



GOVERNANCE COMMITTEE

TUESDAY, 16 APRIL 2024

10.15 AM (OR AT THE CONCLUSION OF CABINET, WHICHEVER IS THE LATER) COUNCIL CHAMBER, COUNTY HALL, LEWES

MEMBERSHIP - Councillor Keith Glazier (Chair)
Councillors Nick Bennett, Bob Bowdler, Chris Collier, Johnny Denis and David Tutt

A G E N D A

1. Minutes of the meeting held on 5 March 2024 (*Pages 3 - 4*)
2. Apologies for absence
3. Disclosures of interests
Disclosures by all members present of personal interests in matters on the agenda, the nature of any interest and whether the member regards the interest as prejudicial under the terms of the Code of Conduct.
4. Urgent items
Notification of items which the Chair considers to be urgent and proposes to take at the appropriate part of the agenda. Any members who wish to raise urgent items are asked, wherever possible, to notify the Chair before the start of the meeting. In so doing, they must state the special circumstances which they consider justify the matter being considered urgent.
5. Appointment to Committees (*Pages 5 - 14*)
Report by the Assistant Chief Executive.
6. Outside Body Appointment - GSEnz Hub (*Pages 15 - 36*)
Report by the Director of Communities, Economy and Transport.
7. Amendment to the Constitution - Health Overview and Scrutiny Committee Terms of Reference (*Pages 37 - 42*)
Report by the Assistant Chief Executive.
8. Any other items previously notified under agenda item 4
9. Exclusion of the Public and Press
To consider excluding the public and press from the meeting for the remaining agenda item on the grounds that if the public and press were present there would be disclosure to them of exempt information as specified in paragraphs 1,2 and 3 of Part 1 of Schedule 12A to the Local Government Act 1972 (as amended), namely information relating to any individual, which is likely to reveal the identity of an individual and information relating to the financial or business affairs of any person (including the authority holding that information) respectively.
10. Consideration of complaints relating to the Council and Officers (*Pages 43 - 586*)
Report by the Assistant Chief Executive.

11. Any other exempt items considered urgent by the Chair

PHILIP BAKER
Assistant Chief Executive
County Hall, St Anne's Crescent
LEWES BN7 1UE

5 April 2024

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GOVERNANCE COMMITTEE

MINUTES of a meeting of the Governance Committee held at Council Chamber, County Hall, Lewes on 5 March 2024.

PRESENT Councillors Keith Glazier (Chair), Nick Bennett, Bob Bowdler, Chris Collier, Johnny Denis and Kathryn Field

ALSO PRESENT Councillors Colin Belsey, Penny di Cara, Christine Robinson, David Tutt (remotely via MS Teams) and Trevor Webb

53. MINUTES OF THE MEETING HELD ON 23 JANUARY 2024

53.1 RESOLVED – that the minutes of the previous meeting of the Committee held on 23 January 2024 be confirmed and signed as a correct record.

54. REPORTS

54.1 Copies of the reports referred to below are included in the minute book.

55. APPOINTMENTS TO THE INDEPENDENT REMUNERATION PANEL

55.1 The Committee considered a report by the Assistant Chief Executive regarding the appointments to the Independent Remuneration Panel.

55.2 The Committee RESOLVED to appoint Daphne Bagshaw, Fiona Leathers and Linda Hawkins to the Independent Remuneration Panel for a term of 5 years from 1 April 2024.

56. AMENDMENT TO THE CONSTITUTION - SCHEME OF DELEGATION TO OFFICERS

56.1 The Committee considered a report by the Chief Finance Officer regarding amendments to the Constitution in relation to the Pension Fund.

56.2 The Committee RESOLVED to recommend the County Council to agree:

- 1) The proposed amendment to the write off of debt authorisation process in relation to the Pension Fund as set out in paragraph 2.4 of the report;
- 2) The amendment as set out in paragraph 3.4 and to amend the Scheme of Delegation to Officers as set out in Appendix 1 of the report.

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Report to: **Governance Committee**

Date: **16 April 2024**

By: **Assistant Chief Executive**

Title of report: **Appointments of Members to Committees, Sub-Committees, Panels and Other Bodies**

Purpose of report: **To consider the allocation of places on committees, sub-committees, panels and other bodies to the four party political groups, the Independent Democrat Group and independent members.**

RECOMMENDATIONS:

The Governance Committee is recommended to recommend the County Council to:

1) Allocate to political and independent groups the places on, and membership of:

- (a) The main committees in appendix 1 of this report;**
 - (b) other committees and panels listed in Appendix 2 of this report; and**
 - (c) Chair and Vice Chair positions on Scrutiny Committees and other Committees.**
-

1. Supporting Information

1.1 In appointing members to committees, sub-committees, most panels and some outside bodies, the Council must comply with section 15 of the Local Government Act 1989 and subsequent Regulations. These provide that places on committees must be allocated to political groups in proportion to the number of seats on the Council held by each group, unless there is agreement, without dissent, that the provisions of the Act should not be applied.

1.2 The allocation of places to party groups must, so far as is reasonably practicable, give effect to the following principles:

- (a) not all the seats on the body can be allocated to the same political group;
- (b) where more than half the members of the Council belong to one political group, that group shall have a majority on all committees, sub-committees, etc;
- (c) subject to (a) and (b) above, the total number of seats on the ordinary committees (including sub-committees) allocated to a political group reflects that group's proportion of the members of the Council;
- (d) subject to (a), (b) and (c) above, the number of seats on each body allocated to a political group reflects the proportion of the seats on the Council held by the group.

1.3 The rules require seats to be allocated on a proportional basis "so far as practicable" and inevitably there must be some rounding up and rounding down. It is open to the Council to review the size and number of committees and sub-committees at any time.

1.4 Members of the Cabinet may not serve on the Scrutiny Committees, or the Regulatory Committee and the Leader and Deputy Leader of the Council may not serve on the Standards Committee.

1.5 The Leader of the Council appoints the Cabinet and allocates portfolios to those Cabinet Members. Political balance provisions do not apply to the Cabinet.

1.6 The principle in paragraph 1.2 (c) above applies to appointments to ordinary committees (including sub-committees). Accordingly, before considering the allocation of places to political groups the Committee will need to consider whether it wishes to recommend any changes in committees, including their size.

1.7 Following the Committee's meeting, the party group leaders and independent members will be asked to let the Assistant Chief Executive have nominations to fill the places on committees, sub-committees, panels and other bodies covered in this report provisionally allocated to their group. The nominations received will be circulated to members of the County Council on the day of the annual council meeting, for approval by the Council.

2. Allocation of seats

2.1 The tables in Appendix 1 show the revised allocation of seats for 2023/24 following the by-elections in July and August 2023. The tables in Appendix 1 show the proposed allocation of seats for 2024/25. There are no changes to the allocation agreed in September 2023 for 2023/24. The proposals in relation to the ordinary committees and sub-committees, their total membership and the number of seats on each to which the groups will be entitled follows the principles set out in paragraph 1.2 above.

2.2 The allocation of seats to the Governance Committee has been proposed to take into account the importance of having one member from each of the four largest political groups. Membership of this Committee normally includes the Group Leaders.

2.3 The Committee is asked to consider the allocations in Appendix 1 and to make a recommendation to the County Council as to number of places on each committee to be allocated to each group or independent members.

3. Other Committees and Panels

3.1 There is no obligation in relation to other committees and panels to aggregate the total number of places and to adjust allocations so that the total number of places allocated to each group reflects its proportion of the members of the Council. It is proposed that places should be allocated on a proportionate basis, unless the Council agrees to waive the political balance provisions which has been the custom for certain panels over many years.

3.2 The Committee is asked to recommend to County Council the number of places on the Committees and Panels listed in Appendix 2.

