



REPORT OF: HOUSING, HEALTH AND ENGINEERING SERVICES
MANAGER

TO: POLICY & RESOURCES COMMITTEE

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NELSON TOWN DEAL GOVERNANCE

PURPOSE OF REPORT

To seek approval to the governance arrangement for Nelson Town Deal

RECOMMENDATIONS

1. To agree to the establishment of a Town Deal Board
2. To agree the revised governance arrangements for developing strategies and funding proposals for Nelson
3. To confirm that the Pendle Council Elected Members who are on the current Nelson Town Centre Advisory Group are the Council's representatives on the Town Deal Board
4. To agree the draft Terms of Reference of the Town Deal Board, which will be subject to agreement by the Board
5. To agree that Pendle Council are the Accountable Body for the Towns Fund and provide secretariat support to the Town Deal Board
6. To give delegated authority to the Chief Executive, in consultation with the Leader of the Council, to agree the final membership of the Board

REASONS FOR RECOMMENDATIONS

1. To meet the requirements of the Towns Fund Prospectus
2. To provide clear decision making

ISSUE

Background

1. It was reported to the Committee on 21st November that Nelson was one of 100 towns being invited to develop proposals for new multi-million pound 'Town Deals'.
2. The Towns Fund prospectus sets out that it is expected that initial plans for Town Deals will be led by a 'Lead Council' who will be required to establish a Town Deal Board which will develop a Town Investment Plan. It is expected that in two tier areas it will be the District or Borough Council who will be the Lead Council. Town Deal Boards need to be convened by 31st January 2020.
3. The establishment of a Town Deal Board will mean that the existing governance arrangements, which have been set in place for the development of the masterplan, will need to be revised.

Role of Lead Council

4. The Towns Fund prospectus sets out the role of the Lead Council, which for Nelson will be Pendle Council, as follows:
 - Convene the Town Deal Board
 - Publish the Board's governance structure and how it will work
 - Set out how the capacity building funding will be spent

Establishing a Town Deal Board

5. It is a requirement of the Government that Town Deal Boards include the following:
 - Other tiers of Local Government - *in Pendle's case this would be Lancashire County Council and Nelson Town Council*
 - Members of Parliament
 - Local businesses and investors (both large employers and SMEs)
 - Local Enterprise Partnerships (LEPs)
 - Communities
6. The following should be included either in the governance structure or as part of the engagement activity:
 - Business Improvement Districts where they exist – *Not relevant for Nelson at this stage*
 - Jobcentre Plus
 - Anchor Institutions e.g. wider business community, colleges, schools, hospitals, cultural institutions, housing sector

- Arms-length bodies and other non-departmental government agencies e.g. Homes England
 - Other private investors and developers
7. The Board should appoint a Chair. Where appropriate it is expected that the Chair should be from the private sector.
8. The Role of the Board is to:
- Develop and agree an evidence based Town Investment Plan
 - Develop a clear programme of interventions
 - Coordinate resources and influence stakeholders

The Board would be supported by Pendle Council Officers.

9. There is currently an Advisory Group in place to oversee the development of the Nelson masterplan. This was established before the announcement of the Towns Fund. The majority of organisations on the Advisory Group would also be members of a Town Deal Board. Therefore, in order to avoid duplication, and to ensure that the work on the Town Investment Plan and masterplan are complementary, it is proposed to disband the Advisory Group and expand the remit of the Town Deal Board. Any current members of the Advisory Group who are not on the Town Deal Board would still be involved through stakeholder engagement and consultation.
10. Attached at Appendix 1 are revised governance arrangements for Nelson that would cover the development of strategy and funding bids for the town i.e. masterplan, Future High Streets Fund and Nelson Investment Plan.
11. Attached at Appendix 2 is a draft Terms of Reference for the Nelson Town Deal Board, which sets out how the Board will operate including its function and responsibilities, membership, meetings and voting. It is intended that the Board will have an advisory role. Decisions on key strategies, such as the masterplan and the Town Investment Plan will still be taken by Policy & Resources Committee.
12. The Terms of Reference also propose that Pendle Council will provide a secretariat function and carry out the role of Accountable Body for the Towns Fund, taking responsibility for the legal & financial management of any grant. The Policy & Resources Committee will decide on the best use of any funding obtained through Future High Streets Fund and Towns Fund.

