will accept questions and petitions from the public.</p>
HGB Scrutiny Committee - Terms of Reference (Summary)	<p><u>Role</u> - The Scrutiny Committee will provide pre-scrutiny of the business of the HGB. It will also act as a forum for discussion with a wider range of members and stakeholders across Hertfordshire. The Scrutiny</p>

<sup>2</sup> For both the HGB and the HGB Scrutiny Committee, there will be an exception to the term limits for the initial appointment of the chair at the first meeting.



	<p>Committee may review and comment on reports to the HGB, offer advice to HGB on the discharge of its functions and may review its work.</p> <p><u>Membership</u> – the Scrutiny Committee shall have 12 members including the LEP. Members must not be executive members of their appointing authority.</p>
HGB Scrutiny Committee - Standing Orders (Summary)	<p>Meetings of the Scrutiny Committee will normally be scheduled shortly prior to meetings of the HGB, in order to facilitate its pre-scrutiny function.</p> <p>The HGB members shall appoint a Chair and one Vice-Chair to the Scrutiny Committee. There shall be a two-year non-consecutive limit on the Chair’s appointment (i.e. he/she may be reappointed, but only after a different member has been Chair).<sup>3</sup></p> <p>Meetings shall have a quorum of 7 members.</p> <p>Voting where required shall be by simple majority, in accordance with legislative requirements. As with the HGB, the Chair shall be entitled to a casting vote, but there will be a convention that he/she will not rely on this.</p> <p>Meetings will be open to public attendance (whether physical or virtual meetings) and will accept questions and petitions from the public.</p>

### 3. Implications

- 3.1 The financial implications of establishing joint committees for the Hertfordshire Growth Board consist primarily of time for the attendees (Members and officers), secretariat and support, accommodation (for when meetings are hybrid or in a single location) and cost of ICT/live streaming of meetings. These costs will be met from the Hertfordshire Growth Board Growth Fund. The Growth Board Growth Fund is overseen by the Growth Board and accounted for by the s.151 Officer at Hertfordshire County Council who are the accountable body for the fund.
- 3.2 The legal implications of setting up the joint committees relate primarily to governance, meeting and publications arrangements and conduct of members. The proposed Integrated Governance Framework addresses the governance requirements and also to the way that meetings will operate. The publications and procedures rules that both committees will need to operate within are also addressed in the document, where not the normal statutory rules

<sup>3</sup> See footnote 2.

will apply including those related to Covid-19 arrangements for virtual meetings. Local Government and LEP members, alternates and substitutes are covered by the general code of conduct for their organisations.

- 3.3 Environmental and sustainability implications. The Growth Board partners have established separate but also joint approaches to sustainability and climate change impacts/mitigation measures for Hertfordshire. There is crossover with the Growth Board work that will ensure that environmental considerations and programmes are taken forward and implications considered.
- 3.4 Equalities implications. A formal EQIA has not been deemed necessary because there is nothing to suggest that the creation of these statutory joint committees will adversely affect any equalities requirements. Moving to statutory joint committees will increase transparency and openness in the work of the Hertfordshire Growth Board.

#### **4. Next Steps for Constituent Councils in establishing the Joint Committees**

- 4.1 The constituent councils are asked to put forward to their full council a motion to approve the formation of the HGB and its scrutiny committee as statutory joint committees, with functions delegated to them as set out in the attached Terms of Reference and Standing Orders of the HGB and Scrutiny committees.
- 4.2 Councils and the Local Enterprise Partnership are then asked to appoint a member to each of the HGB and the HGB Scrutiny Committee. If endorsed by votes of the constituent councils as above, the HGB will be constituted. It is hoped to schedule a first meeting of the HGB in December 2020. The HGB Scrutiny Committee will hold its first meeting in February 2021, in advance of the second HGB meeting anticipated to take place shortly afterwards.

#### **5. Recommendations**

- 5.1 The Constituent Councils of the Hertfordshire Growth Board are recommended to:
  - 1. Confirm the establishment of the Growth Board and Growth Board Scrutiny Joint Committees (to hold their inaugural meetings in December 2020 and then HGB Scrutiny February 2021)
  - 2. Adopt the Growth Board Integrated Governance Framework into the Councils own constitutional framework
  - 3. Agree the Council's nominated representative on the Growth Board and Scrutiny Committee
- 5.2. The Hertfordshire Local Enterprise Partnership is recommended to:
  - 1. Endorse the establishment of the Growth Board and Growth Board Scrutiny Joint Committees
  - 2. Note the requirements of the Growth Board Integrated Governance Framework
  - 3. Agree the LEP nominated representative on the Growth Board and Growth Board Scrutiny Committee

## HERTFORDSHIRE GROWTH BOARD - INTEGRATED GOVERNANCE FRAMEWORK

Hertfordshire Growth Board (**HGB**) is currently operating to provide strategic co-ordination around growth and place leadership for the eleven councils and Local Enterprise Partnership (the **LEP**) in Hertfordshire. Governance is through an agreed Terms of Reference (**TOR**) (incorporated below) and a collaboration Memorandum of Understanding (**MOU**).

HGB is also in negotiation with HM Government to secure a Growth Deal which will require a formal governance model to provide accountability to government and good governance and transparency in the local management and use of any funds received under such an arrangement.

HGB comprises twelve local partners, namely the County Council, the Hertfordshire District and Borough councils<sup>4</sup> and the LEP. Its governance framework consists of the Board itself, with twelve members, supported by a Scrutiny Committee also of twelve members.

### 1. Hertfordshire Growth Board

#### Summary of Functions

- 1.1 HGB is established to ensure the effective coordination of strategic planning and delivery and to ensure that the objectives of a future Growth Deal for Hertfordshire are met.
- 1.2 HGB will also be responsible for the commissioning of projects funded by money provided through a Growth Deal, and for overall control of that programme of projects. For each individual project, HGB may act as lead, with budget responsibility; alternatively it may appoint as lead a constituent council, who will be responsible for the delivery of that budget, under the oversight of the HGB. This shall also apply to circumstances in which funding is provided to the HGB by the member Councils or by other parties, such as the LEP.
- 1.3 HGB shall also support the development of local planning policy that promotes (1) the UK Government's stated aim of net zero carbon by 2050, and (2) constituent Councils' 2030 targets, and contributes towards biodiversity gain whilst embracing the changes needed for a low carbon world.

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<sup>4</sup> Hertfordshire County Council, Borough of Broxbourne Council, Dacorum Borough Council, East Hertfordshire District Council, Hertsmere Borough Council, North Hertfordshire District Council, St Albans City and District Council, Stevenage Borough Council, Three Rivers District Council, Watford Borough Council, Welwyn Hatfield Borough Council.

- 1.4 The Councils agree to delegate the exercise of their functions to the HGB to the extent necessary to enable the HGB to pursue and achieve the purposes in paragraphs 4.1 and 4.2 of the Terms of Reference, and to undertake any actions necessary, incidental or ancillary to achieving those objectives. The Councils shall make the necessary changes to their respective schemes of delegation accordingly.
- 1.5 The HGB may further delegate to officers of the Councils.
- 1.6 The HGB will consider any reports and recommendations from the HGB Scrutiny Committee as appropriate.
- 1.7 The HGB shall develop its own Forward Plan.

### **Terms of Reference and Standing Orders**

- 1.8 The HGB's Terms of Reference and Standing Orders are set out in Appendix 1 and the accompanying Annex.

## **2. HGB Scrutiny Committee**

### **Summary of Functions**

- 2.1 The HGB Scrutiny Committee has delegated authority to exercise the following functions:
  - a. Advise the HGB in connection with the achievement of the functions set out at paragraph 1 above;
  - b. Prepare and submit reports and/or recommendations to the HGB; and
  - c. Carry out all other statutory scrutiny functions in relation to the HGB.

### **Terms of Reference and Standing Orders**

- 2.2 The HGB Scrutiny Committee's Terms of Reference and Standing Orders are set out in Appendix 2 and the accompanying Annex.

## **Appendix 1**

### **TERMS OF REFERENCE OF THE HERTFORDSHIRE GROWTH BOARD**

#### **1. Parties**

Hertfordshire County Council  
Borough of Broxbourne Council  
Dacorum Borough Council  
East Hertfordshire District Council  
Hertsmere Borough Council  
North Hertfordshire District Council  
St Albans City and District Council  
Stevenage Borough Council  
Three Rivers District Council  
Watford Borough Council  
Welwyn Hatfield Borough Council  
Hertfordshire Local Enterprise Partnership (**LEP**)

#### **2. Status**

- 2.1 The Hertfordshire Growth Board (**HGB**) has been established by Hertfordshire County Council and the District and Borough Councils listed above. It is a joint committee of these Councils, established by the Councils under sections 101 and 102 of the Local Government Act 1972, section 9EB of the Local Government Act 2000 and pursuant to the Local Authorities (Arrangement for the Discharge of Functions) (England) Regulations 2012.

#### **3. Membership**

- 3.1 Twelve members, comprising one elected member from each Council (anticipated to be the Leader/Directly Elected Mayor of each Council) with full voting rights, and a member nominated by the LEP (anticipated to be the Chair of the LEP) who is a co-opted non-voting member. The elected members shall be obliged to have due regard to the representations made by the LEP member.
- 3.2 Each constituent council may appoint a substitute from time to time. The substitute member shall have the same rights of speaking and voting at the meetings as the member for whom the substitution is made.
- 3.3 The HGB, with the agreement of its members, may co-opt other non-voting members to its membership where it is considered conducive to the effective consideration of any matter.

- 3.4 The HGB may appoint representatives to other outside bodies of which the HGB has membership.

