

SCR Local Enterprise Partnership

Terms of Reference

DRAFT

Document Properties

Change Record

Version	Revision	Author	Description	Date
2	0	C James	Reviewed to ensure alignment with National Local Growth Assurance Framework Jan 19	March 2019
2	1	C James	Further to review by Statutory Officers – removed ref to E & D Champion being on Appointments Committee.	26/03/19
2	2	C James	Amended 4.1 to clarify Public Sector members can have a nominated sub	29/03/19

Document Approval

Approving Body or Person	Role (review, approve)	Date
LEP Board	Approve	These Terms of Reference will be presented to the LEP Board on 20/05/19 for ratification.

1. Aims, Objectives and Priorities

1.1 Local Enterprise Partnerships (LEPs) are private sector led voluntary partnerships between local authorities and businesses set up in 2010 by the Department of Business Innovation and Skills to help determine local economic priorities and lead economic growth and job creation within the local area.

1.2 The purpose of the Sheffield City Region (SCR) LEP is

- to originate economic policy, author and maintain a Strategic Economic Plan (SEP) for the SCR and determine key funding priorities
- to support the SCR Mayor in developing the Local Industrial Strategy
- to ensure the SCR bids for public funding made available by government for LEPs in support of economic growth
- to ensure SCR policy and decisions receive the input and views of key business leaders and take account of the views of the wider business community
- to engage with local businesses to understand the needs of different sectors and markets
- to engage business, opinion formers and policy makers at a national and international level in promoting economic growth in the region

1.3 In pursuit of this role the SCR LEP will:

- capture and communicate business requirements for changes to, and development of economic policy and the commission associated appropriate interventions
- work collaboratively with all partners, including Local Authorities to address barriers to growth and drive efficiency
- bring together intelligence and expertise to identify priorities and develop solutions to maximise private sector investment in the City Region and secure sustainable growth
- work to create an environment for business growth ensuring appropriate mechanisms exist through which, as a co-ordinated voice, the private sector can inform and influence the shape and future direction of local and national government policy

1.4 To ensure the LEP is effective in this role it has the authority to:

- engage in dialogue with Government and respond to policy, proposals and opportunities to bid for funding in support of economic growth
- engage with investors, businesses and advisors to secure growth opportunities
- to develop and consult on regional economic policy, programmes and interventions designed to maximise growth in the region
- to provide leadership in key themes and priorities to promote growth
- to raise the profile, image, reputation and influence of the region at a regional, national and international level

2. Legal Status

- 2.1 The SCR LEP is an informal partnership. It does not have legal status to enter into contracts and will act through the Sheffield City Region Mayoral Combined Authority as Accountable Body.

3. Role of Members/Accountability

- 3.1 Irrespective of his or her background or geography, it is the duty of a LEP Board member to act in the best interests of the City Region and in accordance with the policy of the LEP Board.

All private sector member of the LEP act in their individual capacity and not as representatives of their respective organisations. The only exception to this is the representative for Higher Education on the Board.

- 3.2 All LEP Board members are expected to discharge their duties in line with the Nolan Principles for Standards of Public Life¹ and the Code of Practice for Board Members of Public Bodies². Private Sector members must comply with the SCR LEP Private Sector Code of Conduct. Political Leaders who are Members of the SCR LEP must also comply with the members Code of Conduct in addition to that of the Mayoral Combined Authority.

- 3.3 The LEP Board is the strategic commissioner for the SCR in matters of economic development. It will make recommendations to the SCR MCA who is the Accountable body for the use of public funds (The MCA's Scheme of Delegation is set out within the MCA Constitution) However, the LEP is made accountable:

- through the inclusion on the LEP Board of Leaders of the member Local Authorities
- through the Assurance Framework and the role of Government in monitoring and evaluating performance
- through the transparent and public access to the agenda, papers and minutes that record decisions and the rationale by which they were approved or rejected

4. Membership

- 4.1 The LEP Board will comprise of Leaders of the members Local Authorities plus the Mayor. Private Sector members will form the majority of the Board³. In addition, the Chair can co-opt up to five additional private sector board members, with specialist knowledge, for a one year term. Co-opted members will be counted in the private sector majority.

The Chair will be appointed from the private sector and will provide strategic leadership on business growth for SCR. The Chair will lead on building the reputation and influence of the City Region at national and international level.

The Chair will be a non-voting member of the Sheffield City Region Mayoral Combined Authority.

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

² See <https://www.gov.uk/government/publications/board-members-of-public-bodies-code-of-conduct>

³ Exceptional circumstances - due to the number of member Local Authorities, the SCR LEP is unable to meet the requirement of one third public sector to two thirds private sector membership ratio whilst also adhering to the membership limit of 20 people.

The Vice-Chair will be appointed from the private sector and will provide day to day leadership and support to LEP Board Members. The Vice-Chair will lead on business relations within the City Region, including engaging with the SME business community and will deputise for the Chair.

Private Sector representation on the LEP Board will be made up of business leaders who are either currently or recently in leading positions within business or who have specific sectoral or other experience relevant to the work of the LEP Board. The Board will also include a representative from the City Region’s Higher and Further Education sectors and a Trade Union representative

All private sector member of the LEP act in their individual capacity and alternate Members will not be allowed to attend meetings should any Board Member be unavailable.