4. Chairs and Vice Chairs of Scrutiny Committees

4.1 The Council's Constitution provides that the Chairs and Vice Chairs of Scrutiny Committees and Audit Committee should be added together and the positions then allocated to groups in accordance to the number of seats they have on the Council. Within this allocation the Chair of the Audit Committee shall be appointed from the members of the largest Group not represented on the Cabinet. On this basis the allocation of the 8 places would be as follows:

Conservative – 4
Liberal Democrat – 2
Labour – 1
Green - 1
Independent Democrat - 0

The proposed list of Chairs and Vice Chairs (there are no changes to the allocation agreed in September 2023) to be appointed by the County Council is:

Committee	Chair	Vice-Chair
Regulatory	Conservative	
People Scrutiny Committee	Conservative	Liberal Democrat
Place Scrutiny Committee	Conservative	Green
Audit Committee	Liberal Democrat	Conservative
Health Overview and Scrutiny Committee	Conservative	Labour
Governance Committee	Conservative	
Planning Committee	Conservative	Conservative
Pension Committee	Conservative	
Standards Committee	Conservative	

5. Conclusion

5.1 The Committee is asked to recommend the County Council to agree the allocation of places on committees to each group as set out in Appendix 1 and 2 and the Chair and Vice Chair positions on committees.

PHILIP BAKER
Assistant Chief Executive

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Local Member: All

Background Documents: None

Appendix 1

Group	Number of Councillors	%	Number of Seats
Conservative	25	50	40
Liberal Democrat	12	24	19
Labour	5	10	8
Green	5	10	8
Independent Democrat	2	4	3
Independent	1	2	1
Total	50	100	79

Committee	Conservative	Liberal Democrat	Labour	Green	Independent Democrat	Independent
Regulatory Committee (18)	9	4	2	2	1	0
Planning (7)	4	2	1	0	0	0
Governance Committee (6)	3	1	1	1	0	0
Standards Committee (7)	4	1	1	1	0	0
Pension Committee (5)	3	1	0	1	0	0
Audit (7)	4	2	0	1	0	0
Place (11)	5	3	1	1	1	0
People (11)	4	3	1	1	1	1
HOSC (7)	4	2	1	0	0	0
Totals (79)	40	19	8	8	3	1

Appendix 2

This allocation relates to the following Committees and Panels and the current allocation is set out below:

Committee size	Conservative	Liberal Democrat	Labour	Green	Independent Democrat	Independent
5	2.50	1.20	0.50	0.50	0.20	0.10
7	3.50	1.68	0.70	0.70	0.29	0.14

(a) County Joint Consultative Committee (5 members of the County Council).

Conservative: Cllr Glazier
Conservative: Cllr Bennett
Conservative: Cllr Standley
Lib Dem: Cllr Tutt
Labour: Cllr Webb

(b) County Consultative Committee Governors (5 Members of the County Council, one of whom should be the Lead Cabinet Member Education and Inclusion, Special Educational Needs and Disability who chairs the Committee).

Conservative: Cllr Standley
Conservative: Cllr Galley
Conservative: Cllr Belsey
Lib Dem: Cllr Shuttleworth
Labour: Cllr Scott

(c) Joint Advisory Committee (Schools) (5 Members of the County Council of whom one should be the Lead Cabinet Member for Education and Inclusion, Special Educational Needs and Disability, and another should be a member of the Cabinet).

Conservative: Cllr Standley
Conservative: Cllr Bennett
Conservative: Cllr Bowdler
Lib Dem: Cllr Shuttleworth
Labour: Cllr Collier

(d) Corporate Parenting Panel (7 Members of the County Council).

Conservative: Cllr Bowdler
Conservative: Cllr di Cara
Conservative: Cllr Marlow-Eastwood
Conservative: Cllr Milligan
Lib Dem: Cllr Field
Lib Dem: Cllr Swansborough
Green: Cllr Cross

(e) Standing Advisory Council for Religious Education (5 members of the County Council).

Conservative: Cllr Galley
Conservative: Cllr Belsey
Conservative: Cllr Azad
Lib Dem: Cllr Murphy
Labour: Cllr Webb

(f) Transport and Student Support Panel (3 Members of the County Council). The County Council has a custom of agreeing to waive the political balance provisions in relation to this Panel.

Conservative: Cllr Redstone

Lib Dem: Cllr Field

Green: Cllr Cross

COMMITTEE AND SUB COMMITTEE MEMBERSHIPS APRIL 2024

<p>Audit Committee</p> <p>Councillors:</p> <p>Beaver Fox Geary Holt Milligan Swansborough (Chair) Georgia Taylor</p>	<p>People Scrutiny Committee</p> <p>Councillors:</p> <p>Adeniji Clark Di Cara Field Geary Howell (Chair) Cross Stephen Shing Swansborough Ungar Webb</p> <p>Other members:</p> <p><i>Denominational representatives</i> Mr T. Cristin and Ms M. Cowler</p> <p><i>Parent Governor representatives:</i> Ms N. Boulter and Mr J. Hayling</p>
<p>Place Scrutiny Committee</p> <p>Councillors:</p> <p>Beaver (Chair) Collier Hilton Hollidge Kirby-Green Lunn Murphy Redstone Stephen Shing Tutt Wright</p>	
<p>Health Overview and Scrutiny Committee</p>	<p>Regulatory Committee</p>

<p>Councillors:</p> <p>Azad Belsey (Chair) di Cara Marlow-Eastwood Osborne Robinson Shuttleworth</p> <p>Other members:</p> <p><i>Voluntary sector representatives</i> Ms G Des Moulins and Ms J Twist</p> <p><i>District and Borough representatives</i> Eastbourne: To be advised Hastings: To be advised Lewes: To be advised Rother: to be advised Wealden: To be advised</p>	<p>Councillors:</p> <p>Adeniji Azad Cross Daniel Denis Chris Dowling (Chair) Field Hay Kirby-Green Liddiard Lunn MacCleary Milligan Murphy Redstone Robinson Rodohan Daniel Shing</p>
<p>Pension Committee</p> <p>Councillors:</p> <p>Fox (Chair) Taylor Hollidge Redstone Tutt</p>	<p>Governance Committee</p> <p>Councillors:</p> <p>Bennett Bowdler Collier Glazier (Chair) Tutt Denis</p>
<p>Planning Committee</p> <p>Councillors:</p> <p>Azad Daniel Field Kirby-Green Liddiard (Chair) Rodohan Lunn</p>	<p>Standards Committee</p> <p>Councillors:</p> <p>Belsey (Chair) Daniel Taylor Howell Hollidge Tutt</p>

COMMITTEE AND PANEL MEMBERSHIP

County Joint Consultative Committee	Councillors: Bennett Glazier Standley Tutt Webb
County Consultative Committee (Governors)	Councillors: Belsey Galley Scott Shuttleworth Standley
Joint Advisory Committee (Schools)	Councillors: Bennett Bowdler Collier Shuttleworth Standley
SACRE	Councillors: Azad Belsey Galley Murphy Webb
Corporate Parenting Panel	Councillors: Bowdler Di Cara Denis Field Marlow-Eastwood Milligan Swansborough
Discretionary Transport Appeal Panel	Councillors: Cross Field Redstone

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Report to: **Governance Committee**

Date: **16 April 2024**

By: **Director of Communities, Economy and Transport**

Title of report: **Appointments to Outside Bodies – Greater South East Net Zero Hub**

Purpose of report: **To consider an appointment to the Greater South East Net Zero Hub**

RECOMMENDATIONS:

The Governance Committee is recommended to appoint an officer as a Council representative on the Greater South East Net Zero Hub.

1. Supporting Information

1.1 The County Council is invited to appoint Members (and in some cases non-County Councillors are eligible) to serve on a wide range of outside bodies whose role has a relationship to a function of the County Council. The appointments are a vital part of the County Council's working in partnership with voluntary bodies, statutory agencies and the public and private sectors.

1.2 The Council is currently represented on the Greater South East Net Zero Hub (GSEnz Hub) by a representative of SELEP Ltd. The Hub is one of five hubs covering England that are funded by the Department for Energy Security and Net Zero (DESNZ) to support the development of net zero projects. Following the dissolution of the South East Local Enterprise Partnership (SELEP), it is proposed that the SELEP region will have three representatives on the GSEnz Hub, covering the three functional economic areas. The terms of reference of the GSEnz Hub are set out in Appendix 1 to this report.

