

## **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 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, 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 Local Government Act 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 Local Government Act 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.

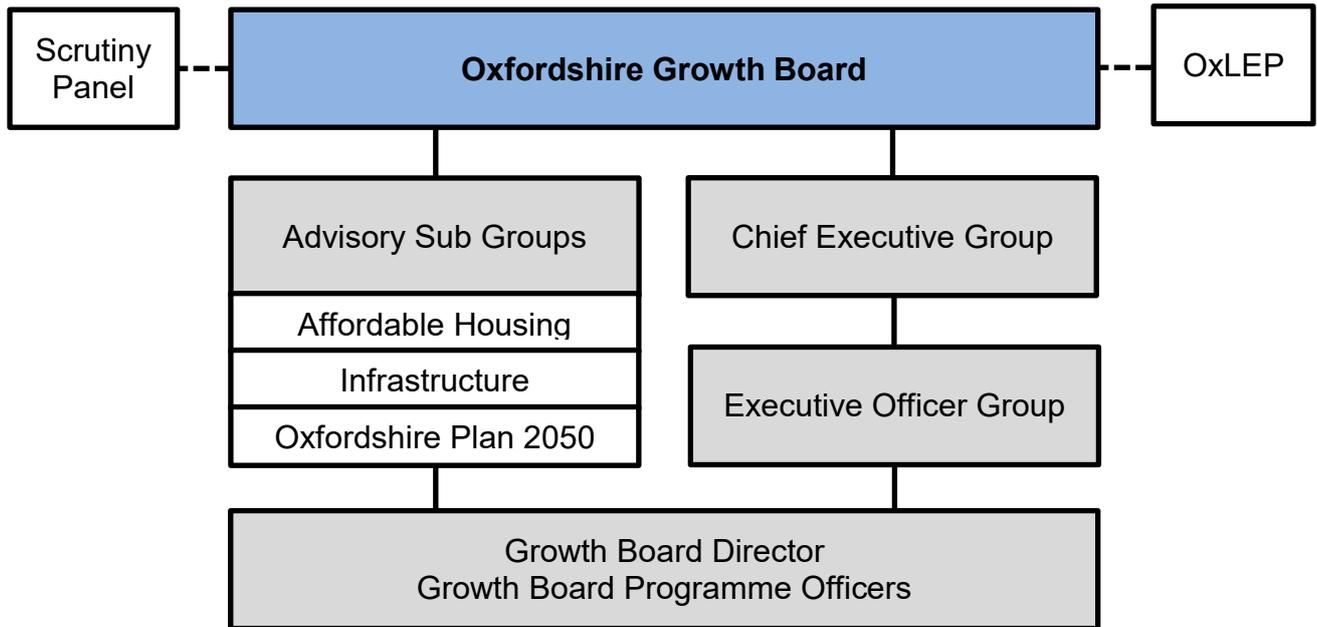
## **14. General principles**

- 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

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## 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.

## **Appendix 3**

### **Oxfordshire Housing and Growth Deal Housing Advisory Sub-Group Terms of Reference**

#### **1. Purpose and Objectives**

- 1.1 The purpose of the Housing Advisory Sub Group is to act in an advisory and consultative capacity to the Growth Board on the Oxfordshire Housing and Growth Deal, and provide strategic oversight in the development and delivery of the Housing from Infrastructure (HFI) and Affordable Housing (OAHP) programme streams.
- 1.2 The Advisory Sub Group will work on the principle of consensus in advising the Growth Board, whilst at the same time each member will act as the individual lead and conduit, both to and from the authority they represent.
- 1.3 The Advisory Sub Group will operate within the remit set by the Growth Board. Their role is to:
  - 1.3.1 Broaden engagement and involvement of the constituent councils in key areas of the Growth Board's work and ownership of each constituent council's part in delivery of Growth Board programmes.
  - 1.3.2 Provide strategic oversight in the development and delivery of the Oxfordshire Housing and Growth Deal programmes and similar future programmes
  - 1.3.3 Provide a councillor forum in which to examine and discuss relevant issues in more detail.
  - 1.3.4 Inform development of the Growth Board's work and of opportunities for new areas of work to progress the Growth Board objectives
  - 1.3.5 To develop areas for joint work across the Growth Board partnership to address key growth challenges and inform policy development
- 1.4 As an advisory body, the Sub Group does not have decision making powers but will advise and make recommendations to the Growth Board on the areas outlined above.

