

Agenda

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Date: 30 July 2020
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A meeting of the **Cabinet**

will be held on Friday 7 August 2020 at 10.30 am
This will be a virtual, online meeting.

Cabinet Members:

Councillors

Emily Smith (Chair)	Helen Pighills
Debby Hallett (Vice-Chair)	Judy Roberts
Andy Crawford	Bethia Thomas
Neil Fawcett	Catherine Webber
Jenny Hannaby	

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Margaret Reed
Head of Legal and Democratic

Agenda

Open to the Public including the Press

1. Apologies for absence

To record apologies for absence.

2. Minutes

(Pages 3 - 8)

To adopt and sign as a correct record the minutes of the Cabinet meeting held on 10 July 2020.

Vale of White Horse District Council
Cabinet agenda - Friday, 7 August 2020

3. Declarations of interest

To receive any declarations of disclosable pecuniary interests in respect of items on the agenda for this meeting.

4. Urgent business and chairman's announcements

To receive notification of any matters which the chairman determines should be considered as urgent business and the special circumstances which have made the matters urgent, and to receive any announcements from the chairman.

5. Public participation

To receive any questions or statements from members of the public that have registered to speak.

6. Recommendations from other committees

To consider any recommendations to Cabinet from other committees.

7. Car park fees and charges

(Pages 9 - 26)

To consider the head of housing and environment's report.

8. Oxfordshire Growth Board terms of reference

(Pages 27 - 48)

To consider the report of the acting deputy chief executive – partnerships.



Minutes

of a meeting of the

Cabinet

held on Friday 10 July 2020 at 10.30 am

This was a virtual, online meeting.

Open to the public, including the press

Present:

Members: Councillors Emily Smith (Chair), Debby Hallett (Vice-Chair), Andrew Crawford, Neil Fawcett, Jenny Hannaby, Helen Pighills, Judy Roberts, Bethia Thomas and Catherine Webber

Officers: Shaun Berry, Steve Culliford, Andrew Down, Phil Ealey, Michael Flowers, Simon Hewings, Suzanne Malcolm, Adrianna Partridge, Margaret Reed, Mark Stone, Shona Ware and Michelle Wells

Ca.1 Apologies for absence

None

Ca.2 Minutes

RESOLVED: to adopt as a correct record the minutes of the Cabinet meeting held on 3 February 2020 and agree that the Chair signs them as such.

Ca.3 Declarations of interest

Councillor Jenny Hannaby declared a personal interest in the partnership grants agenda item (minute Ca.10 refers) as she was a member of the Wantage Independent Advice Centre.

Ca.4 Urgent business and chairman's announcements

None

Ca.5 Public participation

Cabinet received a written statement from Oxfordshire South and Vale Citizens Advice in support of its grant allocation.

Ca.6 Recommendations from other committees

Cabinet considered recommendations from other committees.

(1) **Climate Emergency Advisory Committee 1 June 2020**
Active travel and traffic restriction measures

Following the receipt of a public statement, the Climate Emergency Advisory Committee discussed the government announcement that it was making funds available to create and improve infrastructure for cycling. It was noted that Oxfordshire County Council was working on the promotion of active travel and considering traffic restriction measures. The committee had welcomed this move and asked its chair to write to the county council to show support of the active travel and traffic restriction measures being developed and support these to become a permanent measure. The committee had also asked Cabinet to recommend to Council that it writes to the county council in support of these measures also.

RESOLVED: to agree that Cabinet writes to Oxfordshire County Council to support the active travel principles.

(2) **Climate Emergency Advisory Committee 1 July 2020 and Scrutiny Committee 6 July 2020**
Corporate plan 2020 to 2024

The Climate Emergency Advisory Committee discussed the corporate plan on 1 July and made suggestions to the Cabinet member to clarifying the wording in the draft plan as follows:

- In the Vision statement, amend the second sentence to read: “We will do all we can to contribute to making that a reality in the Vale, **within the scientific (or ecological) constraints of our physical environment on planet earth.**”
- In all themes, consider emphasising sustainability
- In theme 1, providing the homes people need, amend paragraph 1.2 to read: “We will aim to provide a mix of tenures in each development **to build sustainable homes in balanced and sustainable communities.**”
- In theme 2, tackling the climate emergency, the committee supports this theme but suggests that paragraph 2.1 is amended to read: “A climate emergency programme, focussed on what the council has control over, **such as our own buildings, vehicles, leisure and arts centres, working towards our targets.**”
- In theme 4, building stable finances, paragraph 4.2, clarify the term ‘financially sensible’ to reflect the need to protect finances for the long-term benefit of residents
- In theme 6, working in an open and inclusive way, the committee supports the example project on a youth council and would like to see equalities mentioned also

The Scrutiny Committee had also welcomed the draft corporate plan at its meeting on 6 July, agreeing with its themes and programmes. The committee also supported the suggestions made by the Climate Emergency Advisory Committee. In addition, the Scrutiny Committee made the following suggestions:

- There should be meaningful and targeted key performance indicators
- In theme one, providing the homes people need, support the addition of 'sustainability' in this theme
- There should be a workable definition of 'genuinely affordable housing'

- Support for theme two, tackling the climate emergency, but questioned whether the 75 per cent reduction in council emissions was by 2025 was achievable and how did the council measure its emissions?
- Support for theme three, building healthy communities—no changes recommended
- In theme four, building stable finances, endorse the change made to the phrase 'financially sensible' and encourage the example project of adopting the Chartered Institute of Public Finance and Accountancy's (CIPFA) code of practice
- Support for theme five, working in partnership—no changes recommended
- Support for theme six, working in an open and inclusive way—no changes recommended

The Cabinet member for corporate services thanked the Climate Emergency Advisory Committee and the Scrutiny Committee for their comments, which would be taken into account in building the final draft plan.

(3) Climate Emergency Advisory Committee 1 July 2020 Carbon emissions baseline

The Climate Emergency Advisory Committee had also discussed the draft report from consultants, Aether, into the council's carbon emissions baseline. The committee supported the conclusions and the scope of Aether's draft report but considered that the council should aim to reduce all emissions, whether they were measurable or not. However, the committee raised questions over which year the baseline figures were being taken from. The committee accepted the baseline figure provided by Aether in its report and recommended their adoption to Cabinet.

Cabinet supported this recommendation.

RESOLVED: to accept the consultant's report from Aether on the council's carbon emissions baseline but the council should aim to reduce all emissions, whether they are measurable or not.

Ca.7 Corporate Plan 2020 to 2024

Cabinet considered the report of the acting deputy chief executive – transformation and operations. This set out the draft corporate plan for 2020 to 2024 and sought Cabinet's approval to allow consultation to take place during the summer.

Cabinet welcomed the feedback received from the Climate Emergency Advisory Committee and the Scrutiny Committee. The Cabinet member reported that these would be taken into account in the final draft.

Cabinet also agreed to commence wider engagement on the corporate plan with the release of an online survey and promotional video on 16 July 2020. The engagement would run until 13 August 2020. The consultation results would be reviewed ahead of Cabinet discussion on 2 October and recommendations to Council to approve the corporate plan on 7 October 2020.

RESOLVED to approve the draft corporate plan 2020 to 2024 for consultation, subject to changes made by the Cabinet member for corporate services.

Ca.8 Homelessness and rough sleeping strategy

Cabinet considered the head of housing and environment's report on the homelessness and rough sleeping strategy. The strategy was reviewed periodically. This year, the strategy included reducing rough sleeping, a government requirement.

The Cabinet member for housing reported on the work undertaken to develop the document. The strategy had three aims, to:

- prevent homelessness whenever possible
- end incidents of homelessness at the earliest opportunity
- end the need for rough sleeping

To achieve these aims the strategy had five objectives, to:

- improve county-wide partnership working to prevent and reduce homelessness
- minimise the use of temporary accommodation
- further develop the housing needs service to prevent and relieve homelessness at the earliest opportunity
- improve access to emergency accommodation and increase support for rough sleepers
- improve access to sustainable accommodation for households who were homeless or at risk of homelessness

The Cabinet member pointed to the consultation results; 83 per cent of respondents supported the strategy. Scrutiny Committee had also considered the draft strategy and given its support.

Cabinet welcomed the strategy, thanked officers for their work. The council already had a strong track record in preventing and reducing homelessness. The strategy would build upon this success by continuing to drive down homelessness and rough sleeping in the district. Many elements of the new strategy were already in place and had stood up well during the council's response to the Covid-19 pandemic. The latest homelessness and rough sleeping figures for the district were low. The benefits of working with other councils and agencies across Oxfordshire during the past few months had proven that strategy was effective.

RESOLVED: to adopt the homelessness and rough sleeping strategy, as set out in the head of housing and environment's report to Cabinet on 10 July 2020.

Ca.9 Housing assistance grants and loans policy

Cabinet considered the head of housing and environment's report on the draft housing assistance grants and loans policy.

The Cabinet member for housing reported that the aim of the policy was to:

- provide a fair and transparent policy for the administration and management of housing related grants and loans
- provide a clear framework for the delivery of grants and loans
- ensure the council met its statutory duties and exercised its powers in accordance with relevant legislation and regulations
- increase the range of grants and loans available to better reflect the needs of residents

- increase the delivery of grants and loans subject to available funding
- accelerate the delivery of grants

The policy included new measures designed to deliver its aims by:

- introducing new grants and services to benefit residents, including a grant for persons living with dementia
- increasing the maximum disabled facilities grant entitlement from £30,000 to £50,000 to help fund more expensive adaptations
- removing the means test for disabled facilities grant adaptations under £8,000 that would accelerate delivery and reduce waiting times for residents
- using flexible funding arrangements to improve service delivery, such as the secondment of an occupational therapist to accelerate and increase the delivery of grants and reduce waiting times for residents
- in certain circumstances, recovering part of the cost of a disabled facilities grant from owner-occupiers to re-invest the funding in order to maximise the number of grants delivered

Cabinet supported the policy as it would provide a transparent framework for increasing the range of grants available and introduce new measures to enhance service delivery. More importantly it would improve the lives of people with housing support needs by enabling them to live safely and comfortably in their own homes. It also offered good value for money and could help bring empty homes back into use.

Cabinet noted that officers were working on a communications strategy tailored to those in need of the service. Cabinet welcomed this and suggested that publicity material was provided to Citizens Advice and community support groups.

Cabinet thanked the officers for their work.

RESOLVED to:

- adopt the housing assistance grants and loans policy, as set out in the head of housing and environment's report to Cabinet on 10 July 2020; and
- authorise the head of housing and environment to make minor amendments to the policy.

Ca.10 Partnership grants

Councillor Jenny Hannaby declared a personal interest in this item as she was a member of the Wantage Independent Advice Centre and took no part in the debate or decision.

Cabinet considered the head of corporate services' report regarding the partnership grants awarded by the council.

The Cabinet member for community services reported that the council had awarded partnership grants to organisations in the district towards their running costs for many years. As there was no formal policy in place, the council had reduced these grants to reflect the council's own ongoing commitments. In 2019/20, the council had funded four organisations:

- Oxfordshire South and Vale Citizens Advice
- Wantage Independent Advice Centre

- The Albert Memorial Abingdon Trust
- Community First Oxfordshire

The Cabinet member reported that the options open to Cabinet were to extend the partnership grant scheme by one to two years to the current recipients or to close the partnership grants scheme as originally planned, while a review of the council's grant service took place.