## **4. Functions**

### General Functions

- 4.1 The HGB has delegated authority to exercise the following functions:
- a. Exercising strategic direction, monitoring, delivery and co-ordination of current and future Growth Board strategy, programmes and implementation of any Growth Deal Project;
  - b. Effective place leadership, ensuring that interests relating to spatial planning, economic prosperity, infrastructure provision, health provision, sustainability and climate change mitigation are effectively taken into account, coordinated and incorporated in place-making, in order to safeguard and maintain Hertfordshire's unique quality of life and prosperity;
  - c. Securing strategic collaboration and delivery across the councils and with the LEP in accordance with the policy objectives of the partner organisations;
  - d. Acting as the place leadership body for Hertfordshire that may act as a single voice to Government (and other national and sub-national bodies) on issues relevant to its ambit;
  - e. Coordinating the prioritisation of Growth Board funding from devolved and other funding sources for infrastructure schemes, to ensure that decisions are made in one place and supported by all relevant partners and stakeholders;
  - f. Promoting and lobbying for Hertfordshire's interests and for funding;
  - g. Oversight, accountability for and prioritisation of the Growth Board Growth fund;
  - h. To bring together the work of the emerging South West Herts Joint Planning and North, East and Central Herts Joint Planning groups, ensure strategic infrastructure requirements are identified and fed into the Hertfordshire Infrastructure and Funding prospectus.
  - i. To maintain a current understanding of infrastructure needs through the Hertfordshire Infrastructure and Funding prospectus and other sources so key infrastructure priorities needed to support economic and housing growth can be determined

- j. To maintain particular focus on the successful regeneration of Hertfordshire's New Towns, the health of Town Centres and development and delivery of new Garden Towns and Communities.

### Specific Functions

4.2 The HGB also has delegated authority to:

- a. Approve single position statements in relation to strategic Growth Deal issues;
- b. Approve projects, including the allocation of project funding, which fall within the ambit of a future Growth Deal agreement;
- c. Approve the major priorities under the auspices of a future Growth Deal;
- d. Approve plans and strategies necessary or incidental to the implementation of a Growth Deal; and
- e. Consider recommendations from the HGB Scrutiny Committee.

4.3 For the avoidance of doubt, the following non-executive and executive functions of the constituent Councils (and where applicable, the LEP) are excluded from the delegations to the HGB:

- a. Statutory planning functions;<sup>5</sup>
- b. Statutory housing functions;
- c. Statutory functions relating to economic development;
- d. Statutory highways and transport functions;
- e. Matters incidental to the exercise of the above functions.

## **5. Professional and Administrative Support**

- 5.1 Hertfordshire County Council shall act as the accountable body for the HGB in respect of financial matters and its financial procedure rules will apply in this context. It will provide Section 151 and Monitoring Officer roles to the Committee in accordance with its internal procedures.
- 5.2 Hertfordshire County Council's Director of Finance (Section 151 Officer) will provide the HGB with quarterly financial reports for funding that has been allocated directly to Hertfordshire County Council as the Accountable Body. These reports will provide the HGB with an overview of the funds spent and funds committed against funds allocated.

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<sup>5</sup> This includes acting as Local Planning Authority on strategic planning matters, applications, approval and designation, consultations/referendums revocation (or recommend revocation of) neighbourhood plans, Article 4 Directions and orders

- 5.3 For those programmes and funding streams where another local authority is the Accountable Body, the relevant Section 151 Officer will provide the financial and performance information to the County Council's Section 151 Officer, for integration into the quarterly reporting process.
- 5.4 Committee management and administrative support to the HGB will be provided by Hertfordshire County Council.
- 5.5 The lead role on projects shall be determined by the HGB, subject to the guiding principle that the lead council should normally be the Council primarily responsible for the service in question for their area. The procurement and other rules of the lead council will apply in respect of projects.

## **6. Standing Orders**

- 6.1 The HGB will be governed by the Standing Orders set out in Annex A attached to these Terms of Reference.

## **7. Advisory Sub-Groups**

- 7.1 The HGB may establish Programme Boards/Advisory Sub-Groups to oversee specific work programmes or broader thematic areas as required. Programme Boards/Sub-Groups, reporting into the HGB, will be managed in accordance with separate terms of reference as agreed by the HGB.
- 7.2 The role, remit and membership of Programme Boards/Advisory Sub-Groups will be reviewed regularly to ensure they remain flexible to the demands of ongoing and new programmes of work.

## **8. Withdrawal**

- 8.1 The firm intention is that HGB will continue until the programme is completed. Recognising the very serious implications of withdrawal from the HGB for the delivery of any Growth Deal programme, if a Council decides to withdraw from its role within HGB, it commits to sharing this with HGB members at the earliest possible opportunity, and to entering into constructive discussions to avoid this happening or to reach a way forward.
- 8.2 In all cases:
  - a. A minimum of six months' prior notice shall be given before withdrawal; and
  - b. Withdrawal shall take effect from the beginning of the financial year.



## 9. Costs

- 9.1 The costs of running the HGB will be funded from the HGB Growth Fund in combination with officer time contributions from constituent councils.
- 9.2 Each Council makes a legally binding commitment that, should it withdraw from the HGB, it shall pay all additional costs (such as increased project costs) that fall to be met by the other partner Councils that are reasonably attributable to that withdrawal. This could include, for example, the costs that are locked into projects that have already been committed to, or the costs of dissolving integrated officer and Member arrangements and re-establishing independent arrangements.

## 10. Dispute Resolution

- 10.1 This section 10 governs disputes which may arise between the members and former members (including the LEP member, but not including any other co-opted member) in relation to these Terms of Reference or the Standing Orders of the HGB, or the decisions or operations of the HGB (a **Dispute**).
- 10.2 Each member as defined in paragraph 10.1 shall be entitled to refer a Dispute to the Heads of Paid Service of the member Councils and the Chief Executive of the LEP (together the **Dispute Panel**), who shall seek to agree a resolution. If the Dispute Panel is unable to resolve the matter within 1 month of it being referred to them, it shall agree any further dispute resolution procedure that it deems appropriate. This may include but is not limited to mediation via the Centre for Effective Dispute Resolution (CEDR).

## **Annex A to Appendix 1**

### **HERTFORDSHIRE GROWTH BOARD STANDING ORDERS**

#### **1. Membership**

- 1.1 The HGB will have a voting membership of eleven, each Council being entitled to appoint one voting member.
- 1.2 The HGB may agree to co-opt other non-voting members to its membership where it is considered conducive to the effective consideration of any matter.

#### **2. Alternate or Substitute Members**

- 2.1 Each Council will be entitled to appoint from time to time one named alternate or substitute member who may act in all aspects as a voting member of the HGB in the absence of the voting member appointed.
- 2.2 The LEP and any other co-opted members will be entitled to nominate an alternate or substitute member to act in the absence of their principal co-opted member.
- 2.3 Subject to the discretion of the Chair, the relevant member shall notify the HGB at least 5 working days in advance of the relevant meeting of the identity of their substitute.

#### **3. Term of Office**

- 3.1 The term of office of voting and alternate or substitute voting members shall end:
  - a. if rescinded by the appointing Council; or
  - b. if the member ceases to be a member of the appointing Council.
- 3.2 The LEP member and any co-opted members may at any time ask the HGB to replace their nominated co-opted member and alternate or substitute member by way of further nomination.

#### **4. Appointment of Chair and Vice-Chair**

- 4.1 The HGB shall appoint a Chair and two Vice-Chairs at its first meeting. At the time of appointing the Vice-Chairs, the HGB shall decide which of them takes priority if the Chair is absent and both of them are present.

4.2 The appointment of the Chair described in 4.1 shall be for a term up to the first meeting of the HGB that follows both the 2021 local elections and the 2021 Annual Meetings of the constituent Councils (the **Post-Election Meeting**). At the Post-Election Meeting, the Board may either re-appoint the same member as Chair or appoint a new Chair for a term of two years. Save in the above case, the Chair shall serve a single consecutive term of two years.

4.3 There shall be no term limits for Vice-Chairs.

4.4 The co-opted members of the HGB shall not act in the role of either the Chair or the Vice-Chair of the HGB.

## **5. Quorum**

5.1 The quorum for meetings of the HGB will be 9 voting members.

5.2 If there is no quorum at the published start time for the meeting, a period of ten minutes will be allowed, or longer, at the Chair's discretion. If there remains no quorum at the expiry of this period, the meeting will be declared null and void.

5.3 If there is no quorum at any stage during a meeting, the Chair will adjourn the meeting for a period of ten minutes, or longer, at their discretion. If there remains no quorum at the expiry of this period, the meeting will be closed and the remaining items will be declared null and void.

## **6. Member Conduct**

6.1 HGB members appointed by the eleven Councils shall be bound by the Code of Conduct of their nominating authority. The HGB member appointed by the LEP (and those nominated by other co-opted members) will be bound by the Code of Conduct of Hertfordshire County Council.

6.2 If a member persistently disregards the ruling of the Chair, or person presiding over the meeting, by behaving improperly or offensively or deliberately obstructs business, the Chair, or person presiding over the meeting, may move that the member be not heard further. If seconded, a vote will be taken without discussion.

6.3 If the member continues to behave improperly after such a motion is carried, the Chair, or person presiding over the meeting, may move that either the member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, a vote will be taken without discussion.

## **7. Notice of and Summons to Meetings**

- 7.1 Notice will be given to the public of the time and place of any meeting of the HGB in accordance with the Access to Information rules of the Council providing HGB secretariat functions.
- 7.2 At least seven clear working days before a meeting, a copy of the agenda and associated papers will be sent to every member of the HGB. The agenda will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such details as are available.