#### **2. Membership and appointments**

- 2.1 The Advisory Sub Group will comprise of at least one executive member from each of the partner authorities which has relevant responsibilities, plus a chair appointed by the Growth Board. The partner authorities are as follows:
  - Cherwell District Council
  - Oxfordshire County Council
  - Oxford City Council
  - South Oxfordshire District Council
  - Vale of White Horse District Council
  - West Oxfordshire District Council
- 2.2 The Chair of the Advisory Sub Group will be drawn from the voting membership of the Growth Board.

- 2.3 Each partner authority shall appoint one executive substitute member for each Advisory Sub-Group, who can substitute for their member as required. The substitute member shall have the same rights as the member for whom the substitution is made.
- 2.4 Co-opted non-voting members may be appointed for specific items or a period of up to a year by the Advisory Sub Groups with the agreement of the voting membership of the Growth Board.
- 2.5 Where the Chair is unable to attend a meeting, but still wishes for it to progress, the Sub Group may elect a Chair for that meeting only.

### **3. Role of the Chair**

- 3.1 The Chair must act in an independent and facilitative capacity to organise the Sub Group's activities in support of the objectives of the Growth Board. At all times, the Chair must use their discretion to act in the interests of Oxfordshire and the Growth Board, and not of their own political group or local authority area.
- 3.2 The Chair will manage meetings in accordance with the Sub Group's terms of reference, and provide leadership and direction to the Sub Group in an open and transparent manner.
- 3.3 The Chair will report directly into the Growth Board on the work of their Sub Group as agreed. In reporting to the Growth Board, the Chair will present the views of their Sub Group, and not necessarily their own views.
- 3.4 The Advisory Sub Group is not a decision making body, and the Chair should aim to reach a consensus on matters under discussion. Where a consensus cannot be reached, the Chair shall present the split views of the sub group to the Growth Board.
- 3.5 The Advisory Sub Group should be mindful of the work of the Growth Board Scrutiny Panel and any other Advisory Sub Groups to avoid any duplication of work. The Sub Group should also be mindful of any work it may require of officers, and the impact this may have on existing priorities.

### **4 Role of Members**

- 4.1 In addition to contributing to the overall role of the Advisory Sub Group, members will be a proactive conduit between the work of the Sub Group and their respective council. This might include, for example, providing regular updates to their own council on the work of the Sub Group.

### **5 Meeting Arrangements**

- 5.1 The Advisory Sub Group will meet in accordance with a schedule of meetings that satisfies the requirements of the relevant programmes of work. The notes of a meeting will be drafted and included in the agenda for the next available Growth Board meeting.
- 5.2 Meetings may be rearranged, cancelled or additional meetings scheduled with the agreement of the Chair of the Advisory Sub Group.

- 5.3 The quorum for a meeting shall be three members. Non-attendance of partner authorities shall not affect the legitimacy of an Advisory Sub Group's conclusions. However, where the effect of a particular consideration would give rise to contractual or financial implications for a partner authority that is not in attendance, or if their views cannot be obtained, then this fact will be reported to the Growth Board.