The Cabinet member proposed a one-year extension to the partnership grants for Oxfordshire South and Vale Citizens Advice and Wantage Independent Advice Centre, and a two-year extension of the partnership grant for Community First Oxfordshire. By offering these three organisations grant term extensions, communities would benefit from the support and advice they offered as the long-term implications of the Covid-19 pandemic became clear. The cost of these extensions was built into the council's medium-term financial plan.

However, the Cabinet member did not recommend a grant extension to the Albert Memorial Abingdon Trust as 2020/21 was the last year of the council's charitable trust agreement and commitment to contributing to the memorial's maintenance fund.

Cabinet supported the proposal as this would continue support the three organisations. It was also considered important to build upon the work undertaken during the Covid-19 pandemic and link up charities with community groups during the recovery.

RESOLVED to:

- (a) approve a one-year extension to the partnership grants for Oxfordshire South and Vale Citizen's Advice Bureau and Wantage Independent Advice Centre at the same level of funding as this year (2020/21) towards the provision of services across the district in 2021/22; and
- (b) approve a two-year extension of the partnership grant for Community First Oxfordshire at the same level of funding as last year (2019/20) towards the provision of services across the district in 2020/21 and 2021/22.

The meeting closed at 12 noon.

Cabinet Report



Report of Head of Housing and Environment

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Wards affected: all

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To: CABINET

Date: 7 August 2020

Car park fees and charges for 2020/21

Recommendations

- (a) determine whether it wishes to amend the car parking fees in line with the proposals set out in paragraph 9 to 33 of this report

In addition, if cabinet does agree to amend the fees and charges, to:

- (b) authorise the head of Legal and Democratic services to prepare and publish a draft order under the Road Traffic Regulation Act 1984

and

- (c) allow the head of Housing and Environment to oversee necessary consultations in accordance with the requirements of the Act and the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996. Responses will be reported back to cabinet after the end of the consultation period.

Purpose of Report

1. This report provides information for cabinet members to consider an in year review of car park fees and charges in the Vale of White Horse District Council's three market towns of Abingdon, Faringdon and Wantage.
2. Reviewing the car park fees and charges each year is in line with paragraph B (5) of the council's car park pricing policy which is attached as appendix 1.

Corporate Objectives

- The provision and pricing of car parking supports the Vale Council's strategic objective to make our market towns thriving places.

Feedback from Climate Emergency Advisory Committee (CEAC)

- The CEAC considered a number of options for reviewing car park fees and charges at their meeting on Tuesday 28 January 2020. Officers have added the options that they support to the summary in Table 2.

Background

- The Vale Council's current fees and charges are shown in appendix 2 to this report. The Vale removed the charge of 40p, 50p or 60p for up to one hour in 2011 and introduced free short stay parking for up to two hours that came into effect on 1 December 2011. The council also increased the charging period from 8am to 4pm to 8am to 6pm. Appendix 4 shows a summary of the fees in 2011.
- The parking policy is attached as Appendix 1. The policy was amended in July 2011 to reflect the fact that the introduction of the free two hours meant that the income from the service would not meet the expenditure. There is currently no requirement to set fees at a level so that the income meets the expenditure. This report provides the annual review of fees and charges as required by Policy B(5).
- Reviewing the income and expenditure over five years allows cabinet to take a medium-term view of how income and expenditure are likely to change and see whether the account is running at a loss or with a surplus.
- Table 1 below summarises the actual income and expenditure for the last financial year and the budget forecast up to 2024/25. This includes an estimated loss of income due to the suspension of fees from 24 March 2020 to 8 June 2020 due to Covid-19 of £124,000. The table shows that the car park 'account' made a net loss of some £231,791 in 2019/20 and the deficit is forecast to continue. The five year forecast cumulative net expenditure is £1.8m by 2024/25.

Table 1 Car park income and expenditure

<i>Car Park Operations</i>	Actual	Forecast	Budget	Budget	Budget	Budget
<i>5 Year Forecast Breakdown</i>	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25
Expenditure total	712,922	724,629	778,826	806,410	820,655	835,314
Income total	(481,130)	(380,202)	(504,702)	(504,702)	(504,702)	(504,702)
Net (income)/expenditure	231,791	344,427	274,124	301,708	315,953	330,612

Options

- The car park policy requires a review of the fees and charges each year. Officers have provided a range of options for the council to consider taking into account the six year account which is forecast to run at a loss. These options are set out below (nett of VAT).

A. Increase all fees (for up to two hours and above) by 20p (or 40p)

10. The fees vary in each car park but for example, Option A is a change of:

- up to 3 hrs - £1.00/1.50 to £1.20/£1.70
- up to 4 hrs - £3.10/£3.40 to £3.30/£3.60
- up to 6 hrs - £3.80/£4.30 to £4.00/£4.50
- over 6 hrs - £4.30/£5.30 to £4.50/£5.50

11. Officers estimate that a 20p increase on each fee would increase overall income by £20,000 per year.

12. Similarly, if cabinet agreed a 40p increase on each fee, this would increase overall income by an estimated £40,000 per year.

B. Introduce flat fee of 60p for up to two hours (to replace the current free parking)

13. This would produce an estimated additional income of £261,000 per year which would just cover the current estimated deficit but not provide any leeway. A flat fee of 60p for up to two hours is a reasonable cost compared to other nearby local authorities.

C. Reduce free parking from two hours to one hour and introduce a charge of £1.50 for up to two hours and £2.00 for up to 3 hours.

14. Rather than have parking for free for up to two hours, this options only allows free parking for up to one hour and parking for up to two hours would cost £1.50. The fee for parking up to three hours would increase from £1.50 to £2.00. Officers estimate an increase in income of £237,000 per annum which would greatly reduce the current forecast deficit in the car parking account but not cover it completely.

15. This increase in income is based on current parking habits and the actual income is dependent on whether a quarter of those people who currently take a free 'two hour' ticket would pay £1.50 to park for up to two hours. Parking for free for up to one hour brings the fee in line with neighbouring authorities.

D. Increase the cost of parking permits by ten per cent

16. Budgeted annual income from permits is £84,500. Officers estimate that increasing the costs of permits by 10 per cent would increase the income by £8,000 per year. The cost of the permits has not changed since 1 April 2013 and so a ten per cent increase is in line with inflation.

Officers propose the further options to improve the operation of the service:

E. Formalise the parking for one coach and market traders in Hales Meadow car park, Abingdon. Remove the commercial vehicle parking in Rye Farm car park, Abingdon and use the area to create 'overflow' parking for smaller vehicles

17. The Rye Farm car park is located only five minutes' walk outside of Abingdon town centre. It is divided into two parts. There are 121 spaces in the main car park with a height restriction of two metres and separately there is a coach and lorry park with spaces for 13 large commercial vehicles or camper vans. Up until early 2018, up to four heavy goods vehicles (HGVs) parked in the lorry park each weekday.

18. Reports from car parks inspectors are of the majority of lorries turning left into the car park having come through Abingdon town centre around the one-way system. HGVs

produce about seven times more emissions to air than cars and the removal of the lorry park will reduce the number of large vehicle movement through the town centre and through the Abingdon Air Quality Management Area.

19. The lorry park has on occasions been used by travellers which has resulted in extra costs and loss of income.
20. The number of permits offered for car parks in Abingdon town centre is reaching capacity and changing the use of the commercial part into use by smaller vehicles would provide more spaces to those people living and working in Abingdon and encourage more out of town parking ('Park and Walk') and so reduce pollution and traffic movements in the town centre.
21. The access road into the commercial car park at Rye Farm was closed in November 2018 as it was deemed too dangerous for vehicles to pass as very large potholes opened up along the access road.
22. In July 2019, a temporary extra-large bay was marked out in Hales Meadow car park (opposite Rye Farm car park) to provide one space for coach parking only, to meet the demands of local coach companies who used to set down and pick up from Rye Farm commercial car park. Two large bays were also marked out for mobile homes. Since the closure of the commercial parking in Rye Farm, market traders have parked in Hales Meadow each Monday and officers wish to formalise this arrangement so the Hales Meadow car park can be used exclusively by market traders only on market days.
23. Closing the lorry park has resulted in a loss of income of £8,400 per year. At the same time additional vehicular parking (under 2m high) was created by opening the gate at the rear of Rye Farm car park to provide 'overflow' parking in an area previously reserved for commercial vehicles which is expected to increase income by £4,000 per year.
24. The creation of a coach drop-off/pick up bay in Hales Meadow car park (maximum stay 20 minutes) was well received by coach companies and the public and officers now wish to formalise this arrangement which will require a change to the car parking order.

F. Removing residential permits to bring them in line with parking permits

25. Historically, the Vale Council has offered parking permits to local residents living in close proximity to car parks at a reduced cost ('residential permits'). For example residents living in named streets in the vicinity of Limborough Road car park in Wantage can buy an annual parking permit for £143 whereas the cost of the equivalent parking permit is £455.
26. A number of developments in town centres provides accommodation without any parking and demand for cheaper residents parking far out numbers the spaces in the car parks. This can be to the detriment of visitors to the car parks as the turn-over of spaces is reduced by residents parking all day. Residents are able to park at no charge overnight (6pm to 8am).
27. Officers propose that these reductions for local residents are phased out over the next two years. For example, advanced warning once agreed in 2020, a 50 percent increase a year later and no further sales after a further year. Residents would still be able to purchase permits to park in car parks at the current rate of 50 percent reduction

for annual permits and 40 percent for quarterly permits, based on the cost of parking all day. Officers estimate the change in income would be negligible.

G. Making the Civic car park, Abingdon, short stay only with a maximum stay of three hours at £1.50 for up to three hours (or £1.70/£1.90 if option A agreed for increase of all fees)

28. Option F is in line with paragraph B(3) of the car park policy (attached as Appendix 1) which aims to achieve a balance between sustainability and environmental objectives and short- term and long-term public parking. The location of Abbey House adjacent to the Civic car park means that up to a third of the 59 spaces are taken by users parking all day or ‘meter feeding’ to avoid paying for long stay parking. Introducing a maximum stay of three hours would encourage a turnover and use by shoppers as it is the closest car park to the town centre and market place.

29. Ticket sales show only about 10 percent of users stay for more than three hours so officers estimate a loss of income at £4,000 per year. Additional long stay parking can be made available by increasing the number of parking bays for vehicles in Rye Farm car park.

H. Charging points for electric vehicles

30. Officers are currently working with officers from Oxfordshire county council to consider the installation of chargers for electric vehicles in car parks. If agreed, the provision of electric vehicle charging points will require changes to the car park order to enforce their proper use. Officers therefore request that cabinet agree for these changes to be included in any new order (for example electric vehicle parking in bay exceeding time limit and unauthorised parking in bay reserved for electric vehicle charging).

I. Other considerations

31. The current levels of ECNs at £80 reduced to £40 for early settlement is at a comparable level with other councils. Increasing the amount of the fine by say £10 would produce a relatively small increase in income and officers consider the current level is sufficient to provide a suitable deterrent.