## **8. Meeting Frequency**

- 8.1 The HGB will meet on at least a quarterly basis, or as determined by the HGB, with one of those meetings acting as the annual meeting.
- 8.2 Extraordinary Meetings may be summoned by (i) the Chair, or (ii) any nine councils writing to the Chair to request one. The notice from the Chair or the letter from the nine councils shall state the business of the meeting, and no other business shall be considered.

## **9. Virtual Meetings**

- 9.1 The following provisions shall apply to meetings which are scheduled during the period that **The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020**, or such other legislation as permits meetings to take place remotely, remain in force.
- 9.2 The HGB may hold any meeting remotely using Zoom, Microsoft Teams, or any other suitable platform, and may live-stream the meeting.
- 9.3 Where it elects to do so, notice of this shall be given to the public in advance, and the platform used shall enable the public to see and hear the proceedings. A link will be made available to enable members of the public whose questions have been selected in accordance with Standing Order 12 to address the HGB. Where a public questioner is unable to access the meeting, or cannot be heard by the Members during the time allocated for his or her question, the Chair shall have discretion to move on to deal with another question, or if the question is the last to be heard, to move on to other business.
- 9.4 Voting shall be managed by the Chair, by either (i) requiring members to vote using the applicable poll function, (ii) requiring members to vote orally in turn, or (iii) any other convenient method.

9.5 Where the public and press are excluded under Standing Order 16, members will be required to confirm that there are no other persons present with them who are not entitled to hear or see the proceedings.

9.6 The Quorum provisions at paragraph 5 shall apply equally to virtual meetings.

## **10. Voting**

10.1 Before taking any decision, the local authority members of the HGB will have due regard to the advice and opinions expressed by the LEP member and other co-opted members.

10.2 HGB members commit to seek, where possible, to operate on the basis of consensus.

10.3 Should it not be possible in a specific instance to find a consensus, the issue shall stand deferred to a later meeting of the HGB. At the next meeting, a vote will be again taken and, if a consensus is still not achievable, the decision will be made on the basis of a simple majority.

10.4 The Chair shall have a casting vote; however, the convention of the HGB is that the Chair shall not exercise this.

## **11. Reports from the HGB Scrutiny Committee**

11.1 The HGB will receive reports and recommendations from the HGB Scrutiny Committee as appropriate and the Chair of the HGB Scrutiny Committee, or a nominated representative on his or her behalf, will be entitled to attend meetings of the HGB to present them.

## **12. Questions by the Public and Public Speaking**

12.1 At the discretion of the Chair, members of the public may ask questions at meetings of the HGB. This standard protocol is to be observed by public speakers:

- (a) There shall be a maximum of six public questions in each meeting, subject to a time limit of 30 minutes. Questions will be addressed on a first-come-first-served basis with reference to when they were submitted to the HGB, save that questions which in the opinion of the Chair are vexatious shall not be addressed;
- (b) Notice of the question should be submitted to the Chief Legal Officer of Hertfordshire County Council by 10am at least five working days before the meeting, stating to whom the question is to be put;
- (c) Questions must be limited to a maximum of 300 words;

- (d) Answers will be given in writing and will be published on the HGB website by 5pm on the day preceding the relevant meeting;
- (e) With the Chair's permission, the questioner may ask a supplementary question relevant to the original question (or its answer). The questioner's supplementary question must not last longer than two minutes. The answer to the supplementary question may be: (i) an oral answer lasting no more than three minutes; or (ii) where the desired information is contained in a publication of the Council, a reference to that publication; or (iii) in writing (to be available within seven days); or (iv) a combination of the above;
- (f) Questioners will not be permitted to raise the competence or performance of a member, officer or representative of any partner on the HGB, nor any matter involving exempt information (normally considered as 'confidential');
- (g) Questioners cannot make any abusive or defamatory comments, or raise points which in the opinion of the Chair are vexatious;
- (h) If any clarification of what the questioner has said is required, the Chair will have the discretion to allow other HGB members to ask questions;
- (i) The questioning member will not be permitted to participate in any subsequent discussion and will not be entitled to vote;
- (j) In the event that one of the questions considered by the Chair is duplicated by later questions, it may be necessary for a spokesperson to be nominated to put forward the question on behalf of other questioners. If a spokesperson cannot be nominated or agreed, the questioner of the first such question received will be entitled to put forward their question; and
- (k) Questions should relate to items that are on the agenda for discussion at the meeting in question. The Chair will have the discretion to allow questions to be asked on other issues.

### **13. Petitions**

13.1 At the discretion of the Chair, members of the public may submit and present petitions to the HGB. This standard protocol is to be observed by petitioners:

- (a) Petitions should include a clear statement of the petition organiser's concerns and what they would like the HGB to do;
- (b) Petitions must relate to something which is within the responsibility of the HGB, or over which it has influence;
- (c) Petitions must include the name and contact details of the petition organiser;
- (d) Petitions must include at least 500 signatures of people living or working in Hertfordshire. Petitions below this threshold will not be presented to the HGB, but HGB members will be notified of them as long as they contain at least 50 signatures;

- (e) Petitions must be submitted either (i) in hard copy, or (ii) via the HGB e-petition platform, in the format prescribed on the HGB portal, at least 10 clear working days before the date of the meeting. Petitions shall be administered by the Democratic Services Team of Hertfordshire County Council;
- (f) Subject to the discretion of the Chair, a maximum of two petitions will be considered at any one meeting;
- (g) Petition organisers will be permitted to present their petitions to the meeting and will be allowed to address the meeting for a maximum of three minutes;
- (h) Where more than one petition is received in time for a particular meeting and they are considered by the Chair as supporting the same outcome or being broadly similar in intent, it may be necessary for a spokesperson to be nominated and present the petitions. If a spokesperson cannot be nominated or agreed, the petition organiser of the first petition received will be entitled to present their petition;
- (i) Petitions will be rejected if the Chair considers them to be abusive or libellous, frivolous, vague or ambiguous, rude, offensive, defamatory, scurrilous or time-wasting or require the disclosure of exempt information (normally considered as 'confidential');
- (j) Petitions on the same subject matter will not be accepted within a six-month period, unless there has been a material change of circumstances. Whether there has been a material change in circumstances will be determined by the Chief Legal Officer of Hertfordshire County Council in consultation with the Chair (or Vice-Chair).

13.2 Any matters arising from petitions considered by the HGB Scrutiny Committee can be reported to the HGB, as per Standing Order 11.

#### **14. Participation at HGB Meetings by Other Members of Partner Councils or Other Representatives of Partner Bodies**

14.1 At the discretion of the Chair, other elected members of the Councils or the LEP or co-opted members may be entitled to speak and participate at meetings of the HGB.

#### **15. Minutes**

15.1 The Chair will sign the minutes of the proceedings at the next suitable meeting. The Chair will move that the minutes of the previous meeting be signed as a correct record.

15.2 The minutes will be accompanied by a list of agreed action points, which may be discussed in considering the minutes of the previous meeting should they not be specifically listed as items on the agenda for the meeting.

## **16. Exclusion of the Public and Press**

- 16.1 Members of the public and press may be excluded from meetings in accordance with the Access to Information rules of legislation as applied by the administering authority with regard to the consideration of exempt or confidential information.

## **17. Recording of Proceedings**

- 17.1 The recording in any format of meetings of the HGB is permitted, except:
- a. Where the Chair, or person presiding over the meeting, rules that filming is being undertaken in such a way that is disruptive or distracting to the good order and conduct of the meeting;
  - b. Where the public have been excluded from the meeting during the consideration of exempt or confidential information (see Standing Order 16).

## **18. Disturbance by Public**

- 18.1 If a member of the public interrupts proceedings, the Chair, or person presiding over the meeting, will warn the person concerned. If that person continues to interrupt, the Chair will order his or her removal from the meeting room.
- 18.2 If there is a general disturbance in any part of the meeting room open to the public, the Chair, or person presiding over the meeting, may call for that part of the room to be cleared.
- 18.3 If there is a general disturbance making orderly business impossible, the Chair, or person presiding over the meeting, may adjourn the meeting for as long as he or she thinks is necessary.

## **19. Interpretation of Standing Orders**

- 19.1 The ruling of the Chair of the HGB as to the application of these Standing Orders shall be final.

## **20. Suspension of Standing Orders**

- 20.1 With the exception of Standing Orders 4, 5, 7.1, 8, 10 and 15, and as far as is lawful, any of these Standing Orders may be suspended by motion passed unanimously by those entitled to vote.



## **Appendix 2**

### **HERTFORDSHIRE GROWTH BOARD SCRUTINY COMMITTEE** **TERMS OF REFERENCE**

#### **1. Parties**

Hertfordshire County Council  
Borough of Broxbourne Council  
Dacorum Borough Council  
East Hertfordshire District Council  
Hertsmere Borough Council  
North Hertfordshire District Council  
St Albans City and District Council  
Stevenage Borough Council  
Three Rivers District Council  
Watford Borough Council  
Welwyn Hatfield Borough Council

#### **2. Status**

The Hertfordshire Growth Board Scrutiny Committee has been established by the Councils listed above. It is a joint advisory committee of these Councils, established under section 102(4) of the Local Government Act, 1972.

#### **3. Membership**

- 3.1 One elected member appointed by each of the member Councils and one member appointed by the LEP (total 12).

#### **4. Functions of the HGB Scrutiny Committee**

- 4.1 The HGB Scrutiny Committee is established to advise the HGB with regard to the latter's role in achieving the objectives in the HGB Terms of Reference.
- 4.2 The HGB Scrutiny Committee will act as a forum for discussion with a wider range of members and stakeholders across the Hertfordshire area, so that the HGB benefits from a wider range of expertise in making its decisions.
- 4.3 To this end, the HGB Scrutiny Committee may receive and comment on ("pre-scrutinise") reports to the HGB, may offer advice to the HGB on the discharge of its functions and may review its work.