1.3 It is proposed that an officer be appointed to this role. The initial appointment is proposed to be the Council's Environment Team Manager.

2. Conclusion

2.1 The Committee is asked to agree to the appointment of an officer as a Council representative on the Greater South East Net Zero Hub, and accept the recommendation that the officer appointed to this role is the Council's Environment Team Manager.

RUPERT CLUBB
Director of Communities, Economy and Transport

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LOCAL MEMBERS

All.

BACKGROUND DOCUMENTS

None.

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Terms of Reference December 2023 (Version 2.0)

Review Date – July 2024

Status of the Terms of Reference

The Terms of Reference (“**ToR**”), as approved by the LEPs and CPCA, formed an Appendix to the Accountable Body Agreement dated **23rd October 2019** between the Cambridgeshire and Peterborough Combined Authority and the Greater South East Local Enterprise Partnerships (LEPs) and/or lead local authorities (the “**Agreement**”).

The Accountable Body Agreement has now expired and will not be renewed. The Hub Board shall be governed by these Terms of Reference until superseded by a renewed governance structure in line with the requirements of the Department for Energy Security & Net Zero (DESNZ).

The Hub Board is in a transitional period with the function of Local Enterprise Partnerships transferring to Local Authorities. The reference to governance transition in these ToRs refers to the evolving membership of the Hub Board and the set up of three subregional Boards to ensure stakeholders are represented in the decision-making process for the Hub.

Where relevant, these ToR shall be adopted by Upper Tier Local Authorities (UTLAs) and/or mayoral combined authorities coterminous with LEP geographies from April 2024 if succession governance documents have not been adopted.

The ToR set out the purpose and structure of the Greater South East Net Zero Board and the Net Zero Operational Team.

In July 2023, the CPCA Board delegated authority to the Director Resources & performance to agree Terms of Reference.

Status of the Decision-making Process

The decision-making process appended to this document is agreed by the GSENZH Board and Accountable Body. However, it sits outside of the ToR and may be updated by the Greater South East Net Zero Hub (the “**GSENZH**”) with the approval of the CPCA and the Greater South East Net Zero Hub Board.

The Net Zero Project Assessment Framework sets out the processes and criteria for Net Zero support.

1. Background

The Local Net Zero programme, previously the Local Energy Programme, was established in 2017 as part of the Clean Growth Strategy to support local authorities and communities in England to play a leading role in decarbonisation and clean growth. £17.4 million core funding has been invested in the programme to December 2022 and has been used to fund the creation and continuation of five Local Net Zero Hubs across England which promote best practice and support local authorities to develop net zero projects and attract commercial investment.

The Hub Board was formed in November 2017 to establish the Greater South East Net Zero Hub (GSENZH), comprising the consortia of eleven (11) LEPs/lead authorities in the Greater South East at that time. Each Hub was set up to serve a number of LEP areas which were agreed by mutual consent with the constituent LEPs, with the expectation that the LEPs work closely with their local authorities in the process of setting up and working with the Hubs. The Hubs in turn would work on behalf of all the LEP areas served and their member local authorities.

The CPCA became the Accountable Body by mutual agreement in March 2018. The Net Zero Hub was set up in April 2018 and became operational in September 2018. In March 2022, the Hubs were rebranded from Local Energy Hubs to Net Zero Hubs to reflect the broader remit of their work.

The Net Zero Hub was funded by Department of Business Energy & Industrial Strategy (BEIS) now DESNZ, for an initial period of three (3) years, as detailed in the Local Energy Capacity Support Memorandum of Understanding entered into by (BEIS) and the CPCA, there were seven variations to the MoU. In December 2022, the Local Net Zero Programme 2022-2025 Memorandum of Understanding (the **MoU**) was entered into by BEIS and the CPCA.

The GSENZH has a pipeline of over 100 live Net Zero projects with a projected capital value of £420m, have secured £32.5m in commercial and £125m in public investment.

The GSENZH also provide good practice guidance, tools and resources to benefit local authorities across England, including being Hub lead for:

- GHG Support Toolkit – a Local Authority Housing Retrofit Handbook which provides practical advice to local authorities in England on domestic retrofit. It brings existing resources together in one place and gives a suggested order in which to work through this material.
- My Society – a central, open data, web resource for Local Authority Climate Emergency Action Plans which will enable greater collaboration and sharing between councils and other stakeholders
- £150K Social Housing Decarbonisation Fund Retrofit Accelerator and HUG websites.
- Community Energy infrastructure development, resources and pilot projects.

The GSENZH has provided a Technical Assistance Consultancy Fund to support local authorities to accelerate projects, circa £600K has been allocated to grants and a strategic project fund including ringfenced projects from DESNZ of circa £2.5m to address priority challenge areas.

The Hubs have also delivered wider programmes and schemes for DESNZ including:

- £2.9m Rural Community Energy Fund – a scheme which supports rural communities to develop and benefit from renewable energy projects. 53 projects were funded to the value of £2.3m.
- £21m Green Homes Grant (GHG) Local Authority Delivery Phase 2 – a home retrofit programme aimed at the least energy efficient homes of low-income households. 1,700 homes were improved with 3,363 measures.
- £1.3m Public Sector Decarbonisation Scheme (PSDS) Low Carbon Skills Funding – funding to secure the skills and expertise needed to support public sector organisations to identify and deliver building energy efficiency and decarbonisation measures or to develop net zero organisational plans in the public sector. 122 projects have been supported to the value of £79m
- £35m Sustainable Warmth Fund – 3,250 home retrofit programme aimed at the least energy efficient homes of low-income households.
- £47m Home Upgrade Grant Phase 2 (HUG2) - a 2,600 home retrofit programme aimed at the least energy efficient off gas homes of low-income households.
- £2.4million Local Energy Advice Demonstrators (LEAD) – a grant programme to pilot innovative one to one advice services for energy efficiency home improvements in hard to treat properties, able to pay and hard to reach communities.
- £2million Community Energy Fund
- ~£1.5m Regional Skills Pilots

Achieving carbon budgets will require action at both national and local level. In December 2020, the Climate Change Committee's sixth carbon budget report identified the need for action at LA level as well as national level to achieve net zero - they estimate that over 30% of carbon savings will come from local action. The National Audit Office and Environmental Audit Office have called for the Government to have stronger, more visible framework and partnership in place with local government and communities if they are to meet national net zero ambitions.

Many LAs have set their own ambitious decarbonisation targets but they face numerous barriers to delivering these plans, including a lack of capacity and capability, and the need for capital funding to develop the pipeline of projects which support local priorities and attract commercial funding for long-term, integrated investment programmes. However, with the right support, e.g., the Hubs teams, LAs can go further faster and the Local Net Zero Programme enables local areas to implement cost effective and integrated net zero programmes, whilst taking account of local needs and opportunities

2. Objectives of the Greater South East Local Net Zero Programme

- 1 Continue to increase the number, quality, and scale of local Net Zero projects being delivered across the region in line with national targets and strategies including supporting the early-stage development and delivery of projects.
- 2 Attract commercial investment and help LAs to develop investment models which accelerate progress to net zero whilst directly contributing to building a stronger and greener future which supports clean growth and levelling up.

- 3 Collaborate with DESNZ to develop and support wider Net Zero programmes and initiatives delivered across England, including the Transport Decarbonisation Plan and Levelling Up.
- 4 Support a knowledge transfer programme to improve information sharing, training, and evaluation and create a network of experience that amalgamates learning to strengthen and teach others.
- 5 Raise local awareness of opportunities for and benefits of local Net Zero investment – including through national schemes.

Further detail on indicative outputs are in Annex 1, Objectives and Outcomes

- a) Other GSENZH objectives are respective to the wider programmes, schemes and strategic projects as defined by the funder.

3. Hub Board and Operational Team Structure

The Greater South East Net Zero Hub will operate under a *Net Zero Board* (the “**Hub Board**”) and a *Net Zero Operational Team* (the “**Operational Team**”).

Regional sub-boards will be set up to strengthen local representation and the number of stakeholders engaged with the Hub.