32. Officers recommend that all other aspects of the fees and charges such as the charging periods, free parking for disabled and motorbikes and free parking on Sunday (except Rye Farm, Hales Meadow and Abbey Meadow), remain the same.

33. All of the options are summarised in the table below (stand alone and NON cumulative) in order of additional income with the greatest first.

Table 2 Summary of options to car park fees including CEAC feedback

Option	Description	Additional Income pa	Loss of income	Supported by CEAC Yes/No	Require new car parking order?
A 'do nothing' option would mean an annual net expenditure of up to £330,00 in 2024/25					
A	Increase all fees (for up to two hours and above) by 20p (or 40p)	£20,000 (or		Not considered	Can be done by ad in

		£40,000)			paper and varied order
B	Introduce a flat fee of 60p for up to two hours (to replace the current free parking).	£261,000		No	Change to CP order
C	Reduce free parking from two hours to one hour and introduce a charge of £1.50 for up to two hours and £2.00 for up to 3 hours.	£237,000		Yes	Change to CP order
D	Increase the permit costs by ten per cent	£8,000		Yes (but not residential permits)	Can be done by ad in paper and varied order
Operational improvements					
E	Formalise the parking for one coach in Hales Meadow car park, Abingdon remove the commercial vehicle parking in Rye Farm car park, Abingdon and use the area to create 'overflow' parking for smaller vehicles Formalising the parking and permits for market traders in Hales Meadow car park (rather than Rye Farm).	£4,000		Yes	Change to CP order
F	Removing the cost of residential permits by bringing them in line with parking permits over a period of two years	Negligible		No	Can be done by ad in paper and varied order
G	Making the Civic car park, Abingdon, short stay only with a maximum stay of three hours at £1.50 for up to three hours (or £1.70/£1.90 if cabinet agree other increases)		-4000	Yes	Change to CP order
H	Update car park order to enforce electric vehicle charging points		De minimus	Yes	Change to CP order
I	Other considerations – no change ECNs £80 reduced to £50 if paid within 14 days Free parking on Sunday (except Rye Farm, Hales Meadow and Abbey Meadow car parks in Abingdon) Free parking when displaying a disabled badge	N/A		Yes	N/A

Indicative timetable

Meeting	Date	Comments
Cabinet	Friday 7 August	Authorise the head of Legal and Democratic services to prepare and publish a draft order
Consultation	1 September to 13 October	Min. four weeks consultation
Scrutiny	October	Date tbc
Cabinet	December	Consider any representations and finalise car park order
Publish order and organise new signs	January 2021	
Implementation	By February 2021	

Monitoring the impact of the removal of free parking period

34. Officers propose that if agreed, a number of indicators are monitored to measure the impact of the change to the car park fees. For example ahead of the introduction of changes to free parking, we will establish a base line for the number of users staying for up to two hours (from the number of free tickets taken) per month. We will then compare the number of users paying for up to two hours when the new fees are introduced. For budget monitoring purposes we already keep close track of income from ECNs, fees paid at the machine and by phone and the income from permits. Officers will report on a monthly basis the income compared to SMPY (same month previous year).
35. Officers also propose to work with colleagues in Economic Development to consider carrying out surveys about how people travel to the high street. As we work towards implementing initiatives to encourage walking and cycling and recovering from Covid-19, then this evidence may help to justify further funding that may be used to off-set loss of income from parking fees.

Economic development implications

36. Appendix 3 compares car park fees and charges to neighbouring local authorities and shows that a fee of £1.50 for up to two hours is very competitive. However, there are private operators that provide free parking such as at Sainsbury's in Wantage for up to two hours, Waitrose in Abingdon for up to two hours and in Faringdon.
37. Businesses in the Vale's market towns have struggled in recent years with the growth of nearby shopping centres in Oxford and Didcot and internet shopping. Although the cost of short stay parking in Option A is not significant, when compared to some other neighbouring car parks, some businesses may think it will discourage local people to make short visits to town centres.
38. Over the last three years, Vale Chambers of Commerce, business groups and individual businesses continually assert that the Vale needs free parking like Witney. They believe that Witney town centre thrives due to the free parking and residents will

travel to Witney instead of Abingdon/Faringdon/Wantage as there is free parking. To date actual evidence of this has not been provided.

39. In 2014 the Vale commissioned a report to undertake research into the behaviour of visitors to Vale market towns and their attitude towards the provision of the two hours free parking. The report estimates that if the two hours free parking were no longer available then 1 in 10 people would go elsewhere or not visit the towns as much. Further details below under ‘Other implications’.

Financial Implications

40. Any council decision that has financial implications must be made with the knowledge of the council’s overarching financial position. The position reflected in the council’s medium-term financial plan (MTFP) as reported to Full Council in February 2020 showed that the council was due to receive £0.2 million less in revenue funding than it planned to spend in 2020/21, rising to £2.8 million in 2021/22 (with the balance coming from unallocated New Homes Bonus which will be depleted by 2023/24). This funding gap was predicted to increase to over £6.2 million per annum by 2024/25 before recent events including delivering a response to the Coronavirus and planning for further changes in Government Grants. Latest estimates show the council funding gap increasing by approximately £2m in 2020/21 which will worsen further in the medium term due to delayed changes to Business rates income. Every financial decision will be made in cognisance of the need to eliminate this funding gap during the next five years.
41. Like many local governments facing substantial funding cuts and a slow economy, the medium-term financial position of the council is extremely sensitive to change. The 2011 introduction of the free two hours parking was predicated on the New Homes Bonus which it is currently being phased out by central government and the existing unallocated balance will be used by 2023/24. The annual budget is balanced by income generating services and cross subsidy within this area of the budget must be avoided in all circumstances.
42. The car park account is currently in deficit for the medium term and the impact on fees and charges of the Covid-19 pandemic in 2020/21 is an additional pressure.
43. If no options are approved from the report, then the account is forecast to remain in deficit. Additionally, there are several areas where an additional financial impact of Covid-19 could be suffered due to behavioural changes. Clearly any resurgence in infection rates would heighten the risk of a renewed lock down and there may be less vehicles in the area if as appears likely, more residents work from home or use other greener forms of transport. It is currently very difficult to accurately estimate the effects of this, but it is likely that with no action the car park account deficit will increase.
44. The report contains several options for consideration to restore a balanced account and the impact of individual and combined changes to policy are set out below.
45. If option B is approved, it is estimated that additional income of £261,000 will accrue to the parking account. If this is combined with option D the estimated income will increase to £269,000 which would allow the parking account to be balanced. However, this would not secure the medium-term balance on the Car Park account and fees will need to be increased again in 2022/23 to maintain the balanced account.

46. Options C and D in the report will contribute £245,000 additional income, and the parking account deficit will be reduced but additional charges or operating efficiencies will be necessary in the future to establish and maintain a balanced account.
47. The parking account currently includes excess parking notice income which is included within the options to balance the account in the short term. Using this income in this way involves risks in respect of income trends when parking practices change and public perception that penalties are used to pay for the service which can lead to increased appeals and/or reputational damage. Future proposals will include measures to reduce reliance on this income.
48. The introduction of charging for up to two hours will involve a cost to update the software in the car park machines and a small cost to advertise the order. Officers recommend that the tariff boards at the machines are replaced at the same time as any changes are introduced which would cost an estimated £20,000 and require an in-year growth bid to be approved.

Legal Implications

49. The purpose of having car park orders under Section 32 of the 1984 Road Traffic Regulations Order (RTRA) is for 'relieving or preventing congestion of traffic'. The council has no legal powers to set parking charges at a higher level than that needed to achieve this. The council meets this requirement by having off-street car parks which are accessible and well used which means that people do not park on the highway which may cause traffic to be held up.
50. The legislation allows for tariff changes (such as Option A to increase all fees by 20p or 40p) to be made by a simple process by way of a Variation Order. This requires a notice in the car park that the tariff change relates to and in the local newspaper. We must allow 21 days before the new fees come into affect.
51. If cabinet agree to implement any of the above options B to G, this will require the making of a new order. Doing this would be in accord with the general duty upon the council under section 122(1) of the 1984 Road Traffic Regulations Act (RTRA), to ensure the provision of suitable and adequate off-street parking facilities and "secure the expeditious, convenient and safe movement of traffic".
52. The Road Traffic Regulation Act 1984 grants the power to the council to make an order. The 1984 Act, together with the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 (LATO), sets out the procedure we must follow. The Vale is required to publish the proposed order in the car park and in the local press. The Vale must also consult with the county council (who must consent to the order) and other appropriate organisations including the Police. Cabinet must consider all representations received before making the order.
53. Cabinet will need to authorise the head of legal and democratic services to prepare and publish a draft order under the RTRA and to agree for the Head of Housing and Environment to carry out the necessary consultations in accordance with the requirements of the Act and the LATO and to report back to cabinet on the responses received after the end of the consultation period which is normally 28 days. Officers aim to bring a report to cabinet by December 2020 to consider any objections and representations and decide or not to change the order in light of these.

54. The legal requirements to change the order as above will take at least four months. If the cabinet agrees in December to remove the free parking periods and introduce a fee, then the new order may be able to come into effect on 1 February 2021. However, the exact date will depend on whether the decision is subject to a scrutiny call-in and whether representations are received that cabinet wants to take into consideration.

Equality and diversity

55. The car parks continue to offer up to five per cent of the total number of spaces as extra wide spaces for disabled drivers in line with national standards, but this may be more or less depending on location and demand. There is no charge to park when displaying a valid blue badge in any space.

Risks

56. Officers have included a risk factor in their calculations for estimating the income from car park users paying to park rather than park for free, but the risk remains that the proposed changes will not produce the income estimated. The risk is that people will choose to shop elsewhere or use alternative means of transport and that the increase in income will be less than estimated. This may thereby impact on the businesses in the town if the number of visitors to the towns reduces.

Communications

57. A change to the car park order will require a formal consultation with the highways authority and other statutory consultees. The changes will be advertised in local newspapers and in all the car parks.

58. Officers recommend that the same changes are used as part of a consultation exercise (late 2020) with residents and users of the car park as well as other stakeholders such as the town councils, business networking groups and chambers of commerce.

Climate implications

59. Vale is considering a target to work towards a 75 per cent reduction in district wide carbon emissions by 2030. An option is to include ways to encourage people to invest in Electric Vehicles (EV) is by making parking less expensive for their drivers. Another way of doing this is by 'penalising' those high emission vehicles by making it more expensive to park and Cabinet may wish to consider these options in the future once the implementation of EV charging points is agreed.

Other implications

60. The two car parks at Rye Farm and Hales Meadow are owned by the Vale Council but located in the district of South Oxfordshire and there is a legal deed in place which allows the Vale to operate the car parks within the administrative area of South. These two car parks therefore operate under a different car parking order to all the other car parks in the Vale and any formal changes to the order will require consultation with South Oxfordshire District Council.

61. If changes to the free parking arrangements are agreed, certain indicators should be put in place to monitor the economic impact on the towns and these could include local business and user surveys, car park usage surveys and air quality.