Private Sector Board Members will be appointed based on their experience, leadership skills and commitment to the achievement of the aims and objectives of the LEP.

Local Authority Leaders of constituent and non-constituent authorities will be members of the LEP and may send a nominated substitute. Nominated substitutes will be required to complete a Register of Interest.

4.2 Diversity

The SCR is committed to diversity and the LEP Board will have regard to ensuring they have diverse representation, which is reflective of the local business community, including gender, ethnicity, geographical spread, business size and sector experience. The LEP Board’s commitment to diversity is articulated through its Diversity Policy.

5. Co-opting

5.1 Where specific skills or abilities are required which are not available among existing members co-optees may be appointed to the LEP Board. The appointment will be made by the Chair, in consultation with the Board, for 12 months. Co-opted members will not have voting rights and will not count towards the quorum.

6. Recruitment, Appointment & Termination of Private Sector Membership

6.1 Recruitment

Recruitment will be undertaken in line with the SCR LEP Diversity Policy and made through an open, transparent, competitive and non-discriminatory process.

An Appointment Committee will be convened and a formal interview panels will be constituted as specified below:

Position	Panel
Appointment of a Chair	Chair of the SCR MCA plus two private sector LEP Board members and a representative of the Local Authority Chief Executives
Appointment of private sector board members	Chair of the LEP plus the Vice-Chair of the LEP and the Chair of the SCR MCA
Vice-Chair (where there is more than one candidate)	Chair of the LEP and Chair of the SCR MCA

Interview panels will be advised by the Managing Director or the Deputy Managing Director.

6.2 Appointment

A formal offer will be made to successful candidates. On appointment Board members are required to sign a declaration affirming their understanding and commitment to the Code of Conduct.

6.3 Termination

Where a Board Member is no longer able to meet the conditions of LEP Board membership as defined by these terms of reference and the associated guidance issued by Government, the Chair, following consultation with the Vice-Chair and Managing Director, may terminate a Member's appointment to the Board before the expiry of his/her period of appointment, with immediate effect.

LEP Board members who miss a third or more of the scheduled Board meetings and/or a third or more of the relevant Thematic Board meetings in a 12 month period will be reviewed by the Chair and their membership may be terminated, without prejudice, an appointment may be terminated by the Chair in consultation with the Deputy Chair/s.

Failure to declare interests at meetings and to complete a register of interests will also be grounds for an appointment to the Board to be terminated.

A LEP Board Member may resign at any time by giving notice to the Chair in writing, having immediate effect.

7. Term of Appointment

7.1 The term of office for a Private Sector Board Member will be 3 years. This may be extended by the Chair by a further term. In exceptional circumstances, with a clear rationale, Members may be appointed for a further term not exceeding 2 years.

7.2 The Chair and Vice-Chair, once appointed, will remain in role for a term of three years or until they choose to step down from the position if within that term. In exceptional circumstances, an extension of a further three year term may be agreed by the Board.

8. Performance

8.1 Private sector LEP Board Members are expected to attend LEP Board meetings and any relevant Thematic Board they are appointed to.

The Chair, in consultation with Private Sector Board Members, will also appoint lead responsibilities aligned to the strategic priorities of the City Region.

Any private sector LEP Board member invited to join another body or organisation as a LEP Board member will require the consent of the Chair and will need to register this interest with the Managing Director.

8.2 LEP Board Members will attend an annual appraisal meeting with the Chair.

8.3 Leaders of Local Authorities will be governed by the Constitution and Codes of Conduct of the Mayoral Combined Authority, associated legal and government policy requirements and by their Local Authority governance and codes.

9. Frequency of Meetings

9.1 The LEP Board will meet on an eight weekly cycle.

10. Attendance

- 10.1 Private sector LEP Board members who miss a third or more of the scheduled Board meetings and/or a third or more of the relevant Thematic Board meetings in a 12 month period will be reviewed by the Chair and their membership may be terminated.

11. Quorum

- 11.1 Meetings of the LEP Board will be quorate when at least one quarter of the Private Sector Members and at least one quarter of the constituent Public Sector members are present.

A Member who is obliged to withdraw under the Code of Conduct for Members shall not be counted towards the quorum.

- 11.2 For the purpose of determining whether a quorum is present, a LEP Board Member may be counted in the quorum if they are able to participate in the proceedings of the meeting by remote means e.g. telephone or video link (or equivalent) and remain so available throughout the discussion and decision for each item for which they are counted as part of the quorum.

12. Decision Making at the LEP Board meeting

- 12.1 It is envisaged that most LEP Board decisions shall be made by consensus.

In the event of a consensus not being reached, a decision will be taken by a vote of those Members present at the meeting and entitled to vote (including those participating by remote means as above). Each LEP Board Member shall have one vote subject to any obligation they have not to participate under the Code of Conduct for Members and Declaration of Interests Policy.

Voting shall be by a show of hands (or verbally where a Member is attending by remote means) and all decisions (other than those of procedure taken by the person chairing the meeting) shall be by a majority of votes cast.

In the case of an equality of votes, the person chairing the meeting may exercise a second or casting vote.