Project boards will be convened where the GSENZH acts as lead authority on behalf of partners, operational examples include Sustainable Warmth Project Board & HUG2 Project Board.

The ultimate purpose of this arrangement is to ensure that the GSENZH delivers the required quality outcomes outlined in the MoU, aligns with stakeholders local strategic priorities and responds appropriately to changing requirements of stakeholders and the operational environment.

4. Hub Board Roles and Responsibilities

DESNZ sets the strategic direction of the Net Zero Hub through the provision of funds and defined project scopes. The Hub Board supports the strategic direction, providing challenge and ensuring delivery is adapted to regional and local need and the allocation of grants and funds meet local priorities and Hub objectives.

The Hub Board will provide oversight of the Operational Team’s delivery of the programme to ensure it fulfils the aspirations and expectations of key stakeholders in line with the scope as agreed with DESNZ and the CPCA. The Hub Board is responsible for ensuring that delivery is taking place, is monitored and maximised.

Where the Hub Board are involved in the decision-making process for the allocation of revenue project support or grants, the process will be detailed in Project Assessment Frameworks and/or, as appropriate, grant and tender documentation.

The CPCA Board have delegated authority to the Hub Board to administer and allocate grants where the decisions to not impact the CPCA budget or staffing arrangements.

Where CPCA as the Accountable Body is the responsible body for the allocation of capital grants, the Hub Board will agree the process and criteria by which allocations are made to adapt to regional and local need.

The Hub Board shall have the authority to make recommendations for decisions in relation to the proposed deployment of the Grant.

The Hub Board shall:

- a) Maintain a governance structure that is regionally representative to oversee activities of the GSENZH, these structures are subject to change to reflect any local changes in local governance, such as devolution deals. Further detail is set out in the GSENZH Operating Strategy.
- b) Provide overall strategic direction for the allocation of Grant and leverage of funds.
- c) Provide direction and support in relation to the development, delivery and implementation of Net Zero funded activities.
- d) Promote the Net Zero Hub and the available support within the Greater South-East LEPs, constituent local authorities, businesses, higher education research base and other relevant stakeholders.
- e) Provide recommendations to CPCA with regard to the staffing structure of the Operational Team in consultation with the GSENZH Regional Head and Section 73 officer of CPCA.
- f) Approve the criteria for selection/prioritisation of pipeline projects.
- g) Make decisions based on the scrutiny of individual project support proposals.
- h) Sign off quarterly reports to DESNZ.
- i) Approve bids to DESNZ for tools to support capability building, project acceleration funding and strategic projects.
- j) Utilise existing CPCA governance structures to deliver other funded schemes;
- k) Make recommendations for allocations of other funded projects (through the Hub Board or subordinate group thereof).
- l) Identify and escalate appropriately any risks and issues to GSENZH delivery.
- m) Provide a rotating representative to DESNZ bi-yearly meetings (selected/elected by the Board one month ahead of the meeting date) to discuss the strategic direction of the Local Net Zero Programme and any challenges facing the programme, and to ensure a shared approach to governance and decision making.
- n) Comply with the CPCA Single Assurance Framework once approved by Department for Levelling Up, Housing and Communities (DLUHC).

The Hub Board shall ensure that the Net Zero Hub:

- a) Has a suitable financial model.
 - b) Has appropriate delegated authority and agreed financial thresholds.
 - c) Has the appropriate strategic direction in accordance with the MOU.
 - d) Supported projects are in line with wider Net Zero goals.
 - e) Has robust frameworks for the operation of the Hub.
 - f) Monitors and evaluates progress against the objectives defined in the MOU;
- and

- g) Has an agreed communication strategy.

The Hub Board shall act in an advisory capacity to the Accountable Body in relation to the Section 31 grant agreements. All decisions concerning financial models or that have a financial impact will be undertaken by the Hub Board with approval of the Section 73 officer.

The Hub Board shall be required to make recommendations:

- a) the allocation of budget for programmes and the Hub Operational Team;
- b) the allocation of grants (through the Hub Board or subordinate group thereof);
- c) decisions made regarding the allocation of any future funding delegated to the Hub.

All Board and sub-committee or sub-group members will make decisions on merit having taken into account all the relevant information available at the time.

5. Board Composition

The Hub Board will be made up of local representatives and other stakeholders such as regional leaders and third parties. A new governance structure is being developed for post 1st April 2024.

The Hub Board currently comprises representation of:

- a) one (1) board member from each LEP/ Local Authority areas served;
- b) one (1) board member representing the Accountable Body Section 73 Officer;
and
- c) one (1) Chairperson.

Each LEP area board member will have a nominated substitute and DESNZ will have a position as observer and advisor.

The Net Zero Hub Board comprises the following members:

- Cambridgeshire & Peterborough Combined Authority (Accountable Body)
- Cambridge & Peterborough Combined Authority
- New Anglia LEP
- South East LEP/ UTLAs coterminous with the South East LEP area
- South East Midlands LEP
- Coast to Capital LEP
- Enterprise M3 LEP
- Hertfordshire LEP
- Oxfordshire LEP
- Thames Valley Berkshire LEP
- Buckinghamshire LEP
- Greater London Authority
- DESNZ is a permanent observer representing Net Zero

Where multiple UTLAs exist within a LEP area, those UTLAs will be represented by a single Board member as per (a), unless alternate representation is agreed by the Hub Board. The SELEP region will have 3 representatives covering the three functional economic areas post 1st April 2024 until transition to the new governance structure.

Representation will be reviewed as part of the governance transition to enable equitable representation from across wider areas such as functional economic areas.

Where LEPs are not able to provide a nominated Board Member, representation will be sought from local authorities/other representative organisations and agreed with the Hub Board.

Notwithstanding the foregoing, the Greater London Authority (the “**GLA**”), although being a member of the Hub Board, shall solely have observer status and therefore shall not have the right to vote on any actions or decisions to be taken or approved by the Hub Board.

6. Recruitment of Hub Board Members

The Hub Board shall appoint an Independent Chairperson.

Hub Board Members and Substitutes are nominated by each LEP/lead local authority/UTLAs. Board Members must have the capacity and capability to deliver their role and have delegation for decision-making from their LEP Board/Local Authority or if delegated, the Chief Executive. Where Hub Board members are not represented by the LEP, Board Members will have delegated decision-making from their local equivalent. Hub Board Members are expected to represent their organisations and/or LEP areas at a strategic level.

The Chief Finance Officer (s73) (or deputy) shall have a non-voting position on the Hub Board.

Hub Board members are officers nominated to represent their LEP, this is based on merit, skills and capacity. The Hub Board aspires to be representative of the gender balance and the businesses and community it serves, however, the Hub Board acknowledges the limits of its resource capacity through the nomination process.

Chairperson & Vice Chairperson of the Hub Board

The Hub Board will agree a rotating Chair for each board meeting.

The Hub Board will appoint an independent Chairperson following the governance transition.

Then the Chairperson shall be appointed following an open, transparent and non-discriminatory recruitment process which assesses each candidate on merit carried out in accordance with the CPCA’s diversity statement, Government Guidance and the Nolan Principles. This will include a public advertisement and an interview process conducted by a Hub Board’s appointments panel. The Hub Board will consult widely and transparently before appointing a new Chairperson. The Chairperson will be agreed between the GSENZH, the Board and DESNZ.

Nominated individuals must have:

- i) previously held a similar position;
- ii) significant energy sector experience; and
- iii) an understanding of how authorities operate.

The Hub Board shall convene a meeting to deliberate and prepare a shortlist of three (3) nominees to interview, no less than ten (10) days after the close of the public advert.

The Hub Board shall then select a panel of no less than five (5) Representatives (the “**Interview Panel**”) to interview the shortlisted nominees.

The appointment of the Chairperson shall be made by the unanimous decision of the Interview Panel.

Terms of Appointment

The term of office for **independent Chairperson** will normally be three (3) years, and subject to a maximum of one (1) consecutive term, unless:

- (a) they resign from their position and communicate this in writing to the Hub Board and CPCA Monitoring Officer; or
- (b) upon receipt of a vote of no confidence by the Hub Board, the Board must consider whether to terminate the terms of office of the Chair at the next meeting of the Board.

