

Hereford Town Deal Board Terms of Reference

Background Context

In autumn 2019 Hereford was included in the first round of the governments £3.6bn “Towns Fund” programme. This brought the potential to access up to £25m of government support through the drafting of an Investment Plan and securing a Town Deal with government.

Herefordshire Council is tasked with developing a Town Deal Board which will operate as an informal partnership of private and public representatives tasked with being the vehicle through which the Investment Plan and Town Deal for Hereford is developed.

The Purpose of the Hereford Town Deal Board

The purpose of the Hereford Town Deal Board is to secure a Town Deal with HM Government. A Town Deal is an agreement in principle between government, Herefordshire Council as the Lead Council and the Town Deal Board, confirmed in a Heads of Terms document. It will set out a vision and strategy for the town, and what each party agrees to do to achieve this vision.

This document will be signed by the Secretary of State for Housing, Communities and Local Government on behalf of government. Government expects the other signatories to be the chief executive or leader of the local authority and the chair of the Town Deal Board. Town Deals will cover a period of up to five years.

Hereford has been invited to put together proposals for up to £25 million from the Towns Fund – although government will consider more than £25 million in exceptional cases.

The government has stated this will operate as a two-stage process.

Stage 1: completion of the evidence base, community engagement and drafting of town Investment Plan in order to move to the next stage of agreeing a deal;

Stage 2: Using the Town Investment Plan to put together a business case to apply for funding for projects and agreeing with government a Town Deal.

The Board will lead on the development of the Town Investment Plan which will set out investment priorities to support the development of Hereford as a thriving city that delivers sustainable improvements in residents’ wellbeing. The Town investment Plan will set out a vibrant vision for the future of Hereford as a successful city, which utilises its full economic potential to benefit people from all backgrounds and communities. It will reflect on recent challenges such as the impact of Covid-19, the decline of the retail sector, and the climate emergency and demonstrate how Hereford can have its own vision, can be resilient, and can offer genuine ambition for the future.

The funding will also help to increase long term economic and productivity growth with a focus on regeneration, improved transport, better broadband connectivity, skills and culture.

The Board is expected to be creative and entrepreneurial in following the prospectus which provides practical guidance and advice to help communities, businesses and local leaders develop their own ambitious proposals for growth while drawing on successful examples from towns who have spurred long-term investment and regeneration in their areas.

The Plan will rest on integrated consideration of the three dimensions of sustainable development: economic, social, and environmental and will be developed through close consultation with local communities, will be supported by clear evidence, and will complement other relevant strategies and plans.

The guidance on the Fund¹ states that 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 will extensively engage with local communities to canvass opinion on the priorities that should shape the Investment Plan. The Board will ensure that the Investment Plan is based on the best available economic, social and environmental data for Hereford.

The Board will ensure that the Investment Plan is aligned with other relevant strategies, including HM Government's clean growth objectives, and Herefordshire Council's County Plan, Core Strategy, Carbon net zero by 2030 target. It will also reflect the wider strategies of the Marches Local Enterprise Partnership and of Midlands Connect.

To assist in the process of engagement and evidence based development the Board will oversee the commissioning of appropriate consultancy and administrative support and the allocation of government capacity funding to ensure the delivery of the Investment Plan in accordance with the timetable laid out in the guidance.

Implementation

Once the Town Deal is agreed, funding for the first financial year will be released by government to Herefordshire Council as the Lead Council.

To ensure the successful delivery of the Town Investment Plan, The Stronger Towns Board – advised by Herefordshire Council as the Lead Council – will implement agreed projects and set up internal monitoring and evaluation arrangements. Herefordshire Council will also agree to meet the external monitoring and evaluation conditions and ensure the submission of regular reports to timetable.

Board objectives and responsibilities

Town Deal Board - The Town Deal Board will sign off each stage of a Town Investment Plan and Town Deal. The Board is responsible for:

1. Upholding the Seven Principles of Public Life (the Nolan Principles)
2. Developing and agreeing an evidence-based Town Investment Plan
3. Establishing a clear programme of interventions
4. Embedding arrangements in local plans (where appropriate) and undertaking Environmental Impact Assessments and fulfilling duties on public authorities under the Equalities Act, in particular, and the public sector equality duty.