## **6 Access to information**

- 6.1 It is expected that the Advisory Sub Group will have the right to see the same information as that of the Growth Board when advising on any given issue, in order that an informed view can be made.
- 6.2 The Advisory Sub Group will meet in private and the meetings will not be subject to the provisions of s100 of the Local Government Act (LGA) 1972 as amended by The Local Government (Access to Information) Act 1985. However, the conclusions of the Advisory Sub Group shall be conveyed in public to the Growth Board at each of its meetings, except in circumstances where the matter under consideration contains exempt or confidential information, as set out in the Local Government Act 1972 (as amended).
- 6.3 The Advisory Sub Group's agendas and associated written reports will be circulated to the members of the Advisory Sub Group, and the designated officer of the respective partner authorities, at least three clear working days before the meeting. Non adherence to this principal however will not invalidate a meeting.
- 6.4 The work of the Advisory Sub Group will not be subject to scrutiny by the Joint Scrutiny Panel, although their notes will be available to Scrutiny to comment on as published reports to the Growth Board.

## **7 Work Plan**

- 7.1 The Advisory Sub Group will establish a forward Work Plan of matters to consider, which will be reviewed at each meeting. The development and management of the Work Plan will be led by the Chair, having regard to the requirements of the Growth Board, the advice of the Housing and Growth Deal Programme Board, and the wishes of the Advisory Sub Group.
- 7.2 The Work Plan will set out the matters to be considered, and the date at which they are to be considered. The Advisory Sub Group will have a specific role in:
- a) Considering quarterly progress updates, and monitoring spend against budgets, within the Oxfordshire Housing and Growth Deal housing programmes.
  - b) Considering any additional matters that the Growth Board requires of them
  - c) Acting as a sounding board in the development of Programme Board proposals for the Growth Board
  - d) Providing sound advice to the Growth Board concerning forthcoming decisions and acting in support of the objectives of the Growth Board.

## **8 General principles**

- 8.1 Each partner authority agrees to support the purposes of the Sub Group by ensuring that in their own decision making, they collaborate and cooperate with one another in

an open and accountable manner in the interests of the whole of Oxfordshire, whilst acting in good faith.

- 8.2 The joint management of the Advisory Sub Groups will be conducted in such a way that no authority's capacity to deliver day to day services is disadvantaged more so than another through their commitment to the Advisory Sub Groups.
- 8.3 The normal rules as to declarations of interest will be applied to local authority members in accordance with the respective Council's Code of Conduct.
- 8.4 The Growth Board may amend these Terms of Reference or discontinue the work of the Advisory Sub Group at any time.

# **Oxfordshire Housing and Growth Deal Infrastructure Advisory Sub-Group Terms of Reference**

## **1. Purpose and Objectives**

- 1.1 The purpose of the infrastructure Advisory Sub Group is to act in an advisory and consultative capacity to the Growth Board on the Oxfordshire Housing and Growth Deal, and provide strategic oversight in the development and delivery of the infrastructure programme.
- 1.2 The Advisory Sub Group will work on the principle of consensus in advising the Growth Board, whilst at the same time each member will act as the individual lead and conduit, both to and from the authority they represent.
- 1.3 The Advisory Sub Group will operate within the remit set by the Growth Board. Their role is to:
  - 1.3.1 Broaden engagement and involvement of the constituent councils in key areas of the Growth Board's work and ownership of each constituent council's part in delivery of Growth Board programmes.
  - 1.3.2 Provide strategic oversight in the development and delivery of the Oxfordshire Housing and Growth Deal programmes and similar future programmes
  - 1.3.3 Provide a councillor forum in which to examine and discuss relevant issues in more detail.
  - 1.3.4 Inform development of the Growth Board's work and of opportunities for new areas of work to progress the Growth Board objectives
  - 1.3.5 To develop areas for joint work across the Growth Board partnership to address key growth challenges and inform policy development
- 1.4 As an advisory body, the Sub Group does not have decision making powers but will advise and make recommendations to the Growth Board on the areas outlined above.