The position of Chairperson shall be reviewed annually.

The terms of the appointment will be set out in an appointment letter from the CPCA to the Chairperson. The Chairperson will be remunerated for allowable expenses.

The Hub Board shall appoint a vice Chairperson from amongst its membership, the term of office is at their discretion. For the avoidance of doubt, the GLA representative(s) shall not be eligible for consideration.

Working Groups

The Hub Board may appoint informal non-decision-making working groups or panels. Any such subordinate body set up by the Hub Board shall include one (1) or more Hub Board members, excluding the GLA representative, as nominated by the Board. With the consent of the Chairperson, any such group may also co-opt onto it any independent person with the relevant expertise – judged against pre-determined criteria – on the issues within the remit of these groups.

The remit and terms of reference for any such subordinate body shall be approved by the Hub Board and comply with the CPCA’s Assurance Framework and Hub Terms of Reference.

Funding Panel

The Hub Board may appoint a formal decision-making Funding Panel for Grant awards. Any subordinate body set up by the Hub Board shall include one (1) or more Hub Board members, excluding the GLA representative, as nominated by the Board, Local Enterprise Partnerships, lead local authorities and a DESNZ official. To guard against any potential conflicts of interest that could potentially arise through CPCA involvement with the application or project, the Hub Board must ensure that there are several local

authorities represented on the Funding Panel. With the consent of the Chairperson, any such group may also co-opt onto it any independent person with the relevant expertise – judged against pre-determined criteria – on the issues within the remit of these groups.

The remit and terms of reference for any such subordinate body shall be approved by the Hub Board and comply with the CPCA's Assurance Framework and Hub Terms of Reference.

Regional Sub-boards

As part of the governance transition, the Hub Board may appoint formal/informal, decision making/non-decision-making sub boards to enable more stakeholders to engage with and participate in the GSENZH governance and strategic direction.

Due to the large geographic area covered by the GSENZH and the devolution agenda, BEIS require a minimum of two geographical sub boards to be set up. It is proposed that sub-boards are established for the northern region, southern region and London, with detailed Terms of Reference approved by the Hub Board.

The Hub Board may set up thematic sub-boards and project boards as required.

7. Communications

The Hub Board members are responsible for communications, this has been managed through the LEP Communications Group that was set up for the purpose of acting as points of contact and communication 'leads' for their LEP area. This is governed by the GSENZH Communications Framework and Protocol. The LEP Communications leads are required to ensure that:

- (a) all relevant LEP/local authority and local key stakeholders are kept fully informed of Net Zero activities; and
- (b) they represent the views of the LEP/local authority sub regions.

8. Collaboration

The Hub Board members are required to take a collaborative and coordinated approach across multiple LEPs and local authority areas, including supporting the Operational Team to identify strategic collaborative projects. Projects that are supported by the Hub and develop collateral and assets, such as business cases, templates and toolkits shall be shared with other LEPs and local authorities for the benefit of the greater south east area.

9. Duty of Confidentiality

Hub Board members have a duty to maintain the confidentiality of information that they acquire by virtue of their position. Each shall keep confidential any and all information marked as confidential and any and all materials relating to specific project beneficiaries or prospective beneficiaries of support unless compelled by legal process to disclose such information, or authorised to do so by the Hub Board. The Hub Board members may disclose confidential information to their respective LEP Board/Local Authority Cabinet/Committee/ Board and/or Secretariat, providing that information is treated in confidence.

10. General Operational Procedures

Meetings

Meetings of the Hub Board shall not be open to the public unless determined otherwise by the Chair.

Agendas and Minutes

Agendas and minutes for the Hub Board meetings will be available on the Net Zero's website. Any funding decisions shall be ratified by the CPCA as accountable body for the Hub Board.

The public may have access to agenda, reports and minutes of public and private meetings except where they are exempt from disclosure under the Freedom of Information Act 2000 (FOIA).

Freedom of Information

Reports will be released with the agenda, except in those cases where the information contained in the reports is exempt from disclosure under the Freedom of Information Act 2000 (FOIA). These papers will be classed as reserved papers.

Exemptions that are likely to make information reserved include but are not limited to:

- Commercial sensitivity information
- Information provided in confidence
- Personal data
- Legal privileged information
- Information intended for publication at a future date

Representation in meetings:

A representative of each LEP, or LEP area, should be present at the meetings of the Hub Board, (the Board Member). Each LEP, or LEP area, may appoint a substitute or proxy, to attend and vote at any meeting and each representative shall participate in a cooperative manner in the meetings.

Convening meetings:

The Chairperson of the Hub Board shall:

- authorise and approve a relevant schedule of business for the Hub Board;
- convene meetings of the Hub Board at a frequency of no more than six (6) weeks apart;
- give notice in writing to each Representative no later than ten (10) working days prior to any such meeting; and
- prepare and send each Representative a written agenda and Board papers no later than five (5) clear working days prior to any meeting.

Meetings of the Hub Board may be held:

- face to face in various locations that are geographically accessible to the Parties;
or

- virtual meetings or another telecommunication means as an alternative to meeting face to face.

Quorum

The Hub Board shall not deliberate and decide validly unless at least six (6) Representatives, not including the GLA Representative, are present or represented (“**Quorum**”);

During any meeting if the Chairperson counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chair. If the Chairperson does not fix a date, the remaining business will be conducted at the next ordinary meeting.

Decision Making and Voting

Wherever possible, decisions of the Board will be by consensus, without the need for a vote. Where this is not possible a vote may be taken where the Chairperson considers it to be necessary to establish whether a consensus exists.

- Each LEP Representative present or represented in a meeting, with the exception of the GLA Representative, shall have one (1) vote.
- The CPCA Section 73 officer does not have a vote;
- Decisions taken shall require a majority of the votes cast of those attending;
- In the event of a tied vote, the Chairperson shall have the deciding vote.

The vote will be by way of show of hands and recorded in the minutes.

Decisions: The Hub Board shall be free to act on its own initiative to formulate proposals and take decisions in accordance with the procedures set out herein.

Decisions of the Hub Board

The minutes of the Hub Board will be posted on the Hub’s website after they are agreed as an accurate record by Board members at their next meeting. Provided that (a) no objection has been raised; and (b) no information contained in the minutes would be deemed exempt information under Schedule 12A of the Local Government Act 1972, the minutes of each Hub Board meeting shall be published on the Hub’s website, www.gsenetzerohub.org.uk within two (2) clear working days of them being accepted.

- The Chairperson of the Hub Board shall ensure that the draft minutes of each meeting are sent to all Representatives within five (5) working days of each meeting;
- Draft minutes will be accepted as final at the subsequent Board meeting.
- Objections lodged with the Chairperson should be considered and actioned at the following Board meeting.

In July 2023, to enable the Hub Board to be involved in decision-making process the CPCA Board delegated authority to the Executive Director of Resources & Performance

(or substitute) to act upon the recommendations of the Hub Board and delegated functions to enable the acceptance, commissioning and delivery of projects and programmes of work. The full delegations are listed in Appendix 1.

Where decisions need to be ratified by the CPCA as Accountable Body and the CPCA does not agree, they will refer the matter back to the Hub Board with the reasons and ask the Hub Board to reconsider.

Urgency Procedure

In order to ensure that the Hub Board is able to progress its business in an efficient manner, comments on urgent matters may be sought by the Regional Head of the GSENZH or other Statutory Officer outside the meeting cycle.

Members will receive email notification which identifies:

- (a) Details of the matter requiring comment and/or endorsement and the reason for urgency (including an explanation as to why an emergency meeting is not proposed to be held to conduct the business);
- (b) The date responses are required by;
- (c) The name of the person or persons making or putting forward the proposal/decision

Two (2) working days after the close of responses, the following will be circulated to all Hub Board Members:

- (a) The outcome of the decision taken by Statutory Officers (including responses received in agreement and responses received in disagreement); and the date when any decision comes into effect; and
- (b) Any mitigating action taken to address Members' stated views or concerns.

Decisions and actions taken will be retrospectively reported to the next meeting of the Hub Board.