Funding

13. Capacity building funding of £162,019 has been awarded to Pendle Council. This will be used to cover any additional costs for the provision of the secretariat function and providing the Accountable Body role for the Town Deal Board. It will also fund community engagement, consultancy costs required to develop an evidence base, to draw up the Investment Plan and to produce a business case to secure further funding.

IMPLICATIONS

Policy: The Nelson Town Deal Board will oversee the Nelson masterplan and the development of the Town Investment Plan, but Policy & Resources Committee will be responsible for approving these documents

Financial: As set out in the report

Legal: None directly arising from this report

Risk Management: If a Town Deal Board is not established in line with Government requirements we will not be able to access the Towns Fund.

Health and Safety: None directly arising from this report

Sustainability: None directly arising from this report

Community Safety: None directly arising from this report

Equality and Diversity: None directly arising from this report

APPENDIX

1 – Governance Arrangements

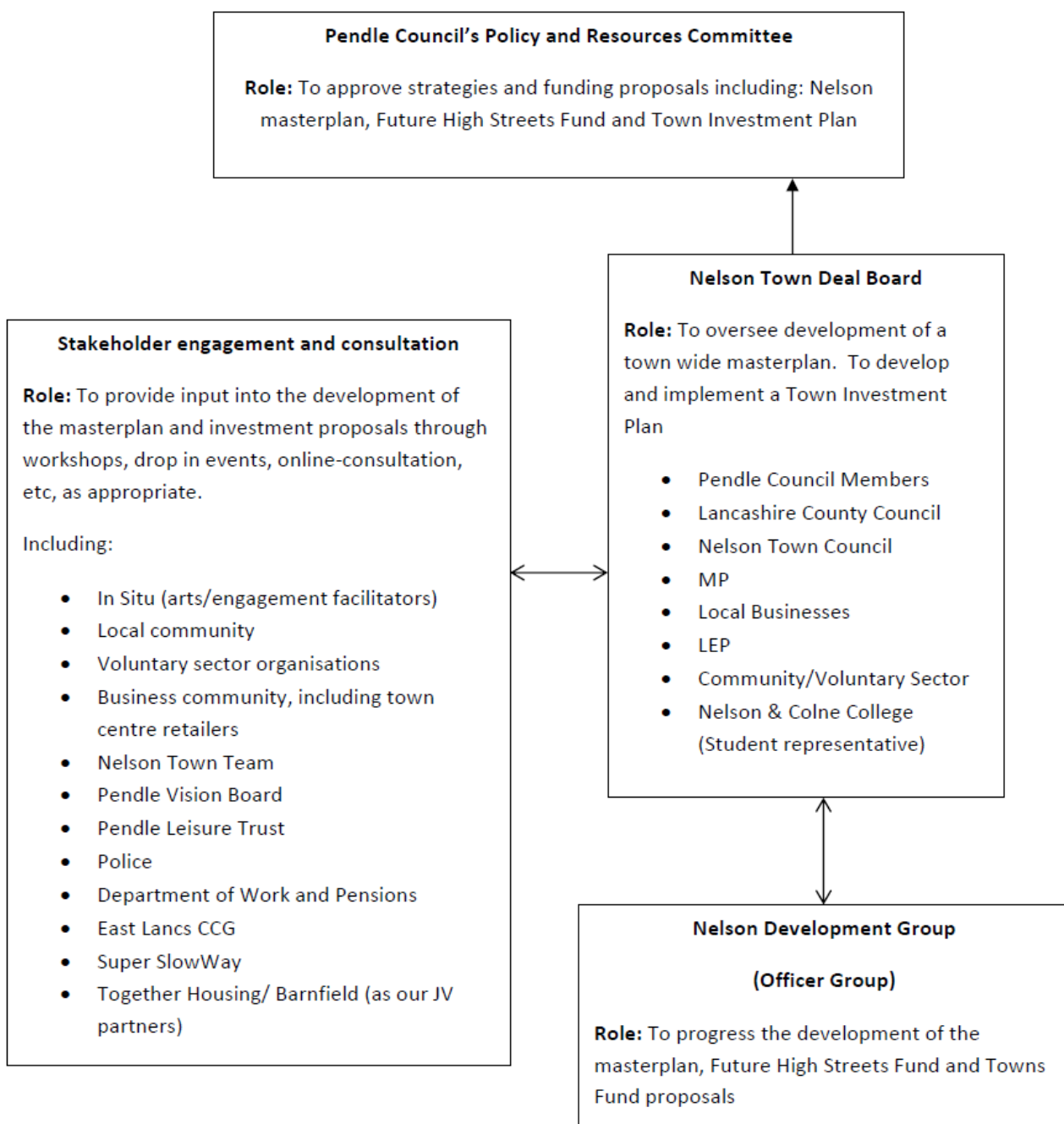
2 – Town Deal Board Terms of Reference

LIST OF BACKGROUND PAPERS

Towns Fund Prospectus

<https://www.gov.uk/government/publications/towns-fund-prospectus>

Nelson Governance Arrangements



NELSON TOWN DEAL BOARD

TERMS OF REFERENCE

1. AIMS AND OBJECTIVES

- 1.1 The Nelson Town Deal Board will be responsible for developing and implementing a Town Investment Plan to support a Town Deal with the Government. The aim of the Investment Plan is to deliver long term economic and productivity growth for Nelson.
- 1.2 The area covered by the Board is the Nelson Built Up Area, as defined by the Office for National Statistics.

2. FUNCTIONS AND RESPONSIBILITIES

- 2.1 The Board will be responsible for:
 - Overseeing the production of a town wide masterplan for Nelson
 - Developing an evidence based Town Investment Plan
 - Providing recommendations to Pendle Council on strategies and investment proposals
 - Ensuring that the local community, including the business community, has the opportunity to be involved in the development of strategies and proposals for the town
