

Harlow and Gilston Garden Town Joint Committee Proposal



Report to:	Cabinet
Date:	7 September 2023
Portfolio Holder:	Councillor Michael Hardware, Portfolio Holder for Economic Development
Lead Officer:	Pauline Elliott, Interim Head of Planning and Building Control (01279) 446595
Contributing Officer:	Paul MacBride, Forward Planning Manager (01279) 446258
Key Decision:	Yes
Forward Plan:	Forward Plan number I013962
Call In:	This item is subject to call in procedures
Corporate Priorities:	Restore Pride in Harlow Rebuild our Town Secure Investment into Harlow.
Wards Affected:	All Wards

Recommended that Cabinet recommends to Full Council that:

- A** The proposal for the establishment of a Joint Committee (JC) in respect of matters pertaining to the Harlow and Gilston Garden Town be supported.
- B** Subject to all authorities approving the agreement, the arrangements set out in the Inter Authority Agreement at Appendix 1 to this report be endorsed and agreed.
- C** The Monitoring Officer be asked to make consequential amendments to the Council's constitution to facilitate the establishment of the committee on the Terms of Reference set out in Schedule 10 of the Agreement once all constituent Council's have confirmed their approval of the agreement.

- D** Delegates to the Chief Executive, in consultation with the Leader and the Portfolio Holder for Economic Development, to make any to make any necessary, non-consequential and minor amendments and refer to the HGGT Chair and Director.

Reason for decision

- A** In order to provide consistent and transparent arrangements for the consideration of HGGT matters, to secure the delivery of the HGGT and to secure the wider regeneration of Harlow.
- B** To ensure that appropriate legal protocols are in place.
- C** To ensure that the views of Harlow District Council are given appropriate consideration.

Other Options

- A** The option not to establish a formal governance and partnership framework for the Harlow and Gilston Garden Town (HGGT) was considered. However, this would undermine Harlow Council's, and the other partner authority's ability to develop a joint approach to facilitate the development of the HGGT in a co-ordinated and transparent manner. As the delivery phase of the partnership begins, a number of overarching risks around financial administration, corporate management and inability or delay in delivery of key infrastructure to enable the planned growth are becoming more evident. The lack of a formal governance structure creates risk for all partners.

Background

1. At the Harlow & Gilston Garden Town Board of the 17 July 2023 a report was considered that set out the future governance and partnership framework for the Harlow and Gilston Garden Town (HGGT). This partnership consists of East Hertfordshire, Epping Forest and Harlow District Councils, together with Essex and Hertfordshire County Councils. This report recommended that a Joint Committee (JC) be established to deliver locally led leadership, provide programme oversight and to formalise audit functions and risk-sharing equally between all partners, whilst ensuring all decisions are democratically accountable and transparent.
2. This follows agreement by Leaders & Lead Members at the HGGT Board meeting in June 2021 that the current board model of informal, duty to cooperate led collective decision-making in cross boundary HGGT matters, needed to evolve to be fit-for-purpose as the HGGT project moved from policy and plan making to project delivery.
3. At the meeting of the 17 July Board members endorsed the proposal to establish a Joint Committee, and the matter has now been referred to the governing bodies of the respective

partner authorities for ratification. It is intended, however, that the JC forms in shadow from December 2023 with the first formal meeting convening in March 2024.

4. It is pointed out, however, that establishment of a JC does not include decision-making related to either Planning Authority development management determinations or to statutory Highway Authority functions, which will remain with these authorities.
5. An all-Member briefing on this proposal has been put in place for Wednesday 6 September 2023.

Proposals

6. The future governance and partnership framework for the HGGT including the establishment of a Joint Committee (JC) is supported by the following documents:
 - a) Appendix A - Inter Authority Agreement for the Harlow and Gilston Garden Town
7. The Terms of Reference for the Committee including the extent of its delegated functions and its constitutional arrangements are, therefore, set out in more detail in the Inter Authority Agreement for the Harlow and Gilston Garden Town. This has been derived following extensive and detailed consultation with partners and the consensus arrived at by members and officers over the last 24 months. The process has been led by Leaders and Lead members alongside the Chief Executives and Senior Directors of the partner authorities and has included the S151 and Monitoring officers.
8. As part of the process the following matters were considered:

Constitutional and Operational

- Membership
- Voting Arrangements
- Exit Arrangements
- Funding & Budget setting
- Staff/Resourcing
- Programme Management
- Scrutiny and Call-In

Delegations

- Transport/Sustainable Movement
- Planning Policy
- Housing
- Town Centre Regeneration
- Green Infrastructure
- Stewardship

- Economic Growth
 - Independent Quality Review
9. Following consideration and approval of the full details of the proposals at the HGGT Board meeting of the 17 July 2023, the matter has now been referred to the appropriate governance bodies of the five partner authorities for endorsement and adoption by the end of the 2023 calendar year. At the Board meeting, Members considered the steps taken in the development of a joint approach and the benefits that would accrue, together with the Terms of Reference of the JC which are endorsed in the Inter Authority Agreement (IAA). It was noted that as each partner goes through due process in respect of constitutional adoption, if any subsequent revisions are proposed to the IAA, then those revisions would be referred to the Chair and Director of the Garden Town for agreement following consultation with the 5-partner authority HGGT Board members.
 10. It is considered that the establishment of a cross boundary Joint Committee (JC) for the HGGT will help deliver locally led leadership and coordination of the project to provide programme oversight and to formalise effective audit functions and risk-sharing equally between all the partners, whilst at the same time ensuring all decisions are democratically accountable and transparent. These arrangements will not, however, extend to decision-making related to either Planning Authority development management determinations or to statutory Highway Authority functions, which will remain with the respective district and county councils.
 11. It is recommended, therefore, for the reasons outlined above, that Inter Authority Agreement and supporting paper are referred to Council for full endorsement and inclusion within the constitution of the Council.

Implications

Equalities and Diversity

An Equality Impact Assessment has been completed and is attached as Appendix B to the report.

Climate Change

The establishment of a Joint Committee for the Harlow and Gilston Garden Town will provide a co-ordinated framework that, through locally led leadership, will consider the need to address and mitigate against climate change.

Finance

The establishment of a Joint Committee (JC) in respect of matters pertaining to the Harlow and Gilston Garden Town, and the arrangements set out in the Inter Authority agreement will be funded from existing budgets, if required.

Author: Simon Freeman, Deputy Chief Executive and Director of Finance

Governance and Corporate Services

Arrangements for Joint Committees are permitted under the Local Government Act of 1974 and other legislation. Enabling provisions were inserted into the Council's constitution earlier in the year. Further insertions will be required to resolve the position, and this can be undertaken on the request of Council.

Author: Simon Hill, Director of Governance and Corporate Services

Strategic Growth and Regeneration

The delivery of the Harlow and Gilston Garden Town will be one of the country's largest growth projects extending over more than 20 years. The programme is now moving into a delivery phase with planning applications now determined for the Gilston developments and the associated infrastructure. It is important that a formalised and transparent governance process is in place to over the developments and also to manage the operation of the Rolling Infrastructure Fund.

Author: Andrew Bramidge, Chief Executive

Appendices

Appendix A - Inter Authority Agreement for the Harlow and Gilston Garden Town

Appendix B – Equalities Impact Assessment

Background Papers

None.

Glossary of terms/abbreviations used

HGGT – Harlow and Gilston Garden Town

IAA – Inter Authority Agreement

JC – Joint Committee