Complaints and Whistleblowing

Any complaint received about the Hub Board will be dealt with under either the CPCA Complaints or Confidential Complaints Policy.

Any complaint about an individual Hub Board member alleging a breach of the Code of Conduct will be dealt with in accordance with the code of conduct.

Any whistleblowing concerns raised about the Hub Board will be dealt with under the CPCA's Whistleblowing Policy.

Each of these procedures or policies shall be published on the CPCA web-site and accessible from the Hub Board's web-site.

11. Code of Conduct

All Hub Board members are expected to adhere to the Nolan Principles of public sector bodies. The CPCA has a Code of Conduct which applies to members of the Hub Board.

12. Conflicts of Interest

Register of Interests

It is the responsibility of Board members to ensure an up to date Register of Interests is maintained. Each Hub Board member must complete and keep up to date a register of interest form required under the CPCA's code of conduct. The register of interest form will be published on the Hub's website within twenty-eight (28) days from the date of the appointment and is a condition of appointment. A member must within twenty-eight (28) days of becoming aware of any change in their interests provide written notification of this.

It is the responsibility of Board members to declare any interest on any item of business being conducted at a Hub Board or working group meeting. Any declarations of interest made by a Hub Board member at a meeting and any action taken, (such as leaving the room, or not taking part), will be recorded in the minutes for that meeting. The member should update their register of interest form within seven (7) days of the meeting if a new interest has been declared.

Any alleged breach of the Hub Board member code of conduct will be dealt with under the Combined Authority's Member Complaints Procedure.

13. Grievance Procedure

There are three (3) key points for the grievance procedure:

1. Issues must be dealt with promptly and consistently;
2. The LEPs/ Local Authorities should have an opportunity to put their case to the Hub Board; and
3. The decision of the Hub Board will be final

The Procedure

i. Raise the grievance in writing

- a) If a LEP/LA has a grievance the relevant Representative should raise it with the Hub Board without unreasonable delay, and within one (1) month of the incident which gave rise to the complaint. The Representative must provide the Hub Board with details in writing of the specific circumstance or circumstances which constitute the grievance, with dates, etc.

ii. Invitation to a Grievance Meeting

- a) The Hub Board will invite the Representative to attend a meeting, without unavoidable delay to discuss the matter. The meeting should ideally be arranged within five (5) working days of the Hub Board receiving the written grievance.

iii. Grievance Meeting

- a) Where possible, a note-taker, who must be uninvolved in the case will take down a record of the proceedings.
- b) The Chairperson of the Hub Board will introduce the meeting, read out the grounds of the grievance, ask the Representative if they are correct and require the Representative to provide clarification regarding details of the grievance if unclear.
- c) The Representative will be given the opportunity to put forward her/his case and say how they would like to see it resolved.
- d) The meeting may be adjourned by the Chairperson of the Hub Board if it is considered necessary to undertake further investigation. Any necessary investigations will be carried out to establish the facts of the case. The meeting will be reconvened as soon as reasonably practicable.
- e) Having considered the grievance, the Chairperson of the Hub Board will give her/his decision regarding the case in writing to the Representative within five (5) working days. If appropriate, the decision will set out what action the Hub Board intends to take to resolve the grievance or if the grievance is not upheld, will explain the reasons.

14. Accountable Decision Making

Local Net Zero Programme

All LEPs set a strategic direction for their respective areas through a Local Energy Strategy. Funded by BEIS in 2017/18, energy strategies were required to provide strategic fit with BEIS policy, (energy related aspects of the Industrial Strategy and the national trajectory for decarbonisation and clean growth) and align with other national and local energy and low carbon policy. The Energy Strategies were signed off at LEP Board level after consultation with all the key engagement groups.

In the Greater South East Hub region there are six (6) Local Energy strategies:

- Local Energy East, a tri-LEP strategy for CPCA, NALEP and Hertfordshire LEP;
- South2East a tri-LEP strategy for SELEP, C2C and EM3;
- Oxfordshire LEP
- South East Midlands LEP
- Thames Valley Berkshire LEP
- Buckinghamshire LEP

Since the Net Zero Strategy 2050 target (Climate Change Act) these strategies have been complemented by Local Authority and Mayoral Combines Authority strategies and plans. These strategies form a key element of the Net Zero's decision making for Net Zero Support, as for a project to be supported it must contribute to the achievement of strategic priorities and benefit multiple LEP or Local Authority areas.

The decision-making process for Local Net Zero Programme is governed by the Local Net Zero Programme Assessment Framework.

15. Operational Team

The Operational Team is employed on behalf of the consortium by the CPCA and perform the tasks assigned to it as per the programme objectives set by DESNZ and the Hub Board.

The Regional Head of the GSENZH (the “**Regional Head**”) is the senior responsible owner for the Net Zero Hub and the CPCA Section 73 Officer acts as the Chief Finance Officer.

The Regional Head reports to the Hub Board, the Combined Authority’s Director for Resources & Performance and DESNZ.

The Regional Head will provide, for Hub Board approval, the Net Zero:

- Operating Strategy 2023-2025
- Financial forecasts
- Communications Plan (April 2024)
- Stakeholder Engagement Strategy (April 2024)
- Communications Framework (to be updated April 2024)
- Communications Protocol (to be updated April 2024)
- Project Assessment Frameworks (adopted by February 2024)
- Risk Register (presented monthly)
- Any other framework or plan required by the Hub Board.

The Regional Head will have freedom to deliver and act on behalf of the Hub within the scope of the Hub Board approved plans and frameworks.

The Regional Head provides monthly and quarterly progress and performance reports to DESNZ for programme delivery, highlighting and escalating risks within DESNZ where necessary.

The Regional Head will provide operational and financial reports for each Board meeting

The Operational Team is managed by the Regional Head and comprises energy specialists and support staff and, at their discretion, key subcontractors. The Operational Team are responsible for the development of the project pipeline, delivery of the programme, administration of grant funding programmes, dealing with technical delivery matters, financial monitoring and compliance, interaction with DESNZ and stakeholders.

The Regional Head provides the secretariat to the Hub Board; minutes are taken by the Hub Support Coordinator; programme delivery is provided from across the Operational Team. The CPCA corporate support services (e.g. financial, legal and human resources) will be provided from within the CPCA’s existing support arrangements.

The Regional Head (and or deputy) will attend monthly meetings with DESNZ to monitor progress, collaborate on opportunities, resolve issues, and share relevant information across all Hubs.

The GSENZH operates on behalf of all LEP and public sector bodies.

16. Stakeholder Engagement

Working with stakeholders is critical to the success of the GSENZH. The Hub's Stakeholder Engagement Strategy sets out the people and groups with whom the Net Zero should and does engage with and how this is done.

The GSENZH was set up to work with LEPs and their local authorities to provide local capability and capacity. This remit has extended to include all public sector bodies in relation to public sector estate decarbonisation.

The GSENZH will build relationships with local stakeholders to identify need, inform the Hub's support activities, share information and facilitate the development of local energy projects.

The GSENZH will undertake and/or participate in a range of engagement activities to develop the stakeholder network, which may include; events, roundtables, thematic conferences, regular meetings and exchanges with advisory groups.

The GSENZH will participate in external events, and the Hub Board members and the Regional Head to promote the work of the Net Zero in a range of speaking engagements and events.

The GSENZH participates in local energy conferences, supports programme development. The GSENZH will work with other local energy promoters in Net Zero region to promote the local net zero agenda.

The GSENZH utilises a range of communication channels to engage with stakeholders. An GSENZH Communications Group with representation from the eleven (11) LEPs has been set up and is called upon on an as needs basis to develop and align communications activity and promote the Net Zero; this group works to the GSENZH's Communications Protocol and Communications Framework.

17. Accountable Body

The CPCA is the employer of the Operational team. All Hub employees will be subject to the policies, terms and conditions of the CPCA. These may change from time to time and the Accountable Body will inform the Hub Board on any significant changes to employment terms and conditions.

Financial Provisions

The CPCA Section 73 officer shall be solely responsible for the Net Zero Grant with respect to compliance with the Section 31 grant agreements.