## **2. Membership and appointments**

- 2.1 The Advisory Sub Group will comprise of at least one executive member from each of the partner authorities which has relevant responsibilities, plus a chair appointed by the Growth Board. The partner authorities are as follows:
  - Cherwell District Council
  - Oxfordshire County Council
  - Oxford City Council
  - South Oxfordshire District Council
  - Vale of White Horse District Council
  - West Oxfordshire District Council

- 2.2 The Chair of the Advisory Sub Group will be drawn from the voting membership of the Growth Board.
- 2.3 Each partner authority shall appoint one executive substitute member for each Advisory Sub-Group, who can substitute for their member as required. The substitute member shall have the same rights as the member for whom the substitution is made.
- 2.4 Co-opted non-voting members may be appointed for specific items or a period of up to a year by the Advisory Sub Groups with the agreement of the voting membership of the Growth Board.
- 2.5 Where the Chair is unable to attend a meeting, but still wishes for it to progress, the Sub Group may elect a Chair for that meeting only.

### **3. Role of the Chair**

- 3.1 The Chair must act in an independent and facilitative capacity to organise the Sub Group's activities in support of the objectives of the Growth Board. At all times, the Chair must use their discretion to act in the interests of Oxfordshire and the Growth Board, and not of their own political group or local authority area.
- 3.2 The Chair will manage meetings in accordance with the Sub Group's terms of reference, and provide leadership and direction to the Sub Group in an open and transparent manner.
- 3.3 The Chair will report directly into the Growth Board on the work of their Sub Group as agreed. In reporting to the Growth Board, the Chair will present the views of their Sub Group, and not necessarily their own views.
- 3.4 The Advisory Sub Group is not a decision making body, and the Chair should aim to reach a consensus on matters under discussion. Where a consensus cannot be reached, the Chair shall present the split views of the Sub Group to the Growth Board.
- 3.5 The Advisory Sub Group should be mindful of the work of the Growth Board Scrutiny Panel and any other Advisory Sub Groups to avoid any duplication of work. The Sub Group should also be mindful of any work it may require of officers, and the impact this may have on existing priorities.

### **4 Role of Members**

- 4.1 In addition to contributing to the overall role of the Advisory Sub Group, members will be a proactive conduit between the work of the Sub Group and their respective council. This might include, for example, providing regular updates to their own council on the work of the Sub Group.

### **5 Meeting Arrangements**

- 5.1 The Advisory Sub Group will meet in accordance with a schedule of meetings that satisfies the requirements of the relevant programmes of work. The notes of a

meeting will be drafted and included in the agenda for the next available Growth Board meeting.

- 5.2 Meetings may be rearranged, cancelled or additional meetings scheduled with the agreement of the Chair of the Advisory Sub Group.
- 5.3 The quorum for a meeting shall be three members. Non-attendance of partner authorities shall not affect the legitimacy of an Advisory Sub Group's conclusions. However, where the effect of a particular consideration would give rise to contractual or financial implications for a partner authority that is not in attendance, or if their views cannot be obtained, then this fact will be reported to the Growth Board.

## **6 Access to information**

- 6.1 It is expected that the Advisory Sub Group will have the right to see the same information as that of the Growth Board when advising on any given issue, in order that an informed view can be made.
- 6.2 The Advisory Sub Group will meet in private and the meetings will not be subject to the provisions of s100 of the Local Government Act (LGA) 1972 as amended by The Local Government (Access to Information) Act 1985. However, the conclusions of the Advisory Sub Group shall be conveyed in public to the Growth Board at each of its meetings, except in circumstances where the matter under consideration contains exempt or confidential information, as set out in the Local Government Act 1972 (as amended).
- 6.3 The Advisory Sub Group's agendas and associated written reports will be circulated to the members of the Advisory Sub Group, and the designated officer of the respective partner authorities, at least three clear working days before the meeting. Nonadherence to this principal however will not invalidate a meeting.
- 6.4 The work of the Advisory Sub Group will not be subject to scrutiny by the Joint Scrutiny Panel, although their notes will be available to Scrutiny to comment on as published reports to the Growth Board.