 - Producing an implementation programme to deliver the Investment Plan
 - Influencing stakeholders to ensure investment in the town
 - Developing a business case to support bids to the Towns Fund
 - Ensure that Towns Fund proposals align with those of the Future High Streets Fund
 - Identifying other sources of funding to deliver the aims of the Investment Plan
 - Monitoring delivery of the Investment Plan, reporting to Government as required
 - Other matters deemed to impact on the economic growth of Nelson which may be identified from time to time

3. MEMBERSHIP

- 3.1 The Partnership will conduct its business through a Board with the membership and representation set out in columns 1 and 2 below:

| Board | | |
|--|--------------|------------------------------|
| | No. of seats | Appointments (TBC) |
| Independent Chair | 1 | To be appointed by the Board |
| Pendle Borough Council | 3 | |
| Lancashire County Council | 1 | |
| Nelson Town Council | 1 | |
| Member of Parliament | 1 | |
| Lancashire Local Enterprise Partnership (LEP) | 1 | |
| Business representative | 3 | |
| Community/voluntary sector representatives | 3 | |
| Nelson & Colne College | 1 | |
| Advisors | | |
| Such other advisors as may be required and invited, for example: Homes England Health Representative | | |

- 3.2 Organisations on the Board will appoint nominated representatives and may send substitutes to individual meetings. Initial appointments are set out in column 3 in the table in paragraph 3.1 above. The period of office of the Board members listed in paragraph 3.1 above shall normally be as set out in Paragraph 3.4 below. However, any of the organisations listed in paragraph 3.1 which has appointed a representative can change that representative at any time and written notice of any such change must be sent to the Chief Executive of Pendle Borough Council.
- 3.3 Advisors from the organisations listed in 3.1 will be invited to attend all meetings. Other advisors will be invited as required. Advisors do not have a vote.
- 3.4 Membership of the Board will be for an initial two year period from January 2020. All members of the Board will be appointed or re-appointed at the next meeting after 1 February 2022 and subsequently every two years.