Distribution of Funds - the financial contribution of DESNZ shall be distributed by the Accountable Body, with the approval of the Hub Board.

Justifying Costs – In accordance with its own usual accounting and management principles and practices, each project shall be solely responsible for justifying its costs with respect to the feasibility studies prepared for consideration by the Hub Board. No LEP shall be in any way liable or responsible for such justification of costs towards the CPCA.

Notwithstanding the foregoing, the Consortium, local authorities and other organisations shall be permitted to make financial contributions to the Accountable Body to augment

or extend the duration of the services offered by the Net Zero provided always that the Accountable Body does not profit in any way whatsoever from the use of the Grant.

In the event the Funds are not used in their entirety to achieve the objectives set out in the MOU between DESNZ and the CPCA - the CPCA shall enter into discussions with DESNZ to reach agreement on how best to utilise the underspend in line with the objectives agreed under the MOU, and if agreement cannot be reached, the CPCA shall repay the unspent Funds to DESNZ

Record Keeping – the Accountable Body shall, in accordance with the MOU, keep all records relating to any spend funded by the Funds for a period of ten (10) years from the Effective Date

Subsidy Control - the Accountable Body shall ensure that use of the Funds is in compliance with the UK Subsidy Control Regime.

18. Scrutiny Arrangements

The CPCA's Overview and Scrutiny Committee may review or scrutinise any CPCA decision in its role as accountable body for the Hub Board. The CPCA's Scrutiny Officer shall ensure that this includes appropriate scrutiny of Hub Board decision-making and achievements.

Any Hub Board member may be asked to attend, or otherwise contribute to, a meeting of the CPCA's Overview and Scrutiny Committee.

The CPCA has delegated oversight of the GSENZH to the Environment & Sustainable Communities Committee.

19. Amendments to the Terms of Reference

These terms of reference will be reviewed annually. The Hub Board will recommend any proposed changes to the Terms of Reference to the CPCA.

The CPCA's Monitoring Officer is authorised to make any changes to any constitutional or governance documents which are required:

- (a) as a result of any government guidance or policy, legislative change or decisions of the Hub Board, or
- (b) to enable the documents to be kept up to date, or
- (c) for the purposes of clarification only.

This terms of reference and other governance documents shall be published on the CPCA website and accessible from the Hub's website www.gsenetzerohub.org.uk.

Appendix 1 Scheme of Delegation

	Delegation	Limitation
1.	<p>Delegate authority to the Executive Director of Resources & Performance (or substitute), upon the recommendation of the Hub Board:</p> <ul style="list-style-type: none"> a) To agree funding allocations for the use of GSENZH funds. b) To develop and design grant programmes in line with GSENZH objectives. c) To commission/procure services, projects and toolkits, and to award and enter into contracts. d) To approve the award of grants. e) To procure services and award contracts for DESNZ ringfenced projects arising out of the GSENZH MoU(s). f) To execute the corresponding grants, contracts and agreements. <p>Where the decisions do not impact the Combined Authority budget or staffing arrangements.</p> <p>Such approvals or decisions to be reported to the next meeting of the Combined Authority Board on the exercise of that delegation.</p>	<p>Project Development & Acceleration Fund - £1m</p> <p>Technical consultancy £500K</p> <hr/> <p>Strategic Projects £750K</p> <hr/> <p>DESNZ ringfenced projects £2million</p>
2.	<p>Delegate authority to the Executive Director of Resources & Performance, in consultation with the Deputy Section 73 Officer and Monitoring Officer, to enter into agreements and approve the budgets corresponding to DESNZ Memorandum of Understanding(s) (MoUs).</p> <p>Where the decisions do not impact the Combined Authority budget or staffing arrangements.</p> <p>Such approvals or decisions to be reported to the next meeting of the Combined Authority Board on the exercise of that delegation.</p>	£5million
3.	<p>Delegate authority to the Executive Director of Resources & Performance, to agree variation(s) to the GSENZH Memorandum of Understanding(s) (MoUs), execute agreements and approve budgets.</p> <p>Such approvals or decisions to be reported to the next meeting of the Combined Authority Board on the exercise of that delegation.</p>	£5million
4.	<p>Delegate authority to the Executive Director of Resources & Performance in consultation with the Chair of the Environment and Sustainable Communities Committee, to accept new GSENZH Memorandum of Understanding(s) (MoUs), execute agreements and approve budgets.</p> <p>Such approvals or decisions to be reported to the next meeting of the Combined Authority Board on the exercise of that delegation.</p>	£10million
5.	<p>Delegate authority to the Executive Director of Resources & Performance, in consultation with the Retrofit Project Board, to take financial decisions and align delegated thresholds with the Governance Framework for Sustainable Warmth & HUG2.</p> <p>Such approvals or decisions to be reported to the Chair of the Environment and Sustainable Communities Committee on the exercise of that delegation.</p>	Up to 10% of capital grant (capped at £7.5m) and £0.5m revenue expenditure.
6.	<p>Delegate authority to the Executive Director of Resources & Performance, in consultation with the Retrofit Project Board, Chair of the Environment and Sustainable Communities Committee and Monitoring Officer to take financial decisions up to 20% of the grant awarded for Sustainable Warmth & HUG2.</p> <p>Such approvals or decisions to be reported to the Environment and Sustainable Communities Committee on the exercise of that delegation.</p>	Up to 20% of grant award (capped at £15m)
7.	<p>Delegate authority to the Executive Director of Resources & Performance (or substitute), to set up advisory boards/steering groups/funding panels and agree Terms of Reference.</p> <p>Such approvals or decisions to be reported to the Environment and Sustainable Communities Committee on the exercise of that delegation.</p>	

8	Delegate authority to the Executive Director of Resources & Performance, to agree to the mobilisation of the HUG2 project, commence procurement, invite bids and award to successful bidders, and the creation of budget lines to expend the HUG2 funding.	Award contracts up to £156m
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Table 1. Delegations to the Director of Resources and Performance (or substitute)

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Report to:	Governance Committee
Date of meeting:	16 April 2024
By:	Assistant Chief Executive
Title:	Health Overview and Scrutiny Committee (HOSC) Terms of Reference
Purpose:	To consider amendments to the HOSC Terms of Reference to reflect changes brought about by updated national regulations and statutory guidance.

RECOMMENDATION:

The Committee is recommended to recommend the County Council agrees the updated HOSC Terms of Reference as set out at appendix 1 for inclusion within the Council's constitution.

1 Background

1.1 The powers of health scrutiny were established in the Health and Social Care Act 2001 and came into effect in 2003. East Sussex HOSC was established under this legislation in 2003.

1.2 Between 2003 and 2022 there were several updates to health scrutiny regulations and guidance, particularly to reflect changes in NHS structures and processes during this time. However, the statutory health scrutiny role and powers have remained largely unchanged. These included a specific role and powers for HOSCs in relation to any proposals for 'a substantial development or variation' to NHS services affecting the residents of the HOSC's area, specifically:

- the requirement for local NHS organisations to formally consult with the relevant HOSC(s) on such proposals, and for the HOSC to respond in its role as the statutory consultee; and
- the power for the HOSC to refer such proposals to the Secretary of State for Health for review on the grounds of either inadequate consultation with the HOSC, or because the HOSC considered the proposals were not in the best interests of health services for the area.

1.3 The Health and Social Care Act 2022 included provision for the Secretary of State to intervene directly in local NHS service changes, without requiring a referral from a HOSC. This has implications for the health scrutiny role and powers, specifically HOSCs' role in response to 'substantial' NHS service changes as set out above. On 9 January 2024 the Department for Health and Social Care (DHSC) issued a suite of new regulations and guidance setting out how the new service reconfiguration process will operate. The new process came into effect on 31 January 2024.

1.4 The majority of health scrutiny powers remain unchanged. This report focuses on the impact of the new service reconfiguration process on HOSC's role and the consequential amendments proposed to HOSC's Terms of Reference. The proposed changes were considered and supported by the HOSC at its meeting on 7 March 2024.