## **7 Work Plan**

- 7.1 The Advisory Sub Group will establish a forward Work Plan of matters to consider, which will be reviewed at each meeting. The development and management of the Work Plan will be led by the Chair, having regard to the requirements of the Growth Board, the advice of the Housing and Growth Deal Programme Board, and the wishes of the Advisory Sub Group.
- 7.2 The Work Plan will set out the matters to be considered, and the date at which they are to be considered. The Advisory Sub Group will have a specific role in:
  - a) Considering quarterly progress updates, and monitoring spend against budgets, within the Oxfordshire Housing and Growth Deal housing and infrastructure programmes respectively
  - b) Considering any additional matters that the Growth Board requires of them
  - c) Acting as a sounding board in the development of Programme Board proposals for the Growth Board

- d) Acting as the member steering group for the Oxfordshire Infrastructure Strategy (OxIS).
- e) Providing sound advice to the Growth Board concerning forthcoming decisions and acting in support of the objectives of the Growth Board.

## **8 General principles**

- 8.1 Each partner authority agrees to support the purposes of the Sub Group by ensuring that in their own decision making, they collaborate and cooperate with one another in an open and accountable manner in the interests of the whole of Oxfordshire, whilst acting in good faith.
- 8.2 The joint management of the Advisory Sub Groups will be conducted in such a way that no authority's capacity to deliver day to day services is disadvantaged more so than another through their commitment to the Advisory Sub Groups.
- 8.3 The normal rules as to declarations of interest will be applied to local authority members in accordance with the respective Council's Code of Conduct.
- 8.4 The Growth Board may amend these Terms of Reference or discontinue the work of the Advisory Sub Group at any time.

## **Oxfordshire Plan 2050 (Joint Statutory Spatial Plan) Advisory Sub Group Terms of Reference**

### **1. Purpose and Objectives**

- 1.1 The purpose of the Oxfordshire Plan Advisory Sub Group is to act in an advisory and consultative capacity to the Growth Board on matters concerning the Oxfordshire Plan 2050.
- 1.2 The Advisory Sub Group will provide strategic oversight of the delivery of the Plan, as well as any other matters of county wide work relating to the work of the Growth Board, as required by the Board.
- 1.3 The work of the Advisory Sub Group will fall under Section 28 of the Planning and Compulsory Purchase Act (2004) which provides the means for more than one Local Planning Authority to jointly produce a Local Development Document (the Oxfordshire Plan 2050).
- 1.4 The Advisory Sub Group will work on the principle of consensus in advising Local Planning Authorities and the Growth Board, whilst at the same time each member will act as the individual lead and conduit for the authority they represent.
- 1.5 The Advisory Sub Group will operate within the remit set by the Growth Board. Their role is to:
  - 1.5.1 Broaden engagement and involvement of the constituent councils in the Oxfordshire Plan work programme and ownership of each constituent council's part in the delivery of the Plan's work programme.
  - 1.5.2 Provide strategic oversight in the development and delivery of the Oxfordshire Plan programme and related areas of work.
  - 1.5.3 Provide a councillor forum in which to examine and discuss relevant issues in more detail.
  - 1.5.4 Inform development of the Growth Board's work and of opportunities for new areas of work to progress the Growth Board objectives.
  - 1.5.5 To develop areas for joint work across the Growth Board partnership to address key planning challenges and inform policy development.
- 1.6 As an advisory body, the Sub Group does not have decision making powers but will advise and make recommendations to the Growth Board on the areas outlined above.

### **2. Membership and appointments**

- 2.1 The Advisory Sub Group will comprise of at least one executive member from each of the partner authorities which has relevant responsibilities, plus a chair appointed by the Growth Board. The partner authorities are as follows:

- Cherwell District Council
- Oxford City Council
- South Oxfordshire District Council
- Vale of White Horse District Council
- West Oxfordshire District Council