4.0 SECRETARIAT

- 4.1 Pendle Borough Council, as Lead Council, will provide a secretariat function which will involve organising meetings, preparing and circulating agendas and producing minutes.
- 4.2 Agendas and accompanying reports shall be published at least 5 clear working days in advance of a meeting and sent to all members of the Board.
- 4.3 Agendas and reports will be published on Pendle Council's website unless it is agreed by the Chair that these items are of a confidential nature and need to be dealt with as a 'Part 2 Item' with press and public excluded.
- 4.4 Minutes of all meetings (including Part 2 Items) will be public documents

5.0 MEETINGS OF THE BOARD

- 5.1 The Board shall meet at least four times a year on such days and times as agreed by the members. These dates and times may be varied at the discretion of the Chair and the nature of the business to be discussed. Meetings will be advertised and will be held in public. The Board may agree a motion to exclude the public for some Agenda Items on the grounds that it is necessary due to commercial, financial, legal or personal confidentiality.
- 5.2 An Annual General Meeting of the Board will be held in February each year, starting in February 2021, to agree an Annual Delivery Plan.
- 5.3 An extraordinary meeting can be called at no less than 14 days notice if a minimum of five members wish to do so.
- 5.4 Conduct of the meeting shall be by the usual conventions of public authorities. The rulings of the Chairman shall be final.
- 5.5 In the absence of the Chair members present will elect one of their number to be the Chair for that meeting.

6.0 VOTING

- 6.1 Where a decision is required the Board shall try to reach a consensus view. Where this is not possible there will be a vote.
- 6.2 Each Member shall have one vote.
- 6.3 Voting shall be by a show of hands of Board members and shall be by simple majority.
- 6.4 In the case of equality of voting, the Chair shall have a second or casting vote.

7.0 QUORUM

- 7.1 No business shall be undertaken at any meeting unless there are a minimum of **five** members present, including one representative from Pendle Borough Council.

8.0 CONFIDENTIALITY

- 8.1 All papers marked as confidential and all discussions at meetings in relation to confidential items shall not be disclosed outside the Board.

9.0 DECLARATIONS OF INTEREST

- 9.1 The Members recognise that it is essential that the business of the Board is conducted in an open and transparent manner.
- 9.2 Members must therefore declare a personal interest in any item on the agenda. The following interests must be entered by each Member in the register of personal interests referred to at paragraph 9.6 below and also declared each time an item comes up for discussion at a meeting of the Board:

- Ownership or any other interest in any property within the area referred to in Paragraph 1.1 above.
- Directorship of, ownership of or employment by any company or partnership owning or occupying any property within the area referred to in Paragraph 1.1 above or carrying out work within that area

- 9.3 Declaration involves stating the interest and also the nature of the interest. Once the interest is declared, then a Member may speak on the item but must not vote on it.
- 9.4 Elected Members of Pendle Borough Council are bound by that Council's Code of Conduct while at meetings of the Board.
- 9.5 Members do not have an interest by virtue of employment by or membership of a body which is represented on the Board.
- 9.6 A Register of Interests shall be established and completed by all members of the Board. This shall be made available to the Chair at all meetings.

10.0 CONDUCT OF BOARD MEMBERS

- 10.1 All members of the Board are expected to adhere to the Nolan Principles¹
- 10.2 The Board will align itself with the governance standards and policies of Pendle Borough Council as Lead Council, including those policies on whistle blowing and complaints.

11.0 APPOINTMENT OF OFFICERS AND LEAD AUTHORITY FOR ACCOUNTABLE BODY STATUS

- 11.1 The Chief Executive of Pendle Borough Council shall act as Secretary of the Board for the purposes of co-ordinating advice to the Board and arranging for the servicing of meetings. This function may however be delegated to the Housing Health and Engineering Manager, supported by such other officers as may be appropriate.
- 11.2 The Partnership will appoint Pendle Borough Council as lead organisation to carry out the role of Accountable Body for the Towns Fund and to approve funding proposals.

12.0 CHANGES TO THE TERMS OF REFERENCE

- 12.1 The Terms of Reference of the Board may be amended by the Board at any meeting subject to a majority vote. 14 days notice must be given of any proposed changes to the Terms.

¹ <https://www.gov.uk/government/publications/the-7-principles-of-public-life>