- 4.4 The HGB Scrutiny Committee shall develop its own Forward Plan and may submit reports or recommendations to the HGB for consideration, as appropriate.

**5. Professional and Administrative Support**

- 5.1 Committee management and administrative support to the HGB Scrutiny Committee will be provided by Hertfordshire County Council.
- 5.2 Other professional support will be provided to the HGB Scrutiny Committee on an ad hoc basis as agreed between the Councils.

**6. Standing Orders**

The HGB Scrutiny Committee will be governed by the Standing Orders set out in Annex A attached to these Terms of Reference.

**7. Costs**

The costs of running the HGB Scrutiny Committee will be funded from the HGB Growth Fund.

## **Appendix 2 – Annex A**

### **HERTFORDSHIRE GROWTH BOARD SCRUTINY COMMITTEE STANDING ORDERS**

#### **1. Membership**

- 1.1 The HGB Scrutiny Committee will have a membership of 12, with each Council and the LEP being entitled to appoint one member. Members must not be executive members of their appointing authority.

#### **2. Alternate or Substitute Members**

- 2.1 Each Council will be entitled to appoint one named alternate or substitute member who may act in all aspects as a voting member of the HGB in the absence of the voting member appointed.
- 2.2 Subject to the discretion of the Chair, the relevant member shall notify the HGB at least 5 working days in advance of the relevant meeting of the identity of their substitute.

#### **3. Term of Office**

- 3.1 The term of office of members from the Councils shall end:
- a. if rescinded by the appointing Council; or
  - b. if the member ceases to be a member of the appointing Council.

#### **4. Appointment of Chair and Vice-Chair**

- 4.1 The HGB Scrutiny Committee will appoint a Chair and Vice-Chair at its first meeting.
- 4.2 The appointment of the Chair described in 4.1 shall be for a term up to the first meeting of the HGB Scrutiny Committee that follows both the 2021 local elections and the 2021 Annual Meetings of the constituent Councils (the **Post-Election Meeting**). At the Post-Election Meeting, the HGB Scrutiny Committee may either re-appoint the same member as Chair, or appoint a new Chair for a term of two years. Save in the above case, the Chair shall serve a single consecutive term of two years.
- 4.3 There shall be no term limits for Vice-Chairs.
- 4.4 Where there are three or more candidates for appointment and there is, after balloting, no candidate with a clear majority, meaning in this case the votes of more than 50% of members present and voting, the candidate with the least number of

votes will withdraw and there will be a fresh ballot of remaining candidates; and so on until a candidate has that majority.

## **5. Quorum**

- 5.1 The quorum for meetings of the HGB Scrutiny Committee will be 7 members.
- 5.2 If there is no quorum at the published start time for the meeting, a period of ten minutes will be allowed, or longer, at the Chair's discretion. If there remains no quorum at the expiry of this period, the meeting will be declared null and void.
- 5.3 If there is no quorum at any stage during a meeting, the person presiding over the meeting will adjourn for a period of ten minutes, or longer, at their discretion. If there remains no quorum at the expiry of this period, the meeting will be closed and the remaining items will be declared null and void.

## **6. Member Conduct**

- 6.1 HGB Scrutiny Committee members appointed by the Councils shall be bound by the Code of Conduct of their nominating authority.
- 6.2 If a member persistently disregards the ruling of the Chair, or person presiding over the meeting, by behaving improperly or offensively or deliberately obstructs business, the Chair, or person presiding over the meeting, may move that the member be not heard further. If seconded, a vote will be taken without discussion.
- 6.3 If the member continues to behave improperly after such a motion is carried, the Chair, or person presiding over the meeting, may move that either the member leaves the meeting or that the meeting is adjourned for a specified period.  
If seconded, a vote will be taken without discussion.

## **7. Notice of and Summons to Meetings**

- 7.1 Notice will be given to the public of the time and place of any meeting of the HGB Scrutiny Committee in accordance with the Access to Information rules of Hertfordshire County Council.
- 7.2 At least five clear working days before a meeting, a copy of the agenda and associated papers will be sent to every member of the HGB Scrutiny Committee. The agenda will give the date, time and place of each meeting; specify the business to be transacted, and will be accompanied by such details as are available.

## 8. Meeting Frequency

- 8.1 The HGB Scrutiny Committee may set its own timetable for meetings, normally on a date preceding meetings of the HGB in order to allow the HGB Scrutiny Committee to consider issues the HGB will be taking decisions on and advise accordingly.

## 9. Virtual Meetings

- 9.1 The following provisions shall apply to meetings which are scheduled during the period that **The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020**, or such other legislation as permits meetings to take place remotely, remain in force.
- 9.2 The HGB may hold any meeting remotely using Zoom, Microsoft Teams, or any other suitable platform, and may live-stream the meeting.
- 9.3 Where it elects to do so, notice of this shall be given to the public in advance, and the platform used shall enable the public to see and hear the proceedings. A link will be made available to enable members of the public whose questions have been selected in accordance with Standing Order 12 to address the HGB. Where a public questioner is unable to access the meeting, or cannot be heard by the Members during the time allocated for his or her question, the Chair shall have discretion to move on to deal with another question, or if the question is the last to be heard, to move on to other business.
- 9.4 Voting shall be managed by the Chair, by either (i) requiring members to vote using the applicable poll function, (ii) requiring members to vote orally in turn, or (iii) any other convenient method.
- 9.5 Where the public and press are excluded under Standing Order 16, members will be required to confirm that there are no other persons present with them who are not entitled to hear or see the proceedings.
- 9.6 The Quorum provisions at paragraph 5 shall apply equally to virtual meetings.

## Voting

- 10.1 All HGB Scrutiny Committee members will be voting members.
- 10.2 Voting for meetings of the HGB Scrutiny Committee will be conducted on the basis of a simple majority. The Chair shall have a casting vote; the convention shall be that the Chair shall not exercise this.

## **11. Reports from the HGB Scrutiny Committee to the HGB**

- 11.1 The Chair of the HGB Scrutiny Committee, or a nominated representative on his or her behalf, will be entitled to attend meetings of the HGB to present reports from the HGB Scrutiny Committee as appropriate.

## **12. Questions by the Public and Public speaking**

- 12.1 At the discretion of the Chair, members of the public may ask questions at meetings of the HGB Scrutiny Committee. This standard protocol is to be observed by public speakers:

- (a) There shall be a maximum of six public questions in each meeting, subject to a time limit of 30 minutes. Questions will be addressed on a first-come-first-served basis with reference to when they were submitted to the HGB, save that questions which in the opinion of the Chair are vexatious shall not be addressed;
- (b) Notice of the question should be submitted the Chief Legal Officer of Hertfordshire County Council at the latest by 10am three working days before the meeting;
- (c) Questions must be limited to a maximum of 300 words;
- (d) Answers will be given in writing and will be circulated at the meeting;
- (e) With the Chair's permission, the questioner may ask a supplementary question relevant to the original question (or its answer). The questioner's supplementary question must not last longer than two minutes. The answer to the supplementary question may be: (i) an oral answer lasting no more than three minutes; or (ii) where the desired information is contained in a publication of the Council, a reference to that publication; or (iii) in writing (to be available within seven days); or (iv) a combination of the above;
- (f) Questioners will not be permitted to raise the competence or performance of a member of the HGB Scrutiny Committee or the HGB, nor any matter involving exempt information (normally considered as 'confidential');
- (g) Questioners cannot make any abusive or defamatory comments, or raise points which in the opinion of the Chair are vexatious;
- (h) If any clarification of what the questioner has said is required, the Chair will have the discretion to allow other HGB Scrutiny Committee members to ask questions;
- (i) The questioning member will not be permitted to participate in any subsequent discussion and will not be entitled to vote;
- (j) In the event that one of the questions considered by the Chair is duplicated by later questions, it may be necessary for a spokesperson to be nominated to put forward the question on behalf of other questioners. If a

spokesperson cannot be nominated or agreed, the questioner of the first such question received will be entitled to put forward their question; and

(k) Questions should relate to items that are on the agenda for discussion at the meeting in question. However, the Chair will have discretion to allow questions to be asked on other issues.

### **13. Petitions**

13.1 At the discretion of the Chair, members of the public may submit and present petitions to the HGB Scrutiny Committee. This standard protocol is to be observed by petitioners:

- (a) Petitions should include a clear statement of the petition organiser's concerns and what they would like the HGB Scrutiny Committee to do;
- (b) Petitions must relate to something which is within the responsibility of the HGB Scrutiny Committee, or over which it has influence;
- (c) Petitions must include the name and contact details of the petition organiser;
- (d) Petitions must include at least 500 signatures of people living or working in Hertfordshire. Petitions below this threshold will not be presented to the HGB Scrutiny Committee, but HGB Scrutiny Committee members will be notified of them as long as they contain at least 50 signatures;
- (e) Petitions must be submitted either (i) in hard copy, or (ii) via the HGB e-petition platform, in the format prescribed on the HGB portal, at least 10 clear working days before the date of the meeting. Petitions shall be administered by the Democratic Services Team of Hertfordshire County Council;
- (f) Subject to the discretion of the Chair, a maximum of two petitions will be considered at any one meeting;
- (g) Petition organisers will be permitted to present their petitions to the meeting and will be allowed to address the meeting for a maximum of three minutes;
- (h) Where more than one petition is received in time for a particular meeting and they are considered by the Chair as supporting the same outcome or being broadly similar in intent, it may be necessary for a spokesperson to be nominated and present the petitions. If a spokesperson cannot be nominated or agreed, the petition organiser of the first petition received will be entitled to present their petition;
- (i) Petitions will be rejected if the Chair considers them to be abusive or libellous, frivolous, vague or ambiguous, rude, offensive, defamatory, scurrilous or time-wasting or require the disclosure of exempt information (normally considered as 'confidential');
- (j) Petitions on the same subject matter will not be accepted within a six-month period, unless there has been a material change of circumstances. Whether there has been a material change in circumstances will be

determined by the Chief Legal Officer of Hertfordshire County Council in consultation with the Chair (or Vice-Chair).