- 2.2 Oxfordshire County Council is a central partner in the work of the Growth Board and has a specific role on the Advisory Sub Group. An elected councillor of Oxfordshire County Council will sit on the Advisory Sub Group as an observer. This reflects the importance of county functions in developing the Oxfordshire Plan but acknowledges that the County Council will not have a formal decision-making role in developing the Oxfordshire Plan.
- 2.3 The Chair of the Advisory Sub Group will be drawn from the voting membership of the Growth Board.
- 2.4 Each partner authority shall appoint one executive substitute member for each Advisory Sub-Group, who can substitute for their member as required. The substitute member shall have the same rights as the member for whom the substitution is made.
- 2.5 Representatives of the Statutory Agencies and other relevant bodies will be invited to participate in meetings as the agenda requires.
- 2.6 Co-opted non-voting members may be appointed for specific items or a period of up to a year by the Advisory Sub Groups with the agreement of the voting membership of the Growth Board.
- 2.7 Where the Chair is unable to attend a meeting, but still wishes for it to progress, the Sub Group may elect a Chair for that meeting only.

### **3. Role of the Chair**

- 3.1 The Chair must act in an independent and facilitative capacity to organise the sub group's activities in support of the objectives of the Growth Board. At all times, the Chair must use their discretion to act in the interests of Oxfordshire and the Growth Board, and not of their own political group or local authority area.
- 3.2 The Chair will manage meetings in accordance with the Sub Group's terms of reference, and provide leadership and direction to the Sub Group in an open and transparent manner.
- 3.3 The Chair will report directly into the Growth Board on the work of their Sub Group as agreed. In reporting to the Growth Board, the Chair will present the views of their Sub Group, and not necessarily their own views.
- 3.4 Advisory Sub Groups are not decision making body, and the Chair should aim to reach a consensus agreement on matters under discussion. Where a consensus cannot be reached, the Chair shall present the split views of the sub group to the Growth Board.

- 3.5 The Advisory Sub Group should be mindful of the work of the Growth Board Scrutiny Panel and any other Advisory Sub Groups to avoid any duplication of work. The Sub Group should also be mindful of any work it may require of officers, and the impact this may have on existing priorities.

#### **4 Role of Members**

- 4.1 In addition to contributing to the overall role of the Advisory Sub Group, members will be a proactive conduit between the work of the Sub Group and their respective council. This might include, for example, providing regular updates to their own council on the work of the Sub Group.

#### **5. Links with the Officer Project Board – Section 28 role**

- 5.1 The Oxfordshire Housing and Growth Deal commits to the establishment of a Oxfordshire Plan Project Board (formerly JSSP Project Board) to take forward the project under Section 28 of the Planning and Compulsory Purchase Act (2004). The Officer Project Board will act as the Joint Oxfordshire Plan Project Board as agreed in the Oxfordshire Housing and Growth Deal. In carrying out this role, the Project Board will take into account the advice and guidance provided by the Advisory Sub Group.
- 5.2 The Project Board is constituted of the relevant Heads of Service of the District Councils, including the Oxfordshire Plan Project Sponsor, the Growth Deal Work Stream Lead, and representatives of; Oxfordshire County Council, Oxfordshire Local Enterprise Partnership, the Ministry of Housing, Communities and Local Government, Homes England and other relevant bodies.

#### **6. Meeting Arrangements**

- 6.1 The Advisory Sub Group will meet in accordance with a schedule of meetings that satisfies the requirements of the Oxfordshire Plan work programme. The notes of meetings will be drafted and included in the agenda for the next available Growth Board meeting.
- 6.2 Meetings may be rearranged, cancelled or additional meetings scheduled with the agreement of the Chair.
- 6.3 The quorum for a meeting shall be three members. Non-attendance of partner authorities shall not affect the legitimacy of the Advisory Sub Group's conclusions. However, where the effect of a particular consideration would give rise to contractual or financial implications for a partner authority that is not in attendance, then the Advisory Sub Group's deliberations must consider the views of that authority before they are considered by the Growth Board.

#### **7. Access to information**

- 7.1 It is expected that the Advisory Sub Group will have the right to see the same information as that of the Growth Board when advising on any given issue, in order that an informed view can be made.