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https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/843843/20191031_Towns_Fund_prospectus.pdf

5. Coordinating resources and engaging stakeholders
6. Ensuring communities' voices are involved in shaping design and decision making at each phase of development
7. Ensuring diversity in its engagement with local communities and businesses
8. Helping develop detailed business cases
9. Overseeing each step of agreeing a Town Deal, and overseeing compliance with the Heads of Terms Agreement with government

Town Deal Board Chair - The Town Deal Board Chair is tasked with:

1. Upholding the Seven Principles of Public Life (the Nolan Principles)
2. Leading the Board in achieving its objectives, maintaining an overview of activity, and championing and supporting partnership working
3. Ensuring that decisions are made by the Board in accordance with good governance principles
4. Signing the Head of Terms Agreement with government

Lead Council and Accountable Body

All Town Deals need to have an Accountable Body which will be a council through which funding will flow. Herefordshire Council will be the Lead Council for the Town Deal as the Unitary Authority and will also act as the Accountable Body. As the Lead Council, Herefordshire Council has a seat on the board and takes responsibility for ensuring that decisions are made by the Town Deal Board in accordance with good governance principles.

The council will facilitate this by:

1. Upholding the Seven Principles of Public Life (the Nolan Principles)
2. Developing a delivery team, delivery arrangements and agreements
3. Ensuring that decisions are made by the board in accordance with good governance principles
4. Ensuring transparency requirements are met – through publication of information on their website or a Town Deal specific website (where further reference is made in this guidance to publication on a Lead Council's website this includes Town Deal specific websites)
5. Developing agreed projects in detail and undertaking any necessary feasibility studies
6. Undertaking any required Environmental Impact Assessments or Public Sector Equalities Duties
7. Helping develop detailed business cases
8. Liaising with potential private investors in identified local projects and schemes
9. Signing the Head of Terms Agreement with government
10. Monitoring and evaluating the delivery of individual Towns Fund projects
11. Submitting regular monitoring reports to Towns Hub
12. Receiving and accounting for the Town's funding allocation

There will be a collective responsibility between the Board and Herefordshire Council as the Lead Council to meeting the submission date of 29th January 2021 for the Town Investment Plan.

Board Membership and Responsibilities

Code of Conduct

All members and officers of the Hereford Town Deal Board will sign this Code of Conduct to make explicit their commitment to the highest standards of conduct in dealing with the business of the Stronger towns Board.

Conduct of board business

All business of the Hereford Town Deal Board will be conducted in accordance with The [Seven Principles of Public Life](#), as defined by the Committee for Standards in Public Life. They are:

1. **Selflessness:** Holders of public office should act solely in terms of the public interest.
2. **Integrity:** Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.
3. **Objectivity:** Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
4. **Accountability:** Holders of public office are accountable to the public for their decisions and actions and must submit themselves the scrutiny necessary to ensure this.
5. **Openness:** Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for doing so.
6. **Honesty:** Holders of public office should be truthful.
7. **Leadership:** Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Conduct of Board members. Members commit to:

- a) Support the purpose, objectives and roles of the Hereford Town Deal and promote the priorities of the Board within their business community.
- b) Contributing their individual knowledge and expertise towards the development of a successful the Investment Plan.
- c) Work co-operatively with other Board Members, secretariat and officers in the best interests of the Board.
- d) Actively support equality and diversity in the work of the Board and ensure its consideration in drafting of the Investment Plan.
- e) Act honestly, diligently and in good faith, noting that to do so may require taking professional advice.
- f) Resist any temptation or outside pressure to use the position of Board Member to benefit themselves, their business interests, or other individuals or agencies.
- g) To follow the council policy on accepting offers of money, gifts or hospitality.
- h) Avoid putting themselves in a position where there is a conflict (actual or potential) between their personal interests and those of the Hereford Town Deal Board.
- i) Acknowledge that differences of opinion may arise in discussion but once a decision has been made by the Hereford Town Deal Board to support the decision.
- j) Base their views on matters before the Hereford Town Deal Board on an honest assessment of the available facts and representative engagement results, unbiased by partisan or representative views.