2 Supporting information

2.1 The arrangements for the new service reconfiguration process are set out through a set of linked regulations and guidance issued by DHSC in January:

- The National Health Service (Notifiable Reconfigurations and Transitional Provision) Regulations 2024: <https://www.legislation.gov.uk/ukSI/2024/15/contents/made>

- The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) (Amendment and Saving Provision) Regulations 2024: <https://www.legislation.gov.uk/uksi/2024/16/note/made>
- “Local Authority Health Scrutiny: Guidance to support local authorities and their partners to deliver effective health scrutiny” (DHSC, 2024). This replaces/supersedes guidance of the same name published in June 2014: <https://www.gov.uk/government/publications/advice-to-local-authorities-on-scrutinising-health-services/local-authority-health-scrutiny>
- New statutory guidance: “Reconfiguring NHS services – ministerial intervention powers” (DHSC, 2024). <https://www.gov.uk/government/publications/reconfiguring-nhs-services-ministerial-intervention-powers/reconfiguring-nhs-services-ministerial-intervention>

2.2 Key implications for HOSC are as follows:

- HOSCs’ status as statutory consultees on substantial service reconfigurations remains in place, with NHS organisations required to engage as they do currently;
- HOSCs will no longer be able to formally refer matters to the Secretary of State where they relate to these reconfigurations;
- Instead, the Secretary of State will have a broad power to intervene in local services – HOSCs will have the right to be formally consulted on how the Secretary of State uses their powers to ‘call in’ proposals to make reconfigurations to local health services.
- Other aspects of health scrutiny remain unchanged – the power to require representatives of NHS bodies to attend formal meetings, the power to get information from NHS bodies and the power to require NHS bodies to have regard to scrutiny’s recommendations;

2.3 The practical elements of the new service reconfiguration process are set out below:

- NHS commissioners will have a statutory obligation to notify the Secretary of State of planned reconfigurations that are substantial (also referred to as ‘notifiable’ changes in the regulations). The notification given to DHSC should consider the relevant HOSC’s views on a proposal when deciding when to notify and should make clear to the Secretary of State the HOSC’s view on whether this reconfiguration is ‘notifiable’.
- Consultation on a ‘notifiable’/substantial change will take place locally as it does now, including HOSC’s ongoing role as statutory consultee.
- ‘Notifiable’ reconfigurations are not the only proposals that may be ‘called in’ by the Secretary of State;
- Anyone locally (including a HOSC) may make a request to the Secretary of State that a proposal be ‘called in’ – whether that proposal is substantial or not. However, the guidance envisages that a proposal will be ‘called in’ only under exceptional circumstances. There will be certain criteria used to determine this, which include whether the HOSC has been engaged in trying to resolve concerns locally;
- The Secretary of State’s decision to ‘call in’ a service change is discretionary, and they can decide whether or not to call in a service change proposal. When a call in request is received, a process of evidence gathering to support the Secretary of State’s decision-making will be co-ordinated between DHSC and the Independent Reconfiguration Panel (IRP). A range of people may be contacted to provide further information as part of this (which is likely to include the relevant HOSC).
- Should the Secretary of State decide to ‘call in’ a proposal he or she will issue a Direction Letter to the NHS commissioning body, at which point the call-in becomes ‘live’. The Direction Letter will set out the steps that the NHS commissioner is permitted to take next

(which may or may not include continuing with a consultation). The requester will also be informed and the NHS commissioner and/or DHSC will inform the HOSC;

- A 'live call-in' will involve a review of the proposals which is likely to entail the Secretary of State seeking advice from the IRP. Interested parties will be given the opportunity to make formal representations at this stage – this is likely to include the HOSC;
- The Secretary of State will make a decision within six months. An NHS commissioning body must give effect to any decision made by the Secretary of State on a 'call-in'.

2.4 As set out above, the new process involves a number of roles/potential roles for HOSC at various stages. The updated national legislation means that amendments need to be made to HOSC's Terms of Reference to reflect the changes to HOSC's role and powers in relation to substantial service change. The proposed changes are set out at appendix 1. In summary these are:

- Replacing references to outdated legislation and referring more generally to relevant health scrutiny legislation and guidance, to more easily accommodate any future updates and the broader range of national guidance which now refers to health scrutiny;
- Removing references to the previous arrangements in relation to referring matters to the Secretary of State;
- Adding references to the new 'call-in' process and HOSC's roles within this;
- Adding specific reference to working with local Healthwatch, as well as with local people more generally, to recognise that the relationship between HOSCs and Healthwatch has been made more explicit in recent DHSC guidance and regulations; and
- Updates to the element relating to joint health scrutiny arrangements with other authorities to clarify fully HOSC's role in establishing joint committees;

3. Conclusion and reasons for recommendations

3.1 Updated national regulations and guidance have resulted in some changes to HOSC's role and powers, specifically in relation to substantial NHS service reconfigurations. These changes have been reflected in updated Terms of Reference which have been considered and supported by the current HOSC. The Governance Committee is asked to recommend the proposed amended Terms of Reference to the County Council for agreement and inclusion within the constitution.

PHILIP BAKER
Assistant Chief Executive

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Local Member: All

Background Documents: None

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Health Overview and Scrutiny Committee – Terms of Reference

[Proposed deletions are struck through and proposed additions are shown in bold red text]

To exercise the specific functions given to local authorities to scrutinise the health services within their locality as follows:

1) To scrutinise matters relating to the provision of health care and to promote the equality of opportunities in health care for the inhabitants of East Sussex.

2) To make reports and recommendations to local NHS bodies, as defined, patients' representatives, the County Council and to other relevant bodies on matters affecting the provision of health care for the inhabitants of East Sussex.

3) To respond to consultation by any local NHS body or Foundation Trust with reference to any proposal for substantial development of the health service in the county, and/or affecting the inhabitants of East Sussex or for a substantial variation in the provision of such service **excluding those exempt from consultation as specified in regulations.** ~~pilot schemes (within the meaning of Section 4 of the National Health Service (Primary Care) Act 1997 and urgent proposals as defined in Regulation 4(3) of the Local Authority (Overview and Scrutiny Committees Health and Scrutiny Functions) Regulations 2002)~~ and to make comments by the due date specified by the local NHS body referring the matter.

~~4) To report to the local NHS body or to the Secretary of State in writing in any case where the Committee is not satisfied that:~~

~~a) consultation on any proposal has been adequate in relation to content or time allowed or;~~

~~b) that the reasons given by the local NHS body for failing to consult because of urgency are not adequate.~~

~~5) To make representations to the Secretary of State in writing on any such proposals as are referred to above whether in support or against such proposals having considered whether or not such proposals would be in the interests of the provision of health care for the inhabitants of East Sussex.~~

4) To consider and respond to consultations or requests for information by the Secretary of State (or on their behalf) in relation to NHS proposals for service change affecting the inhabitants of East Sussex which have been called in by the Secretary of State, or where a request has been made to call in such a proposal.

5) To make a request to the Secretary of State that a proposal for service change affecting the inhabitants of East Sussex be called in where the committee is satisfied that the criteria for requesting a call-in (as set out in statutory guidance) are met.

6) To evaluate and review the effectiveness of the implementation or other outcome of its recommendations in improving the health services for the inhabitants of East Sussex.

7) To undertake all the statutory functions of the scrutiny committee in accordance with **relevant current legislation and national guidance** ~~Section 7 and regulations under that section, of the Health and Social Care Act 2001, relating to reviewing and scrutinising health service matters.~~

8) To encourage the County Council, District and Borough Councils to take into account the implications of their policies and activities on health and the promotion of equality in the provision of health care.

9) To contribute to the development of policy to improve the provision of health care for the inhabitants of East Sussex.

10) To respond to or make proposals for joint scrutiny of health provision in adjoining areas which may impact on the provision of health care for the inhabitants of East Sussex, **including appointing members of the committee to relevant Joint Health Overview and Scrutiny Committees and agreeing the Terms of Reference for such committees.**

11) In all of the above, to seek, and take account of, views of the inhabitants of East Sussex **and to liaise with local Healthwatch in this respect.**

By virtue of paragraph(s) 1, 2, 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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