- 7.2 The Advisory Sub Group will meet in private. However, the conclusions of the Advisory Sub Group shall be conveyed in public to the Growth Board at each of its meetings, except in circumstances where the matter under consideration contains exempt or confidential information, as set out in the Local Government Act 1972 (as amended).
- 7.3 The Advisory Sub Group agendas and associated reports will be circulated to the members of the Advisory Sub Group, and the designated officer of the respective partner authorities, at least three clear working days before the meeting. Nonadherence to this principal however will not invalidate a meeting.
- 7.4 The work of the Advisory Sub Group will not be subject to scrutiny by the Joint Scrutiny Panel, although its reports to the Growth Board will be available to Scrutiny to comment on as published reports to the Growth Board.

## **8. Work Plan**

- 8.1 The Advisory Sub Group will establish a forward Work Plan of matters to consider, which will be reviewed at each meeting. The development and management of the Work Plan will be led by the Chair, having regard to the requirements of the Growth Board, the advice of the Programme Lead, and the wishes of the Advisory Sub Group.
- 8.2 The Work Plan will set out the matters to be considered, and the date at which they are to be considered. The Advisory Sub Group will have a specific responsibility to:
- a) Monitor the progress of the Oxfordshire Plan 2050 project
  - b) Provide input into the production of the Oxfordshire Plan including the documents produced for any statutory consultations undertaken.
  - c) Act as a sounding board in the development of Programme Lead proposals for the Growth Board.
  - d) Provide a link between the Oxfordshire Plan Project Team and the wider membership of the partner authorities.
  - e) Consider any additional matters that the Growth Board requires of them.
  - f) Providing sound advice to the Growth Board concerning forthcoming decisions, and acting in support of the objectives of the Growth Board.

## **9. General principles**

- 8.1 Each partner authority agrees to support the purposes of the Advisory Sub Group by ensuring that in their decision making, they collaborate and cooperate with one another in an open and accountable manner in the interests of the whole of Oxfordshire, whilst acting in good faith and adhering to the relevant statutory requirements.
- 8.2 The joint management of the Advisory Sub Group will be conducted in such a way that no authority's capacity to deliver day to day services is disadvantaged more so than another through their commitment to the Advisory Sub Group.
- 8.3 The normal rules as to declarations of interest will be applied to local authority members in accordance with the respective Council's Code of Conduct.

8.4 The Growth Board may amend these Terms of Reference or discontinue the work of the Advisory Sub Group at any time.

## **Appendix 4**

# **Oxfordshire Growth Board Executive Officer Group Terms of Reference 2020**

### **The Purpose of the Group**

1. To provide officer support and advice for the Oxfordshire Growth Board (“the Joint Committee”) on the range of functions that it covers.
2. To facilitate and enable cooperation and collaboration between local authorities and other relevant agencies on strategic planning, infrastructure and economic development, taking account of the Joint Committee’s specific priorities.
3. To deliver and monitor the implementation of cross-boundary programmes of work as agreed by the Joint Committee, including agreeing the detailed contents of specific plans and programmes.
4. To sign off written reports for the Joint Committee and make recommendations as required, including recommending an annual and forward programme of work.
5. To provide oversight and scrutiny of the Joint Committee’s agreed programmes and budgets at quarterly intervals.
6. To act as the lead operational group for supporting the Joint Committee’s role within the Oxford to Cambridge Arc.
7. To bid for the allocation of resources to support the above purposes.

### **Membership**

8. The membership of the Executive Officer Group will be made up of:
  - The Growth Board Director
  - One nominated senior officer from each Local Authority member of the Growth Board
  - The nominated lead officer for each of the Growth Board’s main programmes e.g. Heathy Place Shaping Lead
  - Oxfordshire Local Enterprise Partnership representative
  - DEFRA representative
  - Oxfordshire environment bodies representative
  - Oxfordshire health bodies representative
  - Government Arc Team representative
  - Homes England representative
9. Additional representatives from constituent bodies or other agencies can be invited to attend for specific items where relevant, and substitutes may be permitted.