- k) Understand that an individual member does not have the right to make statements or express opinions on behalf of the Hereford Town Deal Board unless specifically authorised to do so.
- l) Respect the confidentiality of items of business which the Hereford Town Deal Board decides should remain confidential.
- m) Honour the obligation on all members not to reveal to third parties the views expressed at meetings.
- n) Have regard to the need to promote public accountability for the actions and performance of the Hereford Town Deal Board.
- o) Give priority, as far as practicable, to attendance at Board meetings and its committees or groups.

Membership

The business of the Hereford Town Deal Board shall be conducted by its members sitting as a Board and meeting on a regular basis.

The government guidance relating to the formation of the Town Deal Boards² identified there should be some bodies “required” to have representation on the Board and some which were optional representation. The Hereford Town Deal Board reflects this requirement and consists of a representation reflecting the economic, community, and cultural demographics of the city.

Membership will include:

- A representative from Herefordshire Council (as the lead council)
- A representative from Hereford City Council as the local Parish Council
- The local Member of Parliament
- A private sector representative from the Marches Local Enterprise Partnership Board
- Representation from the local business community to reflect the local sectoral strengths and including both large businesses and SMEs.
- Representation from the community sector.
- A private sector representative from the Hereford City Business Improvement District Board
- Representation from a number of anchor institutions to include the further and higher education sector and the cultural sector.

Membership of the Board will be determined on the basis of adherence to the government criteria, equality and diversity, representation of key stakeholder groups, and commitment to the Board objectives.

The Board will comprise no more than 15 members at any one point in time. The Board will have a 50/50 gender split, or as close to this split as practically possible.

The Board will include at least 2 members under the age of 35, and preferably at least one who is under the age of 21.

Relevant council officers will attend Board meetings to provide advice to the Board, from the viewpoint of accountable body, on the Town Implementation Plan process, the management and performance of any consultancy support, and financial and governance processes.

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https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/843843/20191031_Towns_Fund_prospectus.pdf

Each member of the board shall have one vote. In the event of a tied vote the Chair will have the casting vote.

Members of the board are not entitled to nominate a representative with the exception of

- the Herefordshire Council member who will be able to nominate one, named, relevant Cabinet Member or Cabinet Support Member to act as their representative.
- The Marches Local Enterprise Partnership who will be able to nominate another Director of the Partnership to act as their representative.

Chairperson

The Chair will be appointed from within the Town Deal Board membership and will be a private sector representative. Nominations for the role of Chair, and any Vice Chair, will be sought from Board Members. Board members can nominate themselves.

Should more than one candidate be nominated a vote will take place involving the remaining board members and a secret ballot will be arranged by the secretariat on the basis of one vote per board member. Responses will be returned to the Council Solicitor who will act as returning officer and decide the process of verification. The nominee receiving the most votes will be elected Chair.

The Chair will be elected on the same terms as other board members and will be in position for the period up to the outcome of the Town Deal process is known. This could be a point twelve months after the submission of the town Investment Plan. At this point a review of the Terms of Reference, including Board Membership, Chairperson, and terms, will be conducted to reflect the nature of the Town deal and any government guidance or criteria that accompany it.

Chairperson Responsibilities

The Chair has all the same responsibilities as the other Board members and is selected by fellow Board members, working as “the first among equals”, i.e. sharing collegiate responsibility equally with other Board members, but taking the additional responsibility of steering the Board openly and fairly through its decision making processes.

The Chair shall ensure that the views of all board members are heard, that any appointments to the Stronger Towns Board are managed in a timely, open and transparent manner and shall be responsible for ensuring that the Board is kept up-to-date on all the relevant activities of the Stronger Towns and Town Investment Plan process.

Vice Chair(s)

The Board can elect up to two Vice Chairs. Vice-Chairs will be appointed from within the Board Membership, they can be either Public or Private members.

