

Slough Borough Council

Report To:	Cabinet
Date:	5 March 2024
Subject:	Berkshire Prosperity Board
Lead Member:	Cllr Dexter Smith - Leader of the Council
Chief Officer:	Stephen Brown – Chief Executive
Contact Officer:	Stephen Taylor – Monitoring Officer
Ward(s):	All
Key Decision:	YES
Exempt:	NO
Decision Subject To Call In:	YES for Cabinet decisions only
Appendices:	Appendix 1 – Functions and Procedure Rules for Berkshire Economic Prosperity Board

1. Summary and Recommendations

- 1.1 The six Berkshire local authorities are proposing to set up a joint committee, known as the Berkshire Prosperity Board, to enable funding previously held by the Local Enterprise Partnership (LEP) to be provided for Berkshire wide prosperity projects. This report sets out details of the proposed governance structure and functions, with proposed delegation to officers to finalise these arrangements to take account of Government guidance and any grant conditions.

Recommendations:

Cabinet is recommended to:

1. Approve the setting up of a joint committee across the six Berkshire local authorities to exercise executive functions in relation to economic prosperity.
2. Delegate authority to the Chief Executive, in consultation with the Leader of the Council and the Executive Director of Finance and Commercial, to agree and enter into an inter-authority agreement between the six Berkshire local authorities to facilitate decision-making by the Berkshire Prosperity Board Joint Committee (BPB)

Recommend to Council:

3. Approval of the functions and procedure rules for the Berkshire Prosperity Board Joint Committee (BPB) as set out in Appendix 1 be added to Part 3.5 of the Constitution;
4. Delegated authority to the Monitoring Officer, in consultation with the Leader of the Council, to amend the Constitution to make minor amendments to the functions and procedure rules for the BPB and to amend other parts of the Constitution, including

Article 13 – Decision Making, Part 4.2 - Access to Information Procedure Rules and Part 4.4 of the Executive Procedure Rules, to take account of the existence of the BPB.

Reason:

To facilitate the discharge of functions connected to economic prosperity across Berkshire, including functions currently held by the LEP.

Commissioner Review

No specific comments to add to the report.

2. Report

Introductory paragraph

- 2.1 The Thames Valley Berkshire LEP has held core functions in relation to economic prosperity, including being able to access Government grants on a regional basis. In response to the Government's review of Local Enterprise Partnerships, it is proposed that a joint committee across Berkshire can effectively exercise these functions. This will enable the authorities across Berkshire to agree a shared vision of inclusive and sustainable economic prosperity, bid for Government and private sector investment, have a strong, collective voice in lobbying Government and other agencies and advantageously position Berkshire in readiness for proposed devolution proposals.

Options considered

Option 1 – To set up a joint committee – the legal power to establish a joint committee is well established and provides a simple way for local authorities to collaborate and make formal decisions across a region. This is a model which works well in other places, including in West London. **This is the recommended option.**

Option 2 – To delay implementation of a cross Berkshire committee and continue to operate under the informal Leaders' Group – the Government guidance makes clear that funding for the LEP will cease from 1 April 2024. There may be opportunities to bid for funding to support economic prosperity across a region, which requires a formal decision-making structure to be in place. **This is not recommended** due to a risk that the council may not be able to bid for regional funding.

Option 3 – To submit formal devolution proposals to set up a statutory Economic Prosperity Board – it will take time to prepare such a proposal with limited additional benefits at this stage. It is unlikely that this will provide added value over and above the joint committee model and will take longer to set up. **This is not recommended.**

Background

- 2.2 Joint Department for Business and Trade and Department for Levelling Up, Housing and Communities Guidance was issued in August 2023 on Local Enterprise Partnerships (LEPs) and integration of functions into local democratic institutions. The Spring Budget 2023 proposals stated that the Government was minded to withdraw central government support (core funding) for LEPs from April 2024 and to transfer LEP functions to local authorities, where appropriate and where not already delivered by combined authorities. LEPs may choose to

continue operating but will no longer be eligible for Government funding. The functions delivered by LEPs, namely business representation, strategic economic planning and delivery of related Government programmes will be exercised by upper tier local authorities where not already delivered by a combined authority and these can be delivered by authorities working in collaboration with each other.

- 2.3 As there is already overlap between local authority functions and those exercised by the LEP, it is anticipated that there is greater scope for join-up, efficiencies and clarity for the private sector. Government is expected to provide funding in 2024/25 for local authorities to support them to deliver functions currently delivered by the LEP.
- 2.4 It is proposed that the BPB discharges the following functions on behalf of the participating unitary authorities.
- Work to a shared vision of inclusive and sustainable economic prosperity through working together to address challenges and meet opportunities.
 - Have a strengthened case to Government and private investors for greater investment into strategic projects across Berkshire.
 - Function as a vehicle to commission the Thames Valley Berkshire Local Enterprise Partnership (LEP) core functions in response to the Government's review of Local Economic Partnerships.
 - Have a stronger, collective voice in lobbying Government and other agencies using a systems leadership approach.
 - Advantageously position Berkshire in readiness for potential devolution proposals to benefit from additional responsibilities and funding opportunities.
 - Progress joint working on the six identified work themes and be agile in responding to new opportunities as they arise.
- 2.5 The BPB will not discharge any non-executive functions and will not have any function permitting it to employ staff or make arrangements for the proper administration of the financial affairs of the authorities.
- 2.6 It will be necessary to put in place an inter-authority agreement setting out further detail on how the partnership will work, including setting out how liabilities will be shared and indemnity arrangements. The Berkshire Monitoring Officers are working on the agreement and delegated authority is sought to progress this.
- 2.7 It is likely that the functions of the BPB may evolve over time, leading to minor amendments to the functions and procedure rules. To facilitate this delegated authority is sought to amend the constitutional rules. More significant amendments to BPB will be taken through normal constitutional channels.

3. Implications of the Recommendation

3.1 *Financial implications*

3.1.1 It is proposed that the BPB will operate within existing budgets, utilising any transferred funding from the LEP and external grant funding. Any additional budgetary requirements will need to be agreed in accordance with the Council's financial procedure rules.

3.2 *Legal implications*

3.2.1 The joint committee is set up in accordance with the Local Government Act 1972, the Local Government Act 2000 and the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012. As a formal committee is it required to comply with the same statutory rules as the Council's Cabinet and sub-committee.

3.2.2 The delegation of functions to the BPB does not preclude Cabinet from exercising those functions itself.

3.2.3 Further details on how the functions will be exercised and the relationship between the participating local authorities will be set out in an inter-authority agreement. This will include provisions on termination, liability and indemnities.

3.3 *Risk management implications*

3.3.1 The joint committee is not a separate legal entity and therefore decisions it makes are binding on the participating local authorities. The risk of this will be managed via the inter-authority agreement.

3.4 *Environmental implications*

3.4.1 There are no direct environmental implications arising from this report.

3.5 *Equality implications*

3.5.1 The BPB will be obligated to comply with the Equality Act 2010 and assess the equality implications of any proposed decision.

3.7 *Procurement implications*

3.7.1 The setting up of the BPB is not a procurement activity. If there is a need to commission support, consideration will be given to which participating authority's contract procedure rules should be followed.

3.8 *Workforce implications*

3.8.1 There are no direct workforce implications arising from this report.

4. Background Papers

None