62. In 2014 the Vale commissioned a company to carry out a face to face on-street survey of passers-by in the market towns of Abingdon, Faringdon and Wantage. The survey included a question about whether the removal of two hours free parking would influence future trips. The table below is taken from the report summarises the results:

Table 7: If 2 free hours was no longer available, would you?			
	Abingdon	Faringdon	Wantage
Still drive here	44	18	35
Use another form of transport	5	4	3
Not come here as much	8	7	4
Go somewhere else	9	7	2
	66	36	44

63. In percentage terms the numbers of visitors by car who said they would go elsewhere or not visit as much, is shown below with commonly cited places of where they might go:

- 17 percent in Abingdon and go to Oxford by bus, Didcot and Witney
- 14 percent in Faringdon and go to Swindon, Witney and Wantage
- 6 percent in Wantage and go to Reading, Didcot or Oxford.

64. In addition the survey report goes on to calculate that if the two hours free parking did not exist, we would lose one in ten visitors which equates to a loss of £11,000 per day.

Conclusion

65. The car park account shows a forecast deficit over the next five years and officers recommend changes to fees to aim to reduce this deficit. Officers have provided a number of ways for this to be achieved and request the cabinet to indicate which of the options should be implemented. Officers will then carry out formal consultation on a draft car parking order and report back to cabinet for confirmation and implementation.

Background Papers

- None

Appendix 1

Vale car park pricing policy

The Vale Council's existing parking policy was last reviewed in 2011 when policy B (1) was removed. This was to reflect the fact that the introduction of the free two hours meant that the income from the service would not meet the expenditure. The other policies are:

B (2) Differential pricing may apply between areas in the Vale, including between car parks in the same town

B (3) Pricing may be used to regulate and influence usage to achieve a balance between sustainability and environmental objectives, and town centre vitality and viability; hence, short-term and long-term public parking should be differentially priced and located to encourage edge of town parking for commuters, thus freeing town centre parking for shoppers and visitors

B (4) Parking will be provided free of charge for disabled badge holders

B (5) Parking fees and charges will be reviewed annually.

Appendix 2 Vale Council's current car park fees and charges 2019/20

Location/ Postcode/Costcode/Connect Code	Number of Bays	Disabled Bays	MotorCycle Bays	2 Hours	3 Hours	4 Hours	6 Hours	Over 6 Hours	24 Hours	Max Stay	No Return	Operational		Allow Carry Over ?	Comments	
												Days	Times			
Abingdon																
Abbey Close - OX143JE CP21 9317 CP01 1400	75	4	No	Free	1.50	3.40	4.30	5.30			2 Hrs	Mon - Sun	08:00 - 18:00	No	Chargable on Sundays & Bank Holidays	
Audlett Drive - OX14 3ND CP21 9317 CP03 1401	95	3	No	Free	1.50	3.40	4.30	5.30			2 Hrs	Mon - Sun	08:00 - 18:00	Yes	Free on Sundays Charge on B/Holidays	
Cattlemarket - OX14 3JE CP21 9317 CP04 1402	61	3	Yes	Free	1.50	3.40	4.30	5.30			2 Hrs	Mon - Sun	08:00 - 18:00	No	Free on Sundays Charge on B/Holidays	
Civic - OX14 3JH CP21 9317 CP05 1403	59	6	No	Free	1.50	3.40	4.30	5.30			2 Hrs	Mon - Sun	08:00 - 18:00	Yes	Free on Sundays Charge on B/Holidays	
Hales Meadow - OX14 3NN CP21 9317 CP08 1404	29	2	No	Free	1.50	3.10	3.80	4.30			2 Hrs	Mon - Sun	08:00 - 18:00	Yes	Chargable on Sundays & Bank Holidays	
Rye Farm - OX14 3NN CP21 9317 CP11 1405	115	6	No	Free	1.50	3.10	3.80	4.30			2 Hrs	Mon - Sun	08:00 - 18:00	Yes	Chargable on Sundays & Bank Holidays	
Rye Farm Commercial - OX14 3NN CP21 9317 CP12 1406	13								7.30		2 Hrs	Mon - Sun	08:00 - 18:00	Yes	Chargable on Sundays & Bank Holidays	
West St Helen Street - OX14 5BU CP21 9317 CP13 1407	101	6	Yes	Free	1.50	3.40	4.30	5.30			2 Hrs	Mon - Sun	08:00 - 18:00	No	Free on Sundays Charge on B/Holidays	
Charter Level 1 - OX14 3LZ CP21 9317 CP06 1408	57	13+ 13 Drs bays Level 2	No	Free	1.50	3.40	4.30	5.30			2 Hrs	Sat Only	08:00 - 18:00	No	Free on Sundays Charge on B/Holidays	
Charter Level 3 & 4 - OX14 3LZ CP21 9317 CP06 1409	84		No	Free	1.50					3Hrs	2 Hrs	Mon - Sun	08:00 - 18:00	Yes	Free on Sundays Charge on	

															B/Holidays
Charter Level 5 - 9 OX14 3LZ CP21 9317 CP06 1410	274		No	Free	1.50	3.40	4.30	5.30			2 Hrs	Mon - Sun	08:00 - 18:00	Yes	Free on Sundays Charge on B/Holidays
Faringdon															
Gloucester Street - SN7 7HY CP21 9317 CP14 1411	47	2	No	Free	1.00	2.40	2.60	2.80			2 Hrs	Mon - Sun	08:00 - 18:00	No	Free on Sundays Charge on B/Holidays
Southampton Street - SN7 7AZ CP21 9317 CP15 1412	55	4	Yes	Free	1.10					3 Hrs	2 Hrs	Mon - Sun	08:00 - 18:00	No	Free on Sundays Charge on B/Holidays
Wantage															
Lomborough Road - OX12 9AJ CP21 9317 CP16 1413	34		No	Free	1.30	2.90	3.30	3.80			2 Hrs	Mon - Sun	08:00 - 18:00	Yes	Free on Sundays Charge on B/Holidays
Mill Street - OX12 9AJ CP21 9317 CP16 1414	35	2	No	Free	1.30	2.90	3.30	3.80			2 Hrs	Mon - Sun	08:00 - 18:00	Yes	Free on Sundays Charge on B/Holidays
Portway - OX12 9BU CP21 9317 CP18 1415	114	7	Yes	Free	1.30	3.30	4.30	5.30			2 Hrs	Mon - Sun	08:00 - 18:00	No	Free on Sundays Charge on B/Holidays

No fee for Motorcycles (even in normal bays) No fee for Blue Badge holders (even in normal bays). No return in period stated unless a payment is made. Top up of hours allowed with a payment without leaving the car park.

Old Abbey House car Park

Abbey Close Abingdon

OX14 3JE

(Permit Only)

Appendix 3 Comparison of car park fees and charges, June 2019

Place	Average Charging periods	up to 1 hour	up to 2 hours	up to 3 hours	up to 4 hours	up to 5 hours	up to 6 hours	Up to 7 hours	up to 8 hours	up to 10 hours	up to 12 hours	ECN
Vale of White Horse DC (Portway, Wantage)	8am - 6pm Mon - Sat		Up to 2 hrs no charge	1.30	3.30		4.30				5.30	Max £80
Vale of White Horse DC (Gloucester St, Faringdon)	8am - 6pm Mon - Sat		Up to 2 hrs no charge	1.00	2.40		2.60				2.80	Max £80
Vale of White Horse DC (Cattlemarket, Abingdon)	8am - 6pm Mon - Sat		Up to 2 hrs no charge	1.50	3.40		4.30				5.30	Max £80
South Oxfordshire District Council	9am to 5pm 8am to 6pm (in Henley on Saturdays)	Free or 60p	80p	1.60		2.0 to 2.30			1.80 to 3.40			Max £70
Train Station, Henley (discounts apply if pay by 'phone)	All day			1.30	1.80		2.90		4.60			Max £80
Dry Leas (Henley rugby club)	9am-5pm Mon to Friday										3.20	unknown
Mill Meadows (Henley Town Council) Mon-Fri Free after 7:00pm Sat and Sun and BHs		1.50 1.80	3.00 3.50		6.00 7.00	Over 4 hrs £8.00 9.00	Over 6hrs					Max £70
Wycombe DC (High Wycombe) Easton Street	7am – 8pm Mon - Sat	1.00	2.00	2.50	3.00	3.50	4.00	Over 6hr £9.00				Max £70
Wycombe DC (High Wycombe) Baker St	Car Park Closed											
Wycombe DC (Marlow) Riley Road	7am - 7pm Mon – Sat (£1.00 Sunday and Bank Holidays)	80p	1.60	2.50	3.00		4.00				6.50	Max £70
Woking Borough Council (Victoria Way, Brewery Road & Heathside Crescent)	6am - 7pm Mon – Sat (also charges Sunday at reduced rate)	1.40	2.80	4.20	5.60		6.50	10.00			£11 up to 24hr	Max £70
Wargrave, School Lane (short stay)	8am - 6pm Mon - Sat	50p	60p		2.00					4.00		Max £70
Wokingham town centre, Easthampstead Rd (long stay)	8am - 6pm Mon - Sat	70p	1.20	2.00	2.00		3.00			4.00		Max £70
West Berkshire Council (Newbury central library)	8am - 6pm Mon - Sat (*£2 after 6pm)	1.50	2.70	3.90	5.20		7.20		8.70		12.00	Max £70
Aylesbury Vale DC (Upper Hundreds Town centre – short stay)	8am - 6.30pm Mon – Sat Sun & B/H £1.50	1.00		2.00	3.50	5.00	Over 5 hrs £8.00					Max £70
Aylesbury Vale DC (Hampden House – inner long stay)	8am - 6.30pm Mon - Sat Sun & B/H £1.50					2.50					4.00 up to 24 hrs (£1 overnight)	Max £70

Place	Average Charging periods	up to 1 hour	up to 2 hours	up to 3 hours	up to 4 hours	up to 5 hours	up to 6 hours	Up to 7 hours	up to 8 hours	up to 10 hours	up to 12 hours	ECN
Aylesbury Vale DC (Friarscroft – outer long stay)	8am - 6.30pm Mon - Sat										3.00 up to 24 hrs (1.00 overnight)	Max £70
Banbury (Market Pl, ultra short stay)	8am - 6pm Mon –Sun	£1.20 (80p up to 30 mins)										Max £100.00
West Oxfordshire DC (Marriotts Walk multi-storey, Witney)	8am - 6pm Mon -Sat	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Max £70
West Oxfordshire DC (Woodford Way)	8am - 6pm Mon -Sat	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Max £70
Cherwell DC (Claremont)	8am - 7pm Mon -Sun	60p	1.20 or Sunday £1 over 1hr	1.70								Max £100
Cherwell DC (Cattle Market)	8am - 7pm Mon -Sun	60p	1.20 or Sunday £1 over 1hr	1.70	2.20					2.50		Max £100
OCC (Redbridge Park & Ride)	5am - 6:30pm	free	1to 11 hr £2.20	11-24 hrs £4.00	24-48hrs £8.00	48-72hrs £12.00	28days £30.00					Max £100
OCC (Expens)	6am -5pm Mon-Sun 5pm-6am Mon-Sun £3.50	3.00	4.00	5.00	7.00	9.00	11.00	6-12 hrs 18.00			12-24 hrs 25.00	Max £100
OCC (Worcester Street)	8am -8pm Mon-Fri 8am -8pm Sat-Sun 8pm-8am £4.00	4.00 4.50	6.00 7.30	9.00 10.00	11.50 12.50		18.00 20.00		28.00 30.00	35.00 35.00		Max £100