Nominations for any Vice Chair role, will be sought from Board Members. Board members can nominate themselves. The Board should have due regard for gender balance and take the opportunity to seek the involvement of younger people.

Should there be more candidates nominated than there are positions a vote will take place involving the remaining board members and a secret ballot will be arranged by the secretariat on the basis of one vote per board member. Responses will be returned to the Council Solicitor who will act as returning officer and decide the process of verification. The nominee receiving the most votes will be elected Vice-Chair(s). In the event of a tie the Chair will have the casting vote.

The Vice-Chair(s) will be elected on the same terms as other board members and will be in position for the period up to the outcome of the Town Deal process is known. This could be a point twelve

months after the submission of the town Investment Plan. At this point a review of the Terms of Reference, including Board Membership, Chairperson and Vice-Chair(s), and terms, will be conducted to reflect the nature of the Town deal and any government guidance or criteria that accompany it.

Vice-chairs' Responsibilities

The Vice-chairs shall support the Chair in the exercise of his or her duties in addition to their normal duties as Board members. They shall stand in for the Chair in the event of his or her absence and are to be the first point of contact in the event that an urgent Board matter occurs whilst the Chair is not contactable for a period of time.

Board Sub Groups

In setting the Investment Plan for Hereford the Board will undertake the widest possible community engagement. In considering wider representation and supportive structures the Board will, wherever possible, make use of existing networks to minimise potential duplication and take advantage of established and recognised groups.

The Board has the flexibility and authority to create, or disband, sub groups of the main Board to take on specific tasks or represent certain sectors as and when required. The Board shall determine the role and required representation of any sub group. Board members will be encouraged to provide linkages between each sub group and the main Board.

Accountability and communication

Remuneration

There will be no remuneration paid to any board members for the opinion and guidance they provide.

Secretariat

Herefordshire Council will function as the accountable body for any finances. The Board may decide to source external secretariat support or seek this from Herefordshire Council.

Governance

The responsibility for setting the agenda will sit with the board Chair. Wherever possible papers will be circulated by the secretariat at least five working days before the board meeting.

Quorum for a board meeting will be a minimum of 50% of the Board membership at the time of the Board meeting plus the Chair or a Vice Chair.

Conflicts of Interest

Herefordshire Council, as the Lead Council, will provide guidance on the pecuniary and non-pecuniary interests individuals must declare, and will outline the process that Board members must follow for declaring interests and explain the process for requesting an exemption. This will be detailed in a separate Conflicts of Interest Policy which will be appended to these Terms of Reference. Town Deal Board members should then complete a declaration of interests which will then be held by Herefordshire Council.

All Board Members should take personal responsibility for declaring their interests before any decision is considered. A record will be kept of action taken in response to any declared interest and where necessary this information will be recorded in the central register held by the Council.

Additionally the Board will adopt the Herefordshire Council policy on gifts and/or hospitality and will maintain a register of such gifts provided to individual Town Deal Board members or the Town Deal Board as a whole.

Transparency

In line with the principles of public life, it is important that there is transparency around the operation of the Town Deal Board. The Town Deal Board will work with Herefordshire Council in publishing information on the Board and its decision making processes. This information will include:

- A documented decision-making process outlining the voting rights of the Board to be published
- Profiles of Board Members
- All Board papers to be published on the Council's website in advance of the meeting (within 5 clear working days)
- Publishing draft minutes of meetings on the Council's website following the meeting (within 10 clear working days)
- Publishing final minutes on the Council's website, once approved by the Board (within 10 clear working days)
- Any conflicts of interest reported to be formally noted within the published minutes

The Town Deal Board will use Herefordshire Council governance and finance arrangements when considering what constitutes private reports, but acknowledges that the default position should be one where all papers are open to the public.

Terms of Reference Review

These terms of reference may be reviewed and modified at any time at the discretion of the Board.

Data Protection and GDPR

The council's data protection policies will be adopted and are included as an annex to these Terms of Reference.

Annexes

Annex 1 – Conflicts of interest policy

Annex 2 – Data protection and GDPR policy

**Economic Development Manager
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