

# **Report to the Cabinet**

**Report reference: C-027-2023/24**

**Date of meeting: 13 November 2023**



**Portfolio: Planning & Sustainability – Cllr. Bedford**

**Subject: Approval of the establishment of a constituted Joint Committee for the Harlow and Gilston Garden Town**

**Responsible Officer: Nigel Richardson (01992 564 110).**

**Democratic Services: Vivienne Messenger (01992 564243).**

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## **Recommendations/Decisions Required:**

- (1) To agree to the establishment of a Joint Committee (JC) in respect of matters pertaining to the Harlow and Gilston Garden Town.**
- (2) That subject to all authorities approving the agreement, the arrangements set out in the Inter Authority Agreement at Appendix A to this report be endorsed and agreed.**
- (3) To delegate to the Chief Executive, in consultation with the Leader and the Portfolio Holder for Economic Development, to make any necessary, non-consequential and minor amendments and refer to the HGGT Chair and Director.**

## **Executive Summary:**

The Harlow and Gilston Garden Town aims to coordinate and enable delivery of 16,000 homes by 2033, with another 7,000 planned beyond this. To bring these homes forward the Garden Town will require over £1.7 bn of infrastructure investment into transport, education, healthcare, emergency services, community facilities, open space, sports and leisure, utilities and flood defences. 3,900 of these homes are allocated within Epping Forest District, making up over a third of the District's allocated housing to be built to the TCPA's Garden City Principles.

The growth will cross the boundaries of the five council Partners (which comprise East Hertfordshire, Epping Forest and Harlow District Councils, and Essex and Hertfordshire County Councils) and the Garden Town initiative was originally established under the 'Duty to Cooperate' arrangements to reach common agreement between those partners.

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.

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.

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 five 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.

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.

### **Reasons for Proposed Decision:**

- 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.
- To ensure that appropriate legal protocols are in place.
- To ensure that the views of Epping Forest District Council are given appropriate consideration.

### **Other Options for Action:**

- 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 Epping Forest District 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.

## **Report**

### **Introduction**

1. This report sets out the future governance and partnership framework for the Harlow and Gilston Garden Town (HGGT) 5 Council partnership and recommends that a constituted HGGT Joint Committee (JC) is established. Also attached are the Terms of Reference for the Committee including the extent of its delegated functions and its constitutional arrangements.
2. The future governance and partnership framework for the HGGT including the establishment of a Joint Committee (JC) is supported by the following documents:
  - Appendix A: Inter Authority Agreement for the Harlow and Gilston Garden Town
3. 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, including reporting progress to EFDC Cabinet on 07 February 2022. 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.

4. 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

5. 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.
6. 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.
7. It is recommended, for the reasons outlined above, that EFDC Cabinet endorses the proposal for the establishment of the JC, with the inclusion of the Inter Authority Agreement.
8. Subject to agreement by each of the partner authorities, it is proposed that the Board moves into 'shadow' JC arrangements from the end of the 2023 calendar year to assist the partner authorities in enabling the working arrangements and supporting members prepare for full implementation of the JC.
9. It is anticipated that each partner authority will have concluded the necessary formal adoptions to agree the implementation of the JC by the end of the 2023 calendar year and that the first formal HGGT Joint Committee would be scheduled to be held in March 2024.

**Resource Implications:**

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.

**Legal and Governance Implications:**

Arrangements for Joint Committees are permitted under the Local Government Act of 1974 and other legislation.

**Safer, Cleaner and Greener Implications:**

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, and ensure high quality and safer placeshaping and development.

**Consultation Undertaken:**

This Inter Authority Agreement has been derived following extensive and detailed consultation with partners and the consensus arrived at by members and officers over the last 24 months, including reporting progress to EFDC Cabinet on 07 February 2022. 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.

**Background Papers:**

C-042-2021/22 07 February 2022 Cabinet Report: Harlow and Gilston Garden Town – Future Leadership & Governance

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

**Risk Management:**

As the delivery phase of the Harlow and Gilston Garden Town 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.

**Equality:**

An Equality Impact Assessment was carried out and there was no significant impact.

**Appendices**

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