- 13.2 Any matters arising from petitions considered by the HGB Scrutiny Committee can be reported to the HGB as per Standing Order 10.

**14. Participation at HGB Scrutiny Committee Meetings by Other Members of Partner Councils or Other Representatives of Partner Bodies**

- 14.1 At the discretion of the Chair, other elected members of the Councils, or representatives from the LEP or other co-opted members, may be entitled to speak and participate at meetings of the HGB Scrutiny Committee.

**15. Minutes**

- 15.1 The Chair will sign the minutes of the proceedings at the next suitable meeting. The Chair will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.
- 15.2 The minutes will be accompanied by a list of agreed action points, which may be discussed in considering the minutes of the previous meeting should they not be specifically listed as items on the agenda for the meeting.

**16. Exclusion of the Public and Press**

- 16.1 Members of the public and press may be excluded from meetings in accordance with the Access to Information legislation as applied by the administering authority with regard to the consideration of exempt or confidential information.

**17. Recording of Proceedings**

- 17.1 The recording in any format of meetings of the HGB Scrutiny Committee is permitted, except:
- a. Where the Chair, or person presiding over the meeting, rules that filming is being undertaken in such a way that is disruptive or distracting to the good order and conduct of the meeting; and/or
  - b. Where the public have been excluded from the meeting during the consideration of exempt or confidential information (see standing order 16).



## **18. Disturbance by the Public**

- 18.1 If a member of the public interrupts proceedings, the Chair, or person presiding over the meeting, will warn the person concerned. If the individual continues to interrupt, the Chair will order his or her removal from the meeting room.
- 18.2 If there is a general disturbance in any part of the meeting room open to the public, the Chair, or person presiding over the meeting, may call for that part of the room to be cleared.
- 18.3 If there is a general disturbance making orderly business impossible, the Chair, or person presiding over the meeting, may adjourn the meeting for as long as he or she thinks is necessary.

## **19. Interpretation of Standing Orders**

- 19.1 The ruling of the Chair as to the application of these Standing Orders shall be final.

## **20. Suspension of Standing Orders**

- 20.1 With the exception of Standing Orders 5, 7.1, 10 and 15, and as far as is lawful, any of these Standing Orders may, as far as is lawful, be suspended by motion passed unanimously by those entitled to vote.



# Agenda item 9

## Hertfordshire Growth Board (HGB) Proposed Response to 'Planning for the Future' Consultation White Paper

Report Author: Patsy Dell, Hertfordshire Growth Board (Tel: 07949 887794)

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### 1 Purpose of report

- 1.1 The Government is consulting on fundamental reforms to the planning system. It proposes to build a new simpler, clearer and quicker system that actively encourage sustainable, beautiful, safe and useful development, but also makes it harder for developers to avoid their obligations to improve infrastructure.
- 1.2 The Secretary of State supports the need for a simpler, faster, more predictable system, that builds more homes, bridges the current generational divide of home ownership, creates a more competitive housing industry, ensures everyone pays a fair share of the costs of infrastructure and affordable housing, cuts red tape but not standards, with a higher regard on quality, design and local vernacular, and more emphasis on interactive and accessible map-based online systems.
- 1.3 The White Paper is open for comments until Thursday 29 October.  
[www.gov.uk/government/consultations/planning-for-the-future](http://www.gov.uk/government/consultations/planning-for-the-future)
- 1.4 This report outlines the main parts of the white paper and proposes a joint response from the Hertfordshire Growth Board at Appendix 1.

### 2 Background

#### Planning for the Future

- 2.1 The White Paper identifies several problems with the existing planning system: it is too complex; planning decisions are discretionary rather than rules-based; it takes too long to adopt a Local Plan; assessments of housing need, viability and environmental impacts are too complex and opaque; it has lost public trust; it is based on 20th century technology; the process of negotiating contributions for affordable housing and infrastructure is complex, protracted and unclear; there is not enough focus on design and little incentive for high quality; and it does not lead to enough homes being built.
- 2.2 In response the White Paper seeks to: be more ambitious for the beautiful places we create; move democracy forward by harnessing digital technology and giving communities an earlier and more meaningful voice; improve the user experience; support home ownership; increase the supply of land for new homes where it is needed; help businesses to expand; support innovative developers; promote stewardship of our precious countryside; and create a virtuous circle of prosperity in villages, towns and cities.
- 2.3 This narrative is structured around 3 pillars and 24 proposals as set out in the white paper. The proposals are set out in black and explanation and comments from officers are set out in blue.

- 2.4 A key principle appears in Paragraph 5.14 which states that “*We envisage the focus of local planning authorities shifting towards the development of clear Local Plans and high-quality design codes which set the parameters for development – rather than making discretionary decisions based on vague policies.*”
- 2.5 The White Paper states that subject to consultation the Government will seek to bring forward legislation and policy change to implement these reforms. They accept that the detail of the proposals will need further development. The proposed joint response has been considered by HIPP.

#### Pillar One: Planning for Development

- 2.6 Proposal 1: The role of land use plans should be simplified. Local Plans should identify three types of land – growth areas suitable for substantial development, renewal areas suitable for development and protected areas that are protected.
- 2.7 It proposes that growth areas suitable for substantial development would include new settlements, urban extensions and major redevelopment sites. Sites given this designation would have outline approval for development. Renewal areas would cover existing built-up areas where smaller scale development and gentle densification is appropriate. Protected areas would include green belt, conservation areas, local wildlife sites, important green spaces and gardens.
- 2.8 This is a fundamental change from the existing plan-making system, which currently allows Councils to create multiple allocations and designations for different sites. Most fundamental is that development in growth areas would have automatic outline permission in principle and would only need to go through a prior approval or reserve matters process to gain full permission.
- 2.9 The Government proposes “the delegation of detailed planning decisions to planning officers where the principle of development has been established, as detailed matters for consideration should be principally a matter for professional planning judgment”. This may mean that there is a lesser role for a traditional planning committee, as the principle of the development will not be for consideration.
- 2.10 The removal of considering the principle of development and, for example, whether there is a sufficient five-year housing land supply, will free up officer time to consider the design of the scheme. If an officer considers that a housing scheme does not comply with the relevant design code, the application can be refused without balancing this against the presence or not of sufficient housing land supply or employment land for an application for commercial space.
- 2.11 Proposal 2: Development management policies established at national scale and an altered role for Local Plans.
- 2.12 It proposes that Local Plans should only contain site/area specific development management policies in growth and renewal areas. In all other cases the Council would default to the NPPF when determining applications. The emphasis would instead be on design guides and design codes, ideally in a machine-readable format to allow digital services to screen proposals.

- 2.13 Proposal 3: Local Plans should be subject to a single statutory 'sustainable development' test which replaces the existing tests of soundness.
- 2.14 It proposes that the sustainability appraisal process be abolished and replaced with a simplified process for assessing the environmental impact of plans. This could be a good thing as the SA process is expensive, complicated and opaque, but does ensure that development is considered in terms of its individual and cumulative impacts on the natural, built, social and economic environment.
- 2.15 It proposes that the duty to cooperate test would be removed, although it recognises that some mechanism to consider strategic cross-boundary issues is required. It mentions for example that mayors of combined authorities could oversee the strategic redistribution of development targets over their area.
- 2.16 It proposes a slimmed down assessment of deliverability within the new sustainable development test. Sites should not be included in a plan where there is no prospect of supporting infrastructure. This could be a good thing as it is very difficult to fully evidence the deliverability of a plan that lasts for 15 years.
- 2.17 Proposal 4: A standard methodology for establishing housing requirements, which would factor in affordability and land constraints.
- 2.18 It proposes that Local Plans should identify sites to meet a range of development needs for a minimum period of 10 years. The process is currently dominated by debates about housing numbers. A standard methodology would be binding but would take account of the size of urban settlements, the relative affordability of places, the extent of land constraints in an area, the opportunities to make better use of brownfield land for housing, the need for non-residential development and a buffer to ensure enough land is available.
- 2.19 The Government agenda is clear that councils and communities spend too long prevaricating about housing need and that not enough land has been released for development, leading to worsening affordability. A standard methodology would delete the requirement for any housing needs evidence. The Local Plan would be expected to find enough land for whatever target the methodology generated for the area. The Government wants to shift the debate from housing numbers to development locations and development quality.
- 2.20 Proposal 5: Areas identified as growth areas would automatically be granted outline planning permission for the principle of development.
- 2.21 This means that that any outstanding design and technical details would be agreed through a faster consent route as well as significant site capacity and other technical testing taking place upfront (at an increased cost to councils and strategic authorities). This proposal has merit where the Council has already satisfied itself on the principle of development and prepared a design code to guide quality. This means communities will have to be involved at the Local Plan stage and in the preparation of design codes, potentially many years in advance of the site coming forward for development, as the opportunity for further comment at the planning application stage will no longer exist.
- 2.22 It proposes that planning permission would still be required for renewal areas, with a general presumption in favour of sustainable development.