Bus charges

Benson to Wallingford
 Shiplake to Henley
 Radley to Abingdon
 Steventon to Didcot
 East Hanney to Wantage

Single

£1.80
 £2.80
 £2.60
 £2.20
 £3.10

Return

£2.80
 £4.00
 £4.20
 £3.20
 £5.20

Appendix 4

Comparison of pay and display car park fees, **October 2019**

Place	Average Charging periods	up to 1 hour	up to 2 hours	up to 3 hours	up to 4 hours	up to 5 hours	up to 6 hours	up to 8 hours	up to 10 hours	up to 12 hours	ECN
Vale of White Horse DC (Portway, Wantage)	8am - 4pm Mon - Sat	50p		1.00	3.10		4.00			5.00	Max £80
Vale of White Horse DC (Gloucester St, Faringdon)	8am - 4pm Mon - Sat	40p		70p	2.10		2.30	2.50			Max £80
Vale of White Horse DC (Cattlemarket, Abingdon)	8am - 4pm Mon - Sat	60p		1.20	3.10		4.00			5.00	

Appendix 5

Parking permit charges and residential permits

Town	Car park	Type of permit	Length of permit	Price
Abingdon	Abbey Close Audlett Drive Charter West St Helen Street	Monday to Sunday	Annual	£779
			Quarterly	£233
			Monthly	£78
Abingdon	Abbey Close Audlett Drive Charter West St Helen Street	Monday to Friday	Annual	£650
			Quarterly	£194
			Monthly	£65
Abingdon	Charter	Morning or afternoon 8am-2pm or 1- 6.30pm	Annual - five day	£325
			Annual - six day	£390
Abingdon	Rye Farm Hales Meadow	Monday to Sunday	Annual	£622
			Quarterly	£190
			Monthly	£61
Abingdon	Rye Farm Hales Meadow	Monday to Friday	Annual	£520
			Quarterly	£157
			Monthly	£52
Abingdon	Rye Farm	For market traders	Annual, one day per week	£77
Faringdon	Gloucester Street	Monday to Saturday	Annual	£324
			Quarterly	£98
			Monthly	£33
Faringdon	Gloucester Street	For market traders	Annual, one day per week	£36
Wantage	Mill St / Limborough Road	Monday to Saturday	Annual	£455
			Quarterly	£136
			Monthly	£46
Wantage	Limborough Road	For market traders	Annual, one day per week	£67

RESIDENTIAL PERMITS (A PROOF OF RESIDENCY NO OLDER THAN 3 MONTHS IS REQUIRED)

Abingdon - Residential parking permits are available for the Audlett Drive, Cattle Market, Abbey Close, Rye Farm, Hales Meadow and West St Helen Street at a cost of £287 annually or £144 for six months. **The West St Helen Street permit is only available to residents of Winsmore Lane, St. Edmunds Lane, St. Helens Mews, High Street & Lombard Street.**

Faringdon - Annual residential parking permits are available for Gloucester Street car park for £119

Wantage - Annual residential parking permits are available for the Portway car park for £119 **but only available for residents of Church Street, Newbury Street, Market Place and Portway.** Limborough Road/Mill Street permits available for £143 annually and £72 for six months. **Both Portway and the Limborough Road/Mill Street car parks are currently full to capacity with a waiting list.**

Cabinet Report



Report of Acting Deputy Chief Executive - Partnerships

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To: CABINET

Date: 7 August 2020

Oxfordshire Growth Board Terms of Reference and Memorandum of Understanding

Recommendations

That the Cabinet:

- (a) Approve the Terms of Reference and Memorandum of Understanding at Appendices 1 and 2 respectively.
- (b) Delegate authority to the Chief Executive, in consultation with the Leader and the Growth Board, to make minor amendments to these documents as required to support the operational efficiency of the Growth Board's work.

Purpose of Report

1. This report proposes a revised Terms of Reference and Memorandum of Understanding for the Oxfordshire Growth Board, which requires approval by each of the Oxfordshire Council Cabinets / Executive. These are presented for consideration following a recent public review of the Growth Board's role and functions, which has helped to inform the revisions made.

Background

2. The Oxfordshire Growth Board ('the Board') was established in 2014 as a Joint Committee¹ of the six councils of Oxfordshire, together with key strategic partners. It was set up to facilitate and enable joint working on matters concerning economic development, strategic planning and growth. The Board's establishment was premised on strengthening partnership arrangements across Oxfordshire for pragmatic working on key strategic issues. It has successfully done this by overseeing the delivery of cross-county projects that the councils of Oxfordshire were seeking to deliver in a collaborative way – between local authorities, the Local Enterprise Partnership and wider partners and stakeholders.²
3. On 24 September 2019, the Board agreed to carry out a formal review of its role and function to ensure that the most pragmatic and effective arrangements are in place to enable collaboration and delivery on Oxfordshire wide priorities. The review welcomed the views of the public, partners and councillors through several engagement exercises including workshops and an online survey; with over 250 contributions received.
4. The review found that there have been a series of unique successes and opportunities realised through the Growth Board collaboration and the duty to cooperate, including securing over £500m of investment in Oxfordshire in recent years. There were however areas identified for improvement concerning communication and the integration of environmental issues within the Board's work. On 28 January 2020, the Board requested that the recommended outcomes of the review be developed into more detailed proposals. A more comprehensive stage one report concerning progress against the outcomes of that review was presented to the Growth Board on 28 July 2020.
5. The revised Terms of Reference and Memorandum of Understanding for the Growth Board have been updated to take account of the conclusions from the review. These documents are matters for decision within the remit of each local authority Cabinet / Executive and are appended to this report for approval. Each local authority must agree to these amendments before they can take effect.
6. Before further progress is made in implementing the outcomes of the Growth Board review, it is critical that a robust baseline of core governance documents is agreed, on which further changes can build. Whilst the local, regional and national context continues to evolve concerning the role of Growth Boards and sub-regional governance structures across the Oxford to Cambridge Arc, there is, and there will continue to be, a need to keep these documents under regular review.
7. In this respect, the adoption of these documents represents stage one of two in implementing outcomes from the Growth Board review. Subject to the new purpose and ToR being agreed by all six local authorities, stage two will take a more detailed look at opportunities to update the Board's operating arrangements to reflect the increasing importance of protecting the environment and tackling climate change. This will include assessing how the Board interacts with emerging proposals for a Local

¹ Under s101 (5), 102 Local Government Act 1972 (LGA 1972) and s9EB Local Government Act 2000 (LGA 2000) and pursuant to the Local Authorities (Arrangement for the Discharge of Functions) (England) Regulations 2012.

² As a Joint Committee, the Board may discharge executive functions if delegated to it by each constituent local authority, but each constituent authority retains the ability to exercise all executive and non-executive functions generally and specifically in relation to economic development including where applicable provision of housing, strategic spatial planning and strategic transport planning.

Nature Partnership for Oxfordshire. Any recommended changes will be presented for agreement at the appropriate level.

Growth Board Terms of Reference

8. The Growth Board's revised ToR now have a clear purpose from the outset, with an emphasis on sustainable development, the pursuit of a zero-carbon future, and the oversight of delegated programmes of work within this remit as required. This includes amendments throughout to give a greater emphasis on sustainability in the Board's work, reflecting feedback received during the review. This is perhaps the most significant change in how the Board is organised, reflecting the specific importance of environmental preservation and tackling climate change in Oxfordshire's future. An early draft of this new purpose received positive feedback from some public contributors to the review, as well as formal support from the Board's cross-party and cross-authority Scrutiny Panel in January 2020. Once this new purpose receives the relevant approvals, it can be communicated more widely and integrated as a key element of ongoing work.
9. The name of the Growth Board has also been scaled back significantly in the ToR in favour of reference to the "Joint Committee." The review recognised that several public contributors were critical of the Board's name, often citing that it did not take account of the importance of sustainability and the environment.
10. When the previous ToR were last considered in April 2018, the ToR for the Advisory Sub-Groups and the Scrutiny Panel were still in development. Now that they have been established, the Board's ToR does not need to list the specific detail of how each of these external groups will operate. The revised ToR instead now summarise in general terms the role of these groups and redirects to the separate ToR that now exist. This provides flexibility to establish additional sub-groups as required by the Growth Board's work programme. Both the Advisory Sub-groups and the Scrutiny Panel are non-statutory and, whilst they are a critical component of the Board's work, they do not hold any formal decision-making powers.
11. Non-voting members have been renamed as associate members. This has been done in order to move away from voting terminology being a defining feature of their role. Instead, the associate status brings a parity of esteem between colleagues on the Board. The revised draft does however retain the distinction that associate members will not be able to vote on local authority matters.
12. Included in the new ToR is a provision to request a subscription fee from each member of the Board. This is to raise the visibility and transparency of the need for continued joint funding arrangements for the Board's work to be delivered. The Board currently has a spending pot for administrative costs of approximately £24k which has no current commitment to top up. Separately, approximately £118k in staffing costs are divided equally and recharged in arrears to all six local authorities each year. Subscription fees will enable a more formalised budgeting structure to exist for the Board's operations, and for budget approval to be recommended to each authority in February. This will bring greater visibility to the ongoing costs and improve our ability to plan for future budget rounds.
13. As required under the emerging Oxford to Cambridge Arc governance arrangements, provision has been included in the ToR for the Growth Board to appoint representatives to relevant bodies as required. It is anticipated that greater clarity will come forward in

the next year about the precise implications of the emerging Arc concept, and the role of local authorities and the Board in that process.

14. Provision has been included in the new ToR for members to withdraw from the Board, which provides certainty around the process if this were to occur. Importantly, it specifies periods of notice which will allow enough time for withdrawal to take place, and for budget impacts to be assessed.

Memorandum of Understanding

15. The Memorandum of Understanding between Oxfordshire County Council and the Growth Board was established in April 2018. This is principally an operational document to support the administration of the Board's work. A revised version is included at Appendix 2 for agreement, which must also be agreed by each of the partner local authority Cabinets. The updated MoU provides greater operational clarity concerning the handling freedom of Information requests related to the Growth Board. Several minor changes have also been included to mirror the terminology and arrangements now included in the revised ToR for the Growth Board.

Timescales

16. The list of meeting dates below sets out a timetable for the ToR and MoU being considered by each local authority Cabinet / Executive. Pending agreement by all local authorities, the revised ToR and MoU will take effect from 7 August 2020; the date on which the last council's Cabinet meets to approve the revised documents.

- Cherwell District Council: 6 July 2020
- South Oxfordshire District Council: 9 July 2020
- Oxford City Council: 15 July 2020
- Oxfordshire County Council: 21 July 2020
- West Oxfordshire District Council: 22 July 2020
- Vale of White Horse District Council: 7 August 2020

Financial Implications

17. The introduction of a subscription fee will enable greater transparency and forward planning in the budgeting for the Growth Board's support arrangements. These are not new costs for the Board's management, but instead a clearer process by which budgeting can be undertaken. This report does not propose any changes to the costs associated with supporting the Board.

Legal Implications

18. The Oxfordshire Growth Board is a Statutory Joint Committee³. As such, agreement to the revised ToR and MoU is an executive function which falls to the respective local authority Cabinets to agree.