10. The Chair will be the Growth Board Director reporting to the Local Authority Chief Executive's Group.
11. Meetings shall be held monthly in support of the Joint Committee's quarterly meeting cycle to ensure timely clearance of reports. Meetings may also be called as and when required to ensure that critical timescales are met.
12. Each meeting will have a formal agenda and minutes produced.

### **Role of Members**

13. To act as lead liaison for their organisation in respect of the Joint Committee's work, including for local authority members to ensure that their respective Chief Executive, Leader and Communication Lead is briefed on relevant developments and outcomes.
14. To contribute to the agenda setting process for the Executive Officer Group and the Joint Committee.
15. Where significant programmes of work are agreed, to act as their organisations representatives on any necessary oversight Programme Board.

### **Programme Management**

16. The Executive Officer Group will lead in the operational management of any programmes as required by the Growth Board. This includes meeting as a specific Programme Board where the agreed governance of that programme requires it.
17. Membership of the Executive Officer Group may be varied only in circumstances where it is required to sit as a sub-group for the purposes of specific programme management functions.
18. The membership of the Housing and Growth Deal Programme Board will be limited to the Local Authority membership of the Executive Officer Group in addition to Oxfordshire County Council's Director of Finance and representative from OxLEP. External attendees may be invited as required by the Programme Board.

### **Protocol of Working**

19. The members of the Executive Officer Group agree to support the Oxfordshire Growth Board by ensuring that in their discussion and 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
  - Respect each other's views
20. Meetings are not open to the public and are by invitation only except where substitutes have been arranged on behalf of members.

21. Meetings will take place on a monthly basis, though this may be varied at the discretion of the Chair as required. Where feasible and effective to do so, these meetings will be held virtually otherwise in a central location easily accessible by public transport.

## **Appendix 5**

### **Oxfordshire Growth Board Public Participation Protocol**

**May 2020**

#### **Introduction**

1. Members of the public may ask questions of, or make addresses to, the Growth Board at its meetings, subject to the restrictions in this protocol. There shall be a specific item on each agenda for public speaking to take place.
2. Questions and addresses must be directly relevant to the Growth Board's functions and must relate to a substantive agenda item for that meeting.
3. This protocol will also apply to Growth Board Scrutiny Panel meetings until such a time that the Panel establishes separate arrangements.
4. Up to 30 minutes of each meeting will be designated for public speaking.

#### **Questions and Addresses**

5. Any member of the public wishing to ask a question or make a statement may do so at a meeting of the Growth Board, and must give notice of the question or statement in writing or by email to the Chief Executive or the Secretariat of the host authority, at least three clear days before the meeting (i.e. not counting the day of the meeting or the day of receipt).
6. Such questions and statements shall be for up to three minutes each, but this time may be varied at the Chair's discretion depending on the number of speakers in attendance and having regard to the total time allocated to public speaking.
7. The Chair will direct questions to the most relevant person on the Board to answer submitted questions, which may include supporting officers in attendance where the matter is of a technical nature.
8. The speaker may read their question or statement, but the Chair will do so if the questioner wishes for that or is not present at the meeting.
9. A supplementary question may be asked if, in the Chair's judgement, this can be managed within the time allocated to public speaking.
10. The answer given may take the form of an oral statement or may be given subsequently in writing to the questioner and published online. It is intended any written response will be given within ten clear working days of the meeting. Any oral response will be summarised as part of the minutes of that meeting.
11. The Chief Executive of the host authority may, in consultation with the Chair of the Growth Board, refuse to accept a submitted question or address if they consider it to be offensive, defamatory, frivolous, vexatious, or is not directly relevant to the remit of the Growth Board.

12. There will not normally be any discussion on representations made except to the extent that they are considered when the relevant agenda item is considered later in the meeting.
13. A written summary of public addresses and questions will be provided in the minutes of the meeting.

### **Restrictions**

14. Submitted questions shall be dealt with in the order of receipt by the host authority, except where matters on the same subject can be grouped together.
15. The Chair may vary the provisions of this scheme for a meeting, on taking advice, should they believe that to be appropriate.