- 2.23 It proposes that planning permission would still be required for protected areas and judged against NPPF policies.
- 2.24 This will mean a lesser role for traditional planning committees or those committees will scrutinise the detailed elements of a scheme even more deeply, the principle not being for consideration.
- 2.25 Proposal 6: Decision-making should be faster and more certain, with firm deadlines and make greater use of digital technology.
- 2.26 The Government proposes to work with technology companies to streamline and digitally-enable as much of the planning process as possible. The deadlines of 8 or 13 weeks should be firm deadlines rather than aspirations that can be easily extended. The validation and submission of applications should be integrated. Applications should be shorter, standardised as much as possible, data-rich and machine-readable. Better software should improve the user experience. There should be a digital template for planning notices, with less reliance on lampposts, newspapers and libraries. The detail should be left to planning officers where the principle of development has been established.
- 2.27 The White Paper also outlines that fees will still be set nationally and intends that pre-application fees will be regulated in future.
- 2.28 All of the above is welcomed, as the planning system still relies excessively on paper and pdf documents that must be printed or downloaded to read. It should be recognised however that not everyone is digitally enabled, and many residents still rely on planning notices on lampposts to become aware of local proposals.
- 2.29 Proposal 7: Local Plans should be visual and map-based, standardised, based on the latest digital technology and supported by a new template.
- 2.30 Local Plans should be built on data standards and digital principles. There will be a model template for Local Plans. Plans should be fully digitised and web-based to allow instantaneous publication of updates. This will enable a national digital register of planning policies. This will also enable new digital engagement processes to be established. This will start with a series of pilot projects.
- 2.31 Proposal 8: LPAs and PINS will be required to meet a statutory timetable for key stages of the Local Plan process.
- 2.32 It proposes that Local Plans should take 30 months (2.5 years) to produce. Stage 1 (6 months): The Council calls for suggestions for areas under the three growth/renewal/protection categories. Stage 2 (6 months): The Council drafts its Local Plan and produces any necessary evidence. Stage 3 (6 months): The Council simultaneously submits the plan for examination and publicises the plan for public comment. Stage 4 (9 months): A planning inspector considers whether the three categories are 'sustainable' and those who have commented have the right to be heard. Stage 5 (6 weeks): The plan is finalised and comes into force. This timetable would be enforced via a statutory duty with the risk of Government intervention thereafter.
- 2.33 Based on existing experience of the Local Plan process the time frames set out above are incredibly ambitious. Stage 2 assumes that policies can be drafted at the same time as evidence is produced rather than as a result of obtaining that evidence. Stage 4 makes no

reference to considering the wording of localised policies, design guidance and design codes. The process takes no account of the sparsity of experienced planning officers. The process takes no account of the democratic process of getting plans agreed by councillors. The process takes no account of the variety of parties – councillors, landowners, developers, agents, statutory bodies, utility companies, town/parish councils, businesses, community groups, residents, etc – that need to be engaged. Although a standardised template and process with greatly assist, it is considered unrealistic that a sound Local Plan could be prepared in this timescale.

- 2.34 Proposal 9: Neighbourhood Plans should be retained as an important means of community input.
- 2.35 It proposes that their content should be more focused in line with Local Plans and make more use of digital tools and digital data. The Government also wonders whether very small plans for types of development could be made at street level.
- 2.36 Proposal 10: A stronger emphasis on build-out through planning.
- 2.37 It proposes that masterplans, design guidance and design codes should include a variety of development types by different builders, to allow more phases to come forward together.
- 2.38 There are no proposals to encourage or penalise developers who secure planning permission but do not build-out their sites. The emphasis remains entirely on councils to prepare plans and grant planning permissions as quickly as possible. There is a risk that this yields far more allocations and permissions than are actually required to achieve local housing requirements.

#### Pillar Two: Planning for Beautiful and Sustainable Places

- 2.39 Pillar Two wants to enable the creation of beautiful places that will stand the test of time, protect and enhance the precious environment and support efforts to combat climate change. Planning should generate net gains for the quality of the natural and built environment. This should be done through the National Design Guide, a National Model Design Code and through local design guidance and design codes which reflect local character and community preference. Most of the proposals are taken from the Better Building, Better Beautiful Commission.
- 2.40 Proposal 11: Expect design guidance and design codes to be prepared locally with community involvement, to make sure design expectations are more visual and predictable and to ensure that codes are more binding on decisions about development.
- 2.41 It proposes that councils should prepare design guidance and design codes which translate the basic characteristics of good places into what works locally.
- 2.42 For information, design codes would set precise rules governing architecture styles, materials, façade, heights, density, etc and would go into much more detail than design guidance which normally include less precise objectives such as ‘to respect the character of the area’. They would also have to be provably popular, popularly endorsed and based on genuine community involvement.
- 2.43 The fundamental tenet of the White Paper appears to be that if local communities are involved in the design of developments then they will support the principle of development.

This counters local experience that people often seek to resist the principle of development in their community regardless of what it might look like. Experience in Hertfordshire is that residents are far more concerned about the loss of the land to buildings, its traffic generation, the capacity of local schools and healthcare services, etc.

- 2.44 Proposal 12: Set up a body to support the delivery of popular local design codes and for councils to have a chief officer for design and place-making.
- 2.45 It recognises that the vision requires a step-change in the design skills available to councils. The Government will therefore explore options that enable councils to draw on the expertise of recognised experts. Other proposals to streamline the planning system will allow some refocusing of professional planning skills.
- 2.46 Proposal 13: Consider how Homes England's strategic objectives can give greater emphasis to delivering beautiful places.
- 2.47 It proposes that Homes England can lead by example, to champion design quality. This should be supported, particularly as Homes England have been active in Hertfordshire recently acquiring a site at Panshanger which has outline planning permission for 600 homes.
- 2.48 Proposal 14: A fast-track for beauty through national policy, to incentivise high quality that reflects local character and preferences.
- 2.49 It proposes that where proposals comply with pre-established principles of what good design looks like, then it should be possible to expedite development through the planning process, to incentivise attractive and popular development. This will be done through wording in the NPPF, a legislative requirement for masterplans and design codes for growth areas and by widening the nature of permitted development so popular and replicable forms of development can be easily and quality approved in renewal areas.
- 2.50 Design can be remarkably subjective. It remains to be seen whether locally popular design types and styles can be successfully identified.
- 2.51 Proposal 15: Amend the NPPF to ensure it targets those areas where a reformed planning system can most effectively play a role in mitigating and adapting to climate change and maximise environmental benefits.
- 2.52 It proposes that the planning system plays a proactive role in environmental recovery and long-term sustainability. This will be progressed through the Environment Bill and the NPPF.
- 2.53 The proposal is more ambition than action.
- 2.54 Proposal 16: A quicker and simpler framework for assessing environmental impacts and enhancement opportunities.
- 2.55 It recognises that consideration of environmental issues is vital but often creates long reports that inhibit transparency and cause delays. It proposes that processes should use national and local data to speed up decision-making.
- 2.56 The proposal is more ambition than action.



- 2.57 Proposal 17: Conserving and enhancing our historic buildings and areas in the 21st century.
- 2.58 It proposes that Local Plans should clearly identify the location of international, national and local heritage assets and local features such as protected views. It wants historic buildings to play a central role in the renewal of towns and villages. Planning should be sympathetic to changes that enable their continued use and to address climate change and energy efficiency.
- 2.59 Proposal 18: Facilitate ambitious improvements in energy efficiency of buildings to deliver net zero by 2050.
- 2.60 The Government has ambitions that new homes will produce 75-80% less CO2 emissions than current levels by 2025 and net zero by 2050. It is not clear whether this will be done through the planning system, building regulations or other mechanisms.

### Pillar Three – Planning for Infrastructure and Connected Places

- 2.61 Pillar Three recognises that new development creates new demands for public services and infrastructure. This should be achieved by securing contributions from developers and capturing land value uplift generated by planning decisions. The current system relies on opaque and uncertain planning obligations which are subject to negotiation based on viability appraisals and CIL which is inflexible in the face of changing market conditions. The Government wants the process to be responsible to local needs, transparent, consistent, simplified and buoyant.
- 2.62 Proposal 19: CIL should be reformed to be charged as a fixed proportion of the development value above a threshold, with a mandatory nationally-set rate/rates. The current system of planning obligations should be abolished.
- 2.63 It proposes a nationally-set, flat-rate, single-rate or area-specific rates, value-based charge, to be charged on the final value of a development at the point the planning permission is granted, to be levied at the point of occupation. There would be a minimum threshold below which the levy would not be charged to prevent local viability development becoming unviable. The alternative option is that the levy remains optional and set by each council.
- 2.64 Councils would be allowed to borrow against Infrastructure Levy revenues to forward-fund infrastructure.
- 2.65 Proposal 20: Scope of Infrastructure Levy could be extended to capture changes of use through permitted development rights.
- 2.66 This is welcomed. The recently announced new permitted development rights are likely to increase the number of change of use proposals in employment areas and town centres.
- 2.67 Proposal 21: Reformed Infrastructure Levy should deliver affordable housing provision.
- 2.68 It proposes that the Infrastructure Levy could secure on-site affordable housing through in-kind delivery where the authority has a requirement, capability and wishes to do so. An affordable housing provider who purchase the affordable dwellings at a discount from market rate and this would be offset from the final levy value. It believes that risk can be mitigated through design policies to maintain existing levels of on-site affordable housing delivery and that councils could flip units back to market units if there is a market fall. An

alternative would be for councils to accept land within or adjacent to the site as part of the Levy.