Conclusion

19. Cabinet is asked to consider the revised Terms of Reference and Memorandum of Understanding in Appendices 1 and 2, and to approve the documents following their consideration at the meeting of the Growth Board on 28 July.

Background Papers

None

³ Under s101 (5), 102 Local Government Act 1972 and s9EB Local Government Act 2000, pursuant to the Local Authorities (Arrangement for the Discharge of Functions) (England) Regulations 2012

Appendix 1

Oxfordshire Growth Board Joint Committee Terms of Reference June 2020

1.0 Purpose

- 1.1 Oxfordshire's growing economy is set to create challenges and opportunities for the County related to housing, infrastructure, public services and the environment. These issues will best be addressed through joined up planning between local councils which prioritises sustainable development and quality of life. Collective planning, where it makes sense to do so, will be the most effective means of minimising the unwanted impacts of a growing economy, whilst leveraging the maximum benefit from the opportunities it brings for our existing and future communities.
- 1.2 The Oxfordshire Growth Board ("Joint Committee") will:
- 1.3 Coordinate local efforts to manage economic, housing and infrastructure development in a way that is inclusive and maximises local social and environmental benefits;
- 1.4 Support the development of local planning policy that meets the UK Government's stated aim of net zero carbon by 2050, and contributes towards biodiversity gain whilst embracing the changes needed for a low carbon world; and,
- 1.5 Seek to secure funding in the pursuit of these aims and oversee the delivery of related work programmes delegated to it by the Joint Committee's constituent local authority members.

2.0 Membership

- 2.1 The Joint Committee's core membership includes the local authorities within Oxfordshire comprising, Cherwell District Council, Oxford City Council, South Oxfordshire District Council, Vale of White Horse District Council, West Oxfordshire District Council and Oxfordshire County Council. Voting rights are reserved to local authority members only.
- 2.2 It also includes co-opted associate members from those organisations listed below:
 - Chair of OxLEP
 - Chair of the Oxfordshire Skills Board
 - Universities Representative
 - OXLEP Business Representative-Bicester
 - OXLEP Business Representative-Oxford City
 - OXLEP Business Representative-Science Vale
 - Homes England Representative
 - DEFRA Agencies Representative
 - Oxfordshire Clinical Commissioning Group Representative

- 2.3 When considering transport infrastructure matters, Network Rail and Highways England will have the right to attend as associate members.
- 2.4 As the Joint Committee is constituted to be able to discharge executive functions if delegated to it by the constituent authorities, then the appointed person must be from the Executive of the constituent authorities. There should be one member from each constituent authority.
- 2.5 Each constituent authority shall appoint a substitute (also being an Executive member). The substitute member shall have the same rights of speaking and voting at the meetings as the member for whom the substitution is made.
- 2.6 The Joint Committee, with the agreement of the local authority members, may co-opt other associate members to its membership where it is considered conducive to the effective consideration of any matter.
- 2.7 The Joint Committee may appoint representatives to the other outside bodies for which the Committee has membership.

3.0 Governance

- 3.1 The Oxfordshire Growth Board is a Joint Committee under s101 (5), 102 Local Government Act 1972 (LGA 1972) and s9EB Local Government Act 2000 (LGA 2000) and pursuant to the Local Authorities (Arrangement for the Discharge of Functions) (England) Regulations 2012.
- 3.2 Notwithstanding the above each constituent authority will retain all non-executive and executive functions generally and specifically in relation to economic development, housing provision, strategic spatial planning and strategic transport planning.
- 3.3 The Joint Committee will meet in public subject to the provisions of s100 LGA 1972 as amended by the Local Government (Access to Information) Act 1985. The Joint Committee will be hosted under local government arrangements and chairing will be rotated between the local authorities on an annual basis in line with the arrangements at 9.1.
- 3.4 The policy advice and support will be provided by the Joint Committee's Executive Officer Group (Chaired by the Growth Board Director), Section 151 Officer and Monitoring Officer, reporting to the Local Authority Chief Executive Group.
- 3.5 The resources and capacity required to deliver the Joint Committee's work programmes, and the work of any associated sub groups, will be agreed by the Local Authority Chief Executive Group.

4.0 General functions

- 4.1 To facilitate and enable collaboration between local authorities and key partners to manage economic, housing and infrastructure development in a way that is inclusive and maximises local social and environmental benefits.

- 4.2 To facilitate strategic alignment of spatial, economic and infrastructure plans in a way that is environmentally, economically and socially sustainable in order to safeguard Oxfordshire's unique historical, cultural and environmental character.
- 4.3 To facilitate collective engagement of Joint Committee Partners with other national, regional and sub-regional bodies on matters concerning infrastructure and strategic planning and where relevant, comment on wider proposals and decisions from national agencies, where these have a strategic impact on Oxfordshire.
- 4.4 To act as the voice of Oxfordshire to Government and other national and Sub National bodies to ensure Oxfordshire's infrastructure and housing needs are recognised in future investment priorities and funding.
- 4.5 To provide a strategic partnership forum for the identification and development of sustainable strategies and plans for Oxfordshire related to spatial planning, economic development, housing and transport.
- 4.6 To coordinate the prioritisation of funding from devolved funding sources for infrastructure schemes, where this funding is not already within the remit of the Local Transport Authority, to ensure that decisions are made in one place and supported by all relevant partners and stakeholders.
- 4.7 To oversee the delivery of detailed work programmes as delegated to the Joint Committee by the constituent authorities, as set out under specific functions at 5.0.
- 4.8 To bid for the allocation of resources and investment to support the above purposes.

5.0 Specific Functions

Strategic Planning

- 5.1 To oversee joint work on cross border issues to ensure partners meet the requirements of the Duty to Cooperate under S33A of the Planning and Compulsory Purchase Act 2004 and wider national planning policy.
- 5.2 To assess whether strategic spatial planning, infrastructure and public services are integrated and delivered in a sustainable way, and to make recommendations to encourage this.
- 5.3 To monitor the production of collective spatial plan studies as determined by the Joint Committee (including the Oxfordshire Plan 2050).
- 5.4 To act as the voice of Oxfordshire in respect of the emerging Oxford to Cambridge Arc and to appoint representatives on behalf of the Joint Committee as required.

The Oxfordshire Housing and Growth Deal

- 5.5 To oversee and facilitate delivery of the Oxfordshire Housing and Growth Deal (“the Deal”), including:
- 5.6 To prioritise and allocate all funding from the Deal and from the Accountable Body to the body responsible for delivery of projects.
- 5.7 To approve and monitor the implementation of work programmes for the delivery of the Deal (including infrastructure, affordable housing funding and capacity funding).
- 5.8 To oversee the delivery of a productivity stream work programme to be delivered by OxLEP.
- 5.9 To monitor the production of the Oxfordshire Plan 2050 (under Section 28 of the Planning and Compulsory Purchase Act 2004) and associated work programmes. The draft plan will be subject to examination and the adoption of the plan will require a decision by each constituent authority at key milestones.
- 5.10 To establish Advisory Sub Groups to oversee delivery of work programmes to meet the agreed milestones and targets set out in the Deal relating to Infrastructure, Affordable Housing and the Oxfordshire Plan 2050.
- 5.11 To receive and publish quarterly performance and finance monitoring reports as set out in the Deal Delivery Plan.
- 5.12 To seek agreement on alignment between national and regional and local funding streams in the fields of activity listed above and prioritise competitive funding bids made on behalf of the Joint Committee or where the bid process is Oxfordshire wide.

6.0 Voting

- 6.1 Only local authority Members (or their substitutes) shall be designated as voting members and shall be entitled to one vote on items of business considered by the Joint Committee, although members intend to agree matters on a unanimous basis where possible.
- 6.2 A majority vote shall be required. In the event of there being an equal number of votes for and against a particular proposition, a casting vote by the Chair may be exercised.

7.0 Quorum and Safeguard

- 7.1 The quorum for a meeting shall be four voting members.
- 7.2 Where the effect of a particular proposition, if adopted by the Joint Committee on a majority basis, would give rise to policy, contractual or financial implications for a constituent authority that it does not support, that authority may opt out of participation in that proposition in so far as it affects their authority before any vote is taken but this

will not prevent the other parties proceeding with the proposition. In respect of other matters, all other voting will be on a normal majority basis.

- 7.3 Normal rules as to declarations of interest to be applied to local authority members in accordance with the respective Council's Code of Conduct.

8.0 Accountable Body

- 8.1 The Accountable Body for the Joint Committee is Oxfordshire County Council. It will provide Section 151 and Monitoring Officer roles to the Committee in accordance with the Memorandum of Understanding between Oxfordshire County Council and the Joint Committee.
- 8.2 The County Council's Director of Finance (Section 151 Officer) will provide the Joint Committee with quarterly financial reports for funding that has been allocated directly to Oxfordshire County Council as the Accountable Body. These reports will provide the Joint Committee with an overview of the funds spent and funds committed against funds allocated.
- 8.3 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.

9.0 Meetings

- 9.1 The Chair and Vice-Chair of the Joint Committee will be elected at the first meeting in each Growth Board year, which runs from 1 June to 31 May.
- 9.2 The Growth Board Director shall be responsible for convening meetings in consultation with the Chief Executive of the authority which holds chairing responsibilities.
- 9.3 Meetings shall usually be held six times each year. However, meetings may be called by the Chair, Monitoring Officer, Local Authority Chief Executive Group, or any three voting members of the Joint Committee, in circumstances where business cannot be reasonably deferred to the next scheduled meeting.
- 9.4 Agendas and minutes will be published, and meetings held in public, in accordance with the requirements set out in the Local Government (Access to Information) Act 1985. A Forward Plan of items to be considered will be published online each month, and included with each agenda.
- 9.5 Public speaking procedures will be established in line with a separate protocol as agreed by the Joint Committee.

10. Advisory Sub Groups

- 10.1 The Joint Committee will establish Advisory Sub Groups to oversee specific work programmes or broader thematic areas as required. Sub groups, reporting into the Joint

Committee, will be managed in accordance with separately published terms of reference as agreed by the Joint Committee.

10.2 The role, remit and membership of Advisory Sub Groups will be reviewed regularly to ensure they remain flexible to the demands of ongoing and new programmes of work.

11. Scrutiny Arrangements

11.1 The Joint Committee will establish a non-statutory Scrutiny Panel with a cross party membership of councillors from each constituent local authority, with a role to review decisions and actions taken by the Joint Committee. The Scrutiny Panel will be managed in accordance with separately published terms of reference.

11.2 The Scrutiny Panel will be non-statutory and not strictly constituted in accordance with the statutory provisions of the LGA 2000. The Panel's function will therefore complement, rather than replace, the statutory overview and scrutiny duties of the constituent authorities, as set out under the LGA 2000.

12. Funding Contributions

12.1 The budget for the Joint Committee's administration will be endorsed no later than 1 December of the preceding financial year by the local authority membership of the Joint Committee. The cost of meeting the expenditure planned in the budget shall, to the extent not met from other sources, be divided among all members of the Joint Committee, with discretion to vary fees between associate and local authority membership.

12.2 The budget endorsed by the Joint Committee will subsequently be recommended to each Local Authority member for approval during the February budget setting process.