- 2.69 The White Paper states that this would create an incentive for the developer to build on-site affordable housing, but it does not provide any evidence to this effect. Experience suggests that developers often prefer to make a financial payment for off-site affordable housing, thus making their scheme all market housing and therefore more exclusive. It seems to assume that market housing is the default aspiration of developers, councils and purchasers.
- 2.70 The Government has issued a separate consultation paper on amending the small sites threshold for affordable housing to up to 40-50 homes.
- 2.71 Proposal 22: More freedom could be given to councils over how they spend the Infrastructure Levy.
- 2.72 It recognises that affordable housing and infrastructure requirements may vary depending on an authority's circumstances. It proposes flexibility for councils to decide how to spend their levy receipts: local infrastructure, parks, open spaces, street trees, community facilities, improving services or reducing council tax. It proposes that up to 25% should continue to go to town/parish councils (which presumably continues to mean 15% default and 25% where there is an adopted neighbourhood plan).

#### Delivering Change

- 2.73 Proposal 23: Develop a comprehensive resources and skills strategy for the planning sector.
- 2.74 It proposes to consider arrangements for transitioning and implementing these changes with minimal disruption, subject to consultation responses. It wants the public sector to make best use of surplus land to support the renewal of towns and villages, to explore how the disposal of publicly-owned land can support SME and self-build sectors, to support innovation in the delivery of homes and development and make sure the planning system has the right people and the right skills by freeing-up planners to focus on creating great communities. They will need sufficient leadership, a strong cadre of professional planners, good access to technical expertise and transformed digital technology but should also become more outward looking and proactively engaging with developers and communities. It envisages the focus shifting towards clear Local Plans and high-quality design codes which set the parameters for development, rather than making discretionary decisions based on vague policies. It considers that all of the above proposals should substantially remove the risk of judicial review, as most challenges are about imprecise and unclearly worded law or policies, while these proposals create simple and clear processes that remove ambiguity.
- 2.75 It proposes that the cost of the new planning system should be principally funded by its landowner and developer beneficiaries, rather than the national or local taxpayer. Planning fees will continue to be set on a national basis and at least cover the full cost of processing the type of application based on clear national benchmarking. A small proportion of Infrastructure Levy income should be earmarked for councils to cover their planning costs, including the preparation of Local Plans, design codes and enforcement activities.
- 2.76 Councils should be subject to a new performance framework that ensures continuous improvement and enables early intervention if problems emerge.

- 2.77 The Government will continue to engage with the PropTech sector to unlock data that underpins the planning system and transform digital processes.
- 2.78 Proposal 24: Seek to strengthen enforcement powers and sanctions.
- 2.79 It proposes more emphasis on enforcement of planning standards and decisions, including the introduction of more powers to address intentional unauthorised development and encampments and higher fines. It outlines that as local planning authorities are freed from many planning requirements through our reforms, they will be able to focus more on enforcement across the planning system.
- 2.80 The proposal is more ambition than action.

#### Changes to the Standard Methodology

- 2.81 The standard methodology is used by the Government to calculate housing requirements for each authority area. The aspiration is to deliver 300,000 homes per year and one million homes over this parliament. The standard methodology forgoes the time and cost of commissioning housing need studies. The current methodology uses a ten-year average of 2014-based household projections adjusted to take account of the affordability of the area, capped at 40% to limit the increase each authority has to accommodate. They result in low projections in some places, due to overcrowding and concealed households. They project past trends but do not forecast future need. The new methodology proposes to introduce a new element to take account of the number of homes already in the area and an affordability adjustment that takes account of changes over time.
- 2.82 The new standard methodology currently results in the following requirements, but a much greater annual target for London, which could have consequences.

	Current LP	Last 3 yrs delivery	Current method	Proposed method
Broxbourne	454	337	594	465
Dacorum	430	627	1023	922
East Herts	839	666	1145	1122
Hertsmere	266	524	716	668
North Herts		347	973	625
Stevenage	380	350	444	322
St Albans		450	893	997
Three Rivers	180	186	624	588
Watford	260	309	787	533
Wel Hat		347	875	667
<b>Herts Total</b>	<b>2809</b>	<b>4143</b>	<b>8074</b>	<b>6909</b>

#### First Homes

- 2.83 First Homes are houses/flats to be built on developments and sold to local people with a discount of at least 30%. This consultation proposes that 25% of all affordable homes securing through Section 106 contributions should be First Homes, preferably to be delivered on-site. They should replace as a priority other forms of affordable home-ownership products.
- 2.84 First Homes may still be out-of-reach for many people in Hertfordshire.

#### Small sites planning policy

- 2.85 This consultation proposes that the threshold for sites to make affordable housing contributions be raised to 40-50 units (whereas it is currently 10 units). It recognises that this would reduce affordable housing provision by somewhere between 7-20% but would be offset by allowing small sites to come forward quicker and minimise the pressure that SME builders are currently under.
- 2.86 This would have the obvious impact of reducing the number of affordable dwellings that are likely to be provided. If implemented councils would only secure affordable housing from larger developments. This would likely have a severe impact as some councils are currently delivering most of their new housing from smaller brownfield sites.

#### Extension of permission-in-principle

- 2.87 Councils are currently allowed to grant sites on their brownfield register for less than 10 units for permission-in-principle, so that developers only need to resolve detailed reserve matters in order to start building. This consultation proposes to extend permission-in-principle to cover major developments up to 150 dwellings that do not require an environmental statement, plus introduce a lower fee to incentivise their take-up.
- 2.88 There is a lack of local experience to draw upon in responding to this question. It should be noted however that the responsibility for resolving matters that form part of a permission-in-principle must be shared between the Council and the landowner, whereas planning applications are overwhelmingly the responsibility of the landowner.

### **3. Next steps**

- 3.1 The proposed Growth Board joint response is attached at Appendix 1. The Board is asked to give any additional feedback so officers can finalise the response and submit it to MHCLG within the consultation period.

### **4. Recommendation**

- 4.1 Subject to any additional content or changes, the Growth Board is recommended to approve the draft response attached at Appendix 1.

# Hertfordshire Growth Board Response to 'Planning for the Future' White Paper



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## **'Planning for the Future' White Paper Consultation Response**

Thank you for the opportunity to comment on the planning white paper.

The Hertfordshire Growth Board is a partnership of the ten district councils in Hertfordshire, as well as Hertfordshire County Council and Hertfordshire Local Enterprise Partnership. This response has been prepared on behalf of the Growth Board Partners. Our feedback follows the sequence of your paper and requested form of response.

### Forewords and Introduction

Herts Growth Board recognises many of the criticisms of the planning system contained in the forewords by the Prime Minister and Secretary of State. However there needs to be acknowledgement that the existing system has been subject to almost constant change for many years, is now excessively complex and inflexible to operate and is under resourced. We therefore agree that there is scope and need for change and welcome the opportunity to comment on the white paper and work with government to develop a planning system that we can all be proud of.

### Proposal 1

Herts Growth Board challenges the proposal that Local Plans can be made less complicated by the introduction of a zoning approach. It is an oversimplification of a complex on-the-ground reality. At present Local Plans are able to specifically allocate land for housing, employment, retail, etc, to protect land for its green belt, environment or heritage value, to promote appropriate development opportunities and to have 'white land' that can be developed in accordance with generic policies. The introduction of growth areas and renewal areas has the potential to introduce a free-for-all approach that departs from the values of a plan-led system allowing whatever speculative type of development the market considers is most profitable to be pursued.

The suggestion that growth areas and perhaps even renewal areas would grant automatic permission-in-principle would delete a vital part of the democratic process that occurs at planning application stage. It would also front load the testing of development capacity and acceptability and mediation of technical and other development constraints to be undertaken by the local planning and highways authorities passing a significant burden of expense onto the public purse rather than being met by those hoping to benefit from the development.

### Proposal 2

Herts Growth Board supports the principle that some development management policies can be established at national level, leaving Local Plans free to focus on local issues.

### Proposal 3

Herts Growth Board supports the principle that Local Plans should be subject to a single statutory sustainable development test. It is true that the existing tests of soundness are a notable hurdle and require significant investment in legal advice and sustainability appraisal evidence. We agree that there should continue to be some consideration of the sustainability merits and level of cross-boundary cooperation of the submitted plan.

The deletion of the duty to cooperate in advance of a clear alternative strategy appears inherently risky. Hertfordshire has been working hard through a joint planning officer group, planning executive member group and Leaders and Chief Executive group to debate countywide planning, housing and infrastructure issues.

### Proposal 4

Herts Growth Board welcomes some of the proposed changes to the standard method, notably that it will use latest ONS population and household projections, that it will take account of the number of homes already in an area and that it will consider local constraints. We would strongly encourage that such constraints include green belt designation, as this is a key challenge for meeting current housing needs in Hertfordshire.

Herts Growth Board is concerned about some of the other proposed changes however, notably the removal of the 40% affordability cap, which could have the effect of increasing the housing target for the county when there are many other local constraints.

Herts Growth Board also opposes the proposal that the standard method be binding on local plans and when determining planning applications. Our experience over recent years is that ONS population and household projections can sometimes contain mistaken assumptions and can vary significantly from projection-to-projection. These figures should therefore be subject to some form of scrutiny.

We would encourage MHCLG to recognise that ONS population and household projections are prepared every two years, which will presumably lead to an update of the standard method. The Planning white paper proposes that new Local Plans should be prepared within a strict 30-month time period. This means that at some point during the preparation of a plan, councils will have to take account of a new standard method target, and if this is a dramatic change, it could make it harder to achieve the timetable.

### Proposal 5

Herts Growth Board has fundamental objections to the proposal that growth areas and perhaps even renewal areas would grant automatic permission-in-principle. This would delete a vital part of the democratic process that occurs at planning application stage. It means that anyone who would otherwise be consulted and have the opportunity to make comments and speak at planning committee would instead have to involve themselves in the preparation of the Local Plan and design codes potentially many years before the development was progressed.

The concept of growth areas and permission-in-principle also completely disregards the reality that the pre-application and planning application stages of the existing planning system are used to solve many technical problems and to allow councillor and public to comment as a development site is progressed from concept, to proposals, to construction. The planning system plays an important community mediation role. It allows everyone to have their say regardless of their position of influence within the community. It ensures that all relevant matters have been taken into account before a decision is made. Items that go to planning committee also demonstrate in a very public way that democratic transparency and accountability is occurring.

### Proposal 6

Herts Growth Board supports the greater use of digital technology within the planning system. That being said however, the use of technology does not solve every problem. People often learn about local development for example via laminated notices pinned to lampposts that they may not find online or social media. The ability of local planning authorities to adopt new technology for consultation and plan production needs further understanding to ensure this is adequately resourced and to ensure that it reaches all in the community who may be interested.

Herts Growth Board also considers that emphasis on a firm deadline for determining applications within 8 or 13 weeks may well lead to more refusals. The ability to agree extensions of time with an applicant allows planning officers more time to resolve any issues that have arisen during the consultation and consideration stage, in order that a positive and correct decision can be made.

### Proposal 7

Herts Growth Board supports the proposal that Local Plans should be standardised, based on digital technology and more visual and map based. We look forward to IT systems being developed by the Government to allow this to be achieved. We would encourage that these IT systems be developed in partnership with local planning authorities rather than simply handing the work to private sector PlanTech firms.

### Proposal 8

Herts Growth Board is concerned about the imposition of the proposed statutory timetables for the preparation of Local Plans. Whilst we support having a clear programme for plan production, it is hard to believe that every new plan in the country can be prepared within a 30-month period and to penalise those councils who cannot reasonably achieve such a challenging timetable. We question whether the full evidence base and selection of growth/renewal/protection areas can be achieved in a 6-month period given the upfront work that would be needed to ensure the development coming forward met the government's own beauty ambitions.

The level of investigation and analysis achievable within this timeframe would almost certainly be open to challenge, either by landowners whose sites are not zoned or by communities who oppose the zoning of sites in their area. The 30-month period is also likely to foreshorten the realistic democratic and community input to the preparation of these documents, a move that is antithetical to the desired front loading of public engagement described in the white paper.

### Proposal 9

Herts Growth Board would simply observe at this stage that town/parish councils do not always have the resources or expertise to prepare neighbourhood plans.

### Proposal 10

This is a very welcome proposal. Assessment of the causes of low housing delivery do not single out the planning system and our local experience is that permissions exceed many times more than the numbers of homes that have been built.

We would like to see future legislation to do much more to force landowners and developers to actually bring their sites forward once they have planning permission.

### Proposal 11

Herts Growth Board supports the principle of design guidance and design codes to improve the quality of development.



### Proposal 12

A body to support the delivery of popular local design codes is welcomed given the volume of work that this will probably entail. The Growth Board support the proposal to nominate a chief officer for design and place-making.

### Proposal 13

Herts Growth Board welcomes any Homes England support to help deliver beautiful places in Hertfordshire.

### Proposal 14

Herts Growth Board is concerned by the proposal. Development is about much more than just beauty. A scheme should not be fast-tracked just because it is deemed to be beautiful if it has other fundamental flaws.

### Proposal 15

Herts Growth Board supports this proposal as we have declared a climate change emergency but would like to see much more detail in future legislation and changes to the NPPF.

### Proposal 16

Herts Growth Board recognises that sustainability appraisals and habitats assessments are an expensive and time-consuming part of the current Local Plan system and that environmental impact assessments can be equally costly and burdensome for major applicants. We support the principle of a quicker and simpler framework to assess environmental impacts and benefits but are keen to ensure that these processes can be successfully augmented by national and local data.

This proposal needs more careful thought about how specifically prepared documents that analyse the particular circumstances of a plan or development proposal can be successfully replaced by data. Decisions sometimes need to be based on a careful weighing-up of policy, facts, evidence and advice and cannot always be quantified or binary choices.

### Proposal 17

Herts Growth Board supports all efforts to conserve and enhance historic buildings and areas. We would query whether it is expected that Local Plans should identify all such assets or whether they should simply be zoned as protection areas.

### Proposal 18

Herts Growth Board supports all efforts to facilitate improvements in the energy efficiency of buildings. We have declared a climate change emergency and are currently identifying policies and actions that can be implemented at a local level to help solve this global problem. We see considerable merit in national standards being incorporated into building regulations as this has a better chance of ensuring they are achieved via the design and fabric of the building from the outset.

### Proposal 19

Herts Growth Board recognises that Section 106 negotiations are a major factor in the time it takes to determine planning applications. We have concerns however about the principle of a mandatory and nationally set flat rate for development contributions. It is unclear how this will take account of local viability issues. It is not yet explained how the value of the development will



be calculated. It undoes the current emphasis on the identification of projects that are directly related to the development, appropriate in scale and kind and necessary to make the development acceptable in planning terms. The ability to plan, fund and deliver local and strategic infrastructure that is needed upon occupation of new development in a coordinated way is questioned. It could leave many projects unfunded and many developments unsupported by the infrastructure they need to be genuinely desirable and sustainable.

#### Proposal 20

Herts Growth Board supports the principle that the Infrastructure Levy could be extended to capture changes of use through permitted development rights. The county has seen a significant amount of its office stock converted into flats in recent years, without being able to secure any contributions for affordable housing, schools, healthcare, transport, etc.

#### Proposal 21

Herts Growth Board is deeply concerned by the proposal that affordable housing provision should be incorporated into the reformed Infrastructure Levy. At present most local plans contain policies to seek affordable housing on sites of 10+ units and this can only be reduced through validated viability evidence.

The inclusion of affordable housing within a levy immediately reduces its priority and puts it on a par with all other infrastructure requirements. It is not clear how this proposal will incentivise developers to build on-site affordable housing. In some cases, particularly greenfield sites, our experience has been that developers are often keener to make off-site provision.

In respect of the separate Changes to the Planning System consultation it has been noted that seeking affordable housing on small sites allows villages to support small development sites in order to provide new affordable homes, but that they are less likely to do so if the threshold is set at 40-50 homes.

#### Proposal 22

Although Herts Growth Board welcomes the principle of freedom to decide how to spend income from the Infrastructure Levy, in practice we are concerned that the demands for implementation of infrastructure and affordable housing from this fund could leave some projects unfunded, to the detriment of nearby development. Clearly the percentage of development value the Government has in mind for councils to claim for infrastructure investment will be critical in areas such as Hertfordshire.

Any Infrastructure Levy rate should be set at a rate specific to that area, with the rate reflecting the level of infrastructure required to mitigate the impact of proposed development. That will in turn be a function of the scale of the infrastructure required and the cost of providing it. Both are functions specific to an area and should be evaluated as such.

Given the extent to which options already exist for land identified for development in Local Plans addressing this particular issue will take time unless the Government is prepared to intervene and direct the re-evaluation of 'options' already secured by developers on land for development.

It is noted that the White Paper proposes that the new Infrastructure Levy should only be applied above a value-based minimum threshold. This approach runs the risk of continuing the current situation where the developer is able to cite concerns about viability as a means of reducing the contribution towards delivery of local infrastructure. As a consequence, many development proposals fail to provide an appropriate contribution towards the local measures required to

mitigate their impact. A particular concern is the reduction in affordable housing that typically takes place as a consequence of this line of argument.

Given the critical importance of ensuring that any new development contributes towards addressing the impact that it has on the local community it is recommended that there should be no minimum threshold for the new Infrastructure Levy.

#### Proposal 23

The principles in the consultation document that the proposed changes will free-up planning staff to focus on creating great communities are welcomed. It is also welcomed that HM Government recognises the need for additional funding into planning to support attaining the right level of capacity, skills and resource distribution within planning departments.

#### Proposal 24

Herts Growth Board welcomes proposals to strengthen enforcement powers and sanctions.

#### Other comments

There is a lack of recognition of the important and central role of elected members within the white paper.

The white paper doesn't acknowledge the need for a coherent and effective system of pan-county strategic planning to support the production and delivery of development plans and infrastructure. The paper does acknowledge the need for further consideration to the way in which strategic cross-boundary issues, such as major infrastructure, can be adequately planned for. Strategic infrastructure needs to be a consideration for local authorities when developing their Local Plans, giving authorities the confidence to take the availability of the infrastructure into account when considering the growth options for their area.

There is no mention of the important programming role of the Planning Inspectorate and planning inspectors to ensure that Local Plans are examined in a timely manner.

There is no mention of minerals planning, which is an important function of Hertfordshire County Council.

The white paper needs to do more to support the critical decarbonisation and wider sustainability agenda. The Hertfordshire Growth Board partners recognise the climate imperatives and sustainability that we face, and these concerns need to be given even greater focus in the planning system.

#### Recommendations for Planning System reform

Based on our collective experience of operating across all parts of the planning system, Herts Growth Board would like to offer the following views on the best structure for a modernised system:

- Establishment of an effective strategic planning approach to support plan making, infrastructure planning and delivery.

- A national IT system, similar to the Planning Portal, for consistently presented Local Plan policies and Local Plan proposals maps.
- A list of national development management policies that councils can choose to adopt as drafted or enhance as they see fit.
- A simplified test of soundness process for Local Plans.
- A simplified evidence base for Local Plans.
- A simplified process to evidence long-term infrastructure provision for Local Plans.
- A simplified sustainability appraisal process for planning applications.
- Far greater scope for planning matters including applications to be advertised via websites and social media.
- Greater emphasis on strategic cooperation to replace duty to cooperate.
- A realistic timescale for the preparation of Local Plans.
- More scrutiny of the consistency of Local Plan inspectors when carrying out public examinations.
- Removal of the PDR changes to residential uses in areas where this is having adverse economic recovery impacts

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