13. Withdrawal

13.1 If any member determines that they no longer require membership to the Joint Committee, they may give written notice to the Joint Committee's Chair and Director no later than 1st January preceding the financial year to which the budget will apply. Unless they withdraw that notice in writing, they shall cease to be a member from 1st April of that year. Any member which has not given due notice shall be obliged to pay its subscription for the next year.

14. General principles

14.1 These Terms of Reference will be reviewed at regular intervals to ensure they remain fit for purpose and flexible to meet the requirements of ongoing and future work. Any changes to the Joint Committee's powers or functions will be a matter for each constituent authority to agree.

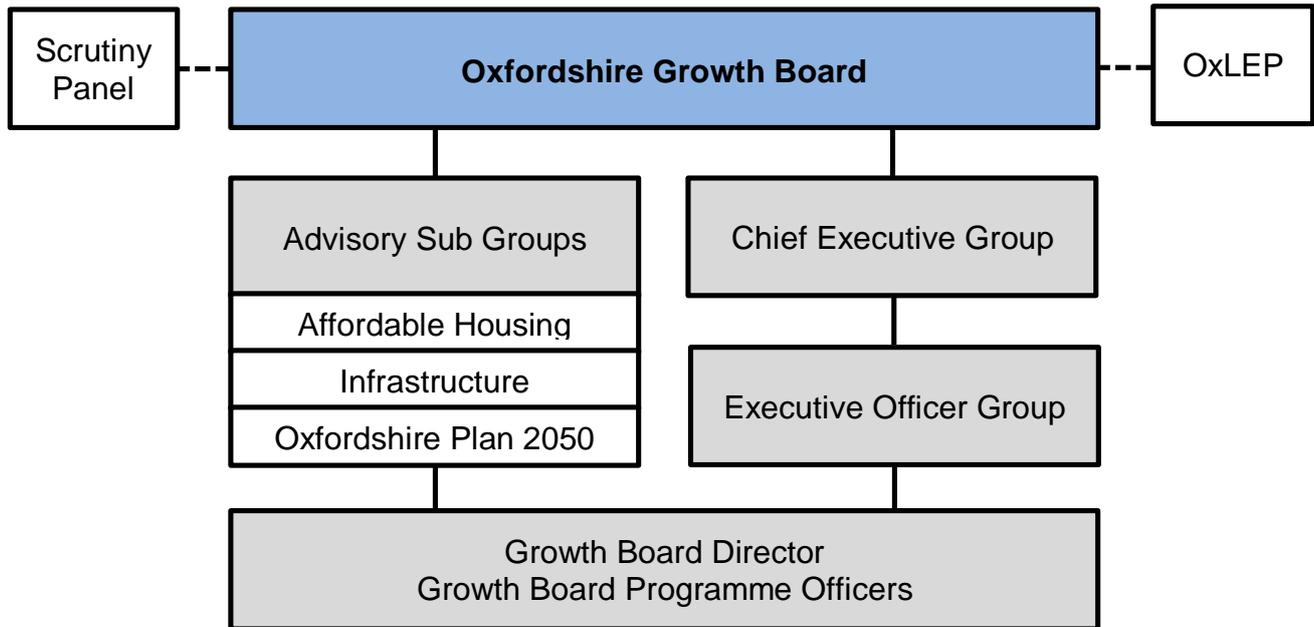
14.2 In adopting these terms of reference, members of the Joint Committee agree to support the purposes of the Joint Committee by ensuring that in their decision making, they:

- Collaborate and cooperate with each other
- Are open and accountable to each other

- Adhere to all relevant statutory requirements
- Deploy appropriate resources
- Act in good faith

14.3 These principles are not intended to be legally binding, and no legal obligations or rights shall arise from this.

Appendix 1 – Oxfordshire Growth Board High Level Governance (June 2020)



Appendix 2

Oxfordshire Growth Board Memorandum of Understanding June 2020

This memorandum of understanding is made by and between the Parties:

- i) Oxfordshire County Council of County Hall, New Road, Oxfordshire OX1 1ND (“OCC”)
- ii) Oxfordshire Growth Board; a joint committee formed by Cherwell District Council, Oxford City Council, Oxfordshire County Council, South Oxfordshire District Council, Vale of White Horse District Council and West Oxfordshire District Council.

The local authorities listed above comprising the county, city and district councils are together referred to as “the Parties” and each a “Party.” Individual constituent members of the Growth Board are as each a “Council.”

1. Introduction and Background

- 1.1 The Growth Board was established in 2014 and has the purpose of facilitating and enabling collaboration between Oxfordshire local authorities and other bodies operating in Oxfordshire in relation to economic, housing and infrastructure development.
- 1.2 OCC is the designated accountable body for the Growth Board providing Section 151 and Monitoring Officer related services to the Growth Board.
- 1.3 The Growth Board and OCC may change these arrangements by mutual agreement, and the Memorandum of Understanding (MoU) shall be reviewed annually by the Growth Board and OCC to ensure it is accurate and complete.
- 1.4 The purpose of this MoU is to set out the respective roles and responsibilities of OCC acting as accountable body for the Growth Board and that of the Growth Board itself and therefore the Parties hereby agree the Scheme of Roles and Responsibilities set out in Section 6 hereto. This MoU also sets out commitments made in respect of existing joint programmes of work overseen by the Growth Board, and incorporates material elements of the formerly established Memorandum of Information Disclosure, which will cease in effect from the date of the signing of this document.
- 1.5 This MoU shall commence upon the date hereof and shall continue in effect until terminated by either Party.

2. Termination and Variation

- 2.1 Termination can be enacted by either Party upon giving six months’ notice in writing to the other. In terminating this MoU the Parties shall comply with the requirements, if any, of Central Government and any other funding agencies.
- 2.2 If OCC cease to be the accountable body, it shall:
 - i) Continue to co-operate with the Growth Board and any successor accountable body and with all grantors to ensure a smooth transition; and
 - ii) Provide to the Growth Board or the new accountable body (where requested to do so by the Growth Board) all such invoices, receipts and other relevant records

which are in its possession and which it holds in connection with its role of accountable body. For the avoidance of doubt, documents will be retained in accordance with OCC's Corporate Retention Schedule Policy.

- 2.3 This MoU shall terminate automatically upon the disbanding of the Growth Board. In such case, OCC and the Growth Board shall complete all of their obligations concerning:
- i) Monies granted to or by the Growth Board;
 - ii) Other assets held by OCC on behalf of the Growth Board; and
 - iii) Any accounts required to be submitted to Central Government or to any other relevant funding organisation.
- 2.4 This MoU shall be varied in writing only by the mutual agreement of OCC and the Growth Board save that this shall not prevent the Growth Board from making amendments to its Governance and Working Arrangements. Where a variation of this MoU requires a change to be made to the Growth Board's governance and working arrangements, that change shall not come into effect until the governance and working arrangements have been duly amended in accordance with its requirements.

3. Responsibilities

- 3.1 The Growth Board is responsible for defining its strategic vision and overseeing delivery of the Growth Board priorities in accordance with any relevant funding arrangements.
- 3.2 The Growth Board will operate in accordance with:-
- i) Its Terms of Reference;
 - ii) This MoU;
 - iii) The guidelines provided by Central Government or any other body whose regulation controls the use of funds provided to the Growth Board; and
 - iv) Statutory requirements.
- 3.3 In addition, Growth Board members will
- i) where possible, work together to procure services to ensure best value is achieved;
 - ii) give assurance and commit to do everything reasonably possible to ensure the objectives and targets of jointly funded programmes (such as the Housing and Growth Deal) are met.
 - iii) once the Growth Board has determined funding allocations, take steps required to reflect those allocations within their budgets.
 - iv) accept that in certain circumstance spend relating to individual workstreams may be greater than the funding allocations. In these circumstances the source of additional funding will be clearly identified.
- 3.4 OCC will operate in accordance with:-
- i) Its Constitution;
 - ii) This MoU;
 - iii) Individual project collaboration agreements;
 - iv) The guidelines provided by Central Government or any other body whose regulation controls the use of funds provided to the Growth Board; and
 - v) Statutory requirements.

4 Financial Management Arrangements

- 4.1 The Growth Board is currently allocated public funding under a Housing and Growth Deal. Use of this funding, and any other future funding deals, must be undertaken in accordance with statute and the principles of democratic and financial accountability.
- 4.2 This requires there to be a public-sector body identified as the accountable body for audit and transparency purposes. Oxfordshire County Council is the accountable body for the Growth Board.
- 4.3 As the accountable body, OCC is held accountable for the Growth Board's funds in the same way that it is for its own funds. All funding received and expenditure incurred on behalf of the Growth Board will be subject to the same scrutiny. This means that OCC will administer any funds held on behalf of the Growth Board under its own accounting policies, financial procedure rules and contract procedure rules as set out in the Council's constitution to ensure that funds are applied and accounted for appropriately. This will be carried out under the direction of the Section 151 Officer.
- 4.4 OCC, as recipient of the Growth Board's grant allocations from Central Government in relation to the Housing and Growth Deal is responsible for compliance with the grant conditions which may include the obligation to repay, in whole or in part, grants in the event of non-compliance with grant conditions.
- 4.5 OCC will hold any funding it receives and all interest or income earned for and on behalf of the Growth Board and ensure that the money is not moved or converted to cash without specific instruction from the Growth Board.
- 4.6 OCC will consolidate the Growth Board's cash balances with its own cash balances and deposit the co-mingled funds in accordance with the OCC's Treasury Management Strategy. OCC will pay interest on the Growth Board daily cash balances based on the 'Average 7 Day Rate'.
- 4.7 Any infrastructure constructed or acquired by OCC acting on the Growth Board's behalf, will be accounted for as part of the Council's asset register in line with OCC's normal accounting procedures.

5 Provision of Services by OCC

- 5.1 OCC provide a range of services to the Growth Board. Those that are only incurred because of the requirement to have an accountable body are provided free of charge. These include Section 151 Officer time to provide advice and support to the Growth Board and relevant sub committees/groups with regard to the use of any public funds that are allocated to the Growth Board. This also includes Monitoring Officer time to provide advice in relation to legal matters.
- 5.2 In addition, OCC also provide the following chargeable services to the Growth Board:
- i) Finance functions relating to the monitoring and reporting of total funding received and available to the Growth Board; the monitoring and reporting of programmes and schemes; the payment of funds to Growth Board delivery partners; the calculation of interest earned on funds received; the provision of financial information for internal and external audit requirements and the completion of relevant government financial returns
 - ii) Internal Audit functions in regard to the governance arrangements between the Growth Board and the accountable body as well as use of public funds allocated to the Growth Board

- iii) legal functions including preparation of funding agreements with regard to the use of any public funds that are allocated to the Growth Board and advice on state aid issues.

5.3 Chargeable and non-chargeable arrangements will be reviewed annually and if/ when the scale of accountable body responsibilities, managed resources or project portfolio resource requirements increase significantly. Where specific, additional work is required then these may be charged where mutually agreed.

6 Scheme of Roles and Responsibilities

6.1 The Growth Board shall:

- i) make all decisions on the allocation of the Housing and Growth Deal (the Deal) grant funding agreed by Government as well as other funding for the purposes of the Housing and Growth Deal;
- ii) prioritise and allocate funding and be accountable for the delivery of projects funded by funding streams for which OCC is to act as accountable body including the Housing and Growth Deal;
- iii) monitor all activities financed by the Growth Board and ensure that all decisions are fully documented and recorded in writing;
- iv) agree robust and transparent assessment criteria against which funding will be allocated;
- v) ensure that projects are approved only after an appraisal has been carried out and that the separation of duties between project appraisal and project approval;
- vi) through agreed project plans, ensure appropriate timescales and operating practices are in place to support effective implementation of decisions made
- vii) following approval, request OCC to effect the payment of funding to the relevant organisations;
- viii) fulfil the client role vis a vis OCC as the accountable body and, in particular, give OCC clear and comprehensive instructions in relation to the performance by OCC of its roles and responsibilities as set out in paragraph 6.2 below;
- ix) Co-operate with and assist OCC acting in its role as accountable body in undertaking the day to day responsibility for financial matters.

6.2 OCC shall:

- i) provide support and assistance to the Growth Board to ensure both legal and financial probity in relation to the receipt and use of specific funding for which it acts as accountable body;
- ii) ensure decisions and activities of the Growth Board conform with legal requirements with regard to transparency, equalities, social value, environment, State Aid and procurement;
- iii) ensure that funds are used appropriately and advise the Growth Board on the procedures necessary to ensure formal compliance with any terms and conditions of funding or grant;
- iv) provide advice on proper and effective governance for overseeing the allocation and spend of the Growth Board funding;
- v) enter into funding agreements on behalf of the Growth Board for agreed funding streams;
- vi) enter into appropriate legal agreements or contracts with the relevant Growth Board member on behalf of the Growth Board once the project is approved by the Growth Board following a successful due diligence process;
- vii) ensure that the funding is passed on to the relevant Growth Board member without delay and in line with the conditions of the funding; where this is to be passed onto a third party it will be for the Growth Board member to action;
- viii) submit the claims to the funding body and prepare and submit relevant

- documents for inspection by Central Government or external auditors as required;
- ix) where the funding stream is working on a claim basis, ensure that the claimed funding is passed on to the relevant Growth Board member delivery partner without delay and in line with the conditions of the funding or loan agreements;
 - x) ensure that the Growth Board performance and financial systems are robust;
 - xi) provide details of all monies expended in accordance with the terms and conditions of funding;
 - xii) monitor approved projects during and after implementation in line with the agreed monitoring framework or as required by the funding body;
 - xiii) inform and keep the Growth Board informed of any grant funding allocations received and the procedures and recommended criteria for distributing the funding based on the funding body's requirements;
 - xiv) assist the Growth Board in identifying other sources of funding or to apply for these where commissioned by the Growth Board;
 - xv) ensure that the Growth Board adheres to its assurance framework in respect of maintaining the official record of Growth Board proceedings and holding copies of all relevant documents relating to funding; and
 - xvi) report and take appropriate action where it has reason to believe that the Growth Board, or anybody acting as its agent, is failing to
 - a) adhere to the terms and conditions of funding requirements or the funding or loan agreements;
 - b) comply with its governance and working arrangements or any statutory requirement;
 - c) provide a suitable standard of probity.

7 Audit

7.1 The Growth Board shall

- i) co-operate with and assist OCC in audit examinations relating to governance arrangements, use of public funds and all operating systems;
- ii) act upon all agreed management actions contained within the OCC's internal audit report;
- iii) report to OCC any financial irregularity or suspected irregularity in the use of any funding.

7.2 OCC shall

- i) maintain proper records, in accordance with its Constitution, of all monies received and disbursed for the Growth Board and make such records available for inspection by both internal and external regulators;
- ii) arrange regular audit examination of the Growth Board's activities with regards to use of public resources and, following each audit, present a report to the Growth Board with recommendations to strengthen their governance and management practices;
- iii) allow funding bodies to have access to all files and records of projects for which it acts as accountable body; and
- iv) supply, as necessary, completed statements of income, expenditure and disbursements to the Growth Board, funding organisations, Central Government and external auditor.

8 Recovery of funds

- 8.1 The conditions where funds will be recovered will be laid out in the initial funding or grant agreement. Where recovery of funds is at risk, the general stage of fund recovery will be as follows:

- i) Stage 1: OCC will send notice containing the reason for concern, outlining the potential fund recovery situation and giving time where appropriate for corrective action;
 - ii) Stage 2: If corrective action is not taken or is deemed insufficient to avoid fund recovery a further notice will be sent by OCC asking for the return of funds with a deadline for the return of the funds. In cases of particular difficulty OCC may accommodate a fund return payment plan of instalments over an agreed period of time. However, this must be agreed in writing and cannot be assumed;
 - iii) Stage 3: If funds are not returned within the set deadline then OCC may then instigate debt recovery procedures which may result in legal action being taken.
- 8.2 OCC will only take the step to recover funds from those Growth Board members it has a direct agreement with. In the case of a third party such as a subcontractor it would be up to the Growth Board member OCC is seeking funds from to determine and take any action they require to recover their losses from any third parties.

8.3 OCC does not wish to undertake stage 3 if at all avoidable but will do so in order to protect the public purse and ensure that public funding is being used appropriately.

9 Data Protection

9.1 The Parties hereto shall comply with their obligations under the EU General Data Protection Regulation EU 2016/679(GDPR) and the Data Protection Act 2018 and any subordinate legislation made under such Act together with any guidance and codes of practice issued by the Information Commissioner or relevant government department in relation to such legislation in the performance of their obligations under this agreement.

10 Publicity and Disclosure in Relation to Meetings

10.1 The Growth Board will operate in accordance with the publicity requirements applicable to a joint committee under Part VA of the Local Government Act 1972. Papers relevant to meetings of the Growth Board will be placed into the public domain in the normal way by the Party with administrative control of that joint committee in compliance with s100A to 100K (and Schedule 12A) of the Local Government Act 1972. In accordance with those provisions confidential information as defined in that Act will not be disclosed. Exempt information as defined in that Act may or may not be disclosed. It is acknowledged that under these provisions information is exempt if the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

11 Requests under Freedom of Information and Environmental Information

11.1 The Growth Board and the Monitoring Officers of the relevant Councils have developed a Protocol for Handling Freedom of Information and Environmental Information requests. This is based on the principle that the Growth Board itself and each member authority is a 'freedom of information authority' in its own right. The agreed Protocol (Annex 1 to the MoU) shall guide how the Board and the member authorities will handle requests relating to the work of the Growth Board.

12 Confidentiality

12.1 Each Party agrees not to unilaterally disclose any information identified by any Council as confidential information or exempt material (under the Local Government Act 1972) information unless required by law without giving notice of at least 14 calendar days to the Council or Councils who provided the confidential/exempt information. No confidential/exempt information will be disclosed without full consideration having been

given to any objection made to its disclosure, unless disclosure is otherwise required by law.

12.2 Neither Party will use or disclose any confidential material provided by the other pursuant to this agreement otherwise than for the performance of their obligations under this agreement, save as may be otherwise agreed or required by law.

12.3 For the avoidance of doubt, confidential information shall not include (a) any information obtained from a third party who is free to divulge such information; (b) any information which is already in the public domain otherwise than as a breach of this agreement; or (c) any information which was rightfully in the possession of a Party prior to the disclosure by the other Party and lawfully acquired from sources other than the other Party.

13 Dispute resolution

13.1 If either Party has any issues, concerns or complaints about any matter in this MoU, they shall notify the other Party and the Parties shall then seek to resolve the issue by a process of consultation. If the issue cannot be resolved within a reasonable period of time, the matter shall be escalated to the Growth Board's Chair (or if the Chair is an OCC appointee, the Vice-chair) and OCC's Section 151 Officer (or if the dispute is between the Growth Board and OCC, one of the district/city council's Section 151 Officer) who shall decide on the appropriate course of action to take.

13.2 If either Party receives any formal inquiry, complaint, claim or threat of action from a third party they shall notify the other Party and co-operate with each other to respond, or take such action, as is appropriate and/or necessary

14 The Contracts (Rights of Third Parties) Act 1999

14.1 The Contracts (Rights of Third Parties) Act 1999 shall not apply to this MoU but this does not affect any rights which are available apart from this Act.

15 Status

15.1 This MoU is not intended to be legally binding, and no legal obligations or legal rights shall arise between the Parties from this MoU. The Parties enter into the MoU intending to honour all their obligations.

16 Governing Law and Jurisdiction

16.1 This MoU shall be governed by and construed in accordance with English law.

This Memorandum of Understanding is agreed and signed by:

Signed for and on behalf
of Oxfordshire County Council by

.....

Signed for and on behalf
of Oxford City Council

.....

Signed for and on behalf
of Cherwell District Council

.....

Signed for and on behalf
of South Oxfordshire District Council

.....

Signed for and on behalf
of Vale of White Horse District Council

.....

Signed for and on behalf
of West Oxfordshire District Council

.....

Annex 1

FOI/EIR PROTOCOL – INFORMATION REQUESTS RELATING TO THE OXFORDSHIRE GROWTH BOARD

This process has been agreed by Oxfordshire's Monitoring Officers and the Growth Board managers. It provides a means of handling Freedom of Information and Environmental Information requests regarding the work of the Growth Board. Each member authority of the Growth Board and the Growth Board's officers themselves may be recipients of information requests.

This outline provides a legally compliant means of dealing with such requests while providing a degree of mutual consultation whilst also ensuring the identity of requesters is not disclosed to other members of the Growth Board. **Each authority will be responsible for responding to requests submitted to it. Authorities should not simply redirect requesters 'to the Growth Board'** but should answer the request on the basis of any information held by the receiving authority in relation to it.

Freedom of Information Teams should adopt the following principles and process:

1. Each of the county's principal councils, and the Growth Board, are **separate FOI authorities** in their own right. Requesters may therefore submit requests from time to time to any or all of the bodies, about the Growth Board partnership's work.
2. Should there be such an FOI or EIR request in relation to the Growth Board's work received by any of the authorities, then the **receiving body's FOI Team will notify each of the other bodies' FOI Teams**: for the purpose of consulting them about how the receiving authority intends to respond.
3. The original receiving body will **consider all representations** (which shall also be made at the earliest opportunity) received in discharging its statutory obligations. The requester's **name will not be disclosed** to the other authorities.
4. In the event of a disclosure of information in response to a request under the Environmental Information Regulations or the Freedom of Information Act, the **disclosing body shall notify all other Councils immediately** and shall provide an explanation of its decision-making process on request.
5. A similar process will then be followed if an Internal Review request is received; or an Information Commissioner referral.
6. This process is on the basis that, while each authority is an FOI authority in its own right, **consultation between authorities** on a proposed response does not breach that principle.

7. If all authorities receive the same request, then each must respond to it at its own relevant level of management. **Achieving a 'consistent' response can not be the primary aim.** While approaches can be discussed, it will be for each authority to 'sign off' its own responses. This will also be important if a request is referred to the Commissioner, who would be likely to ask how each authority addressed the response.
8. It should be borne in mind that **a requester can also ask for the 'metadata'** to any request, which would bring into frame any information shared between authorities in the consideration of a response.

NB The County Council will be acting as FOI advisers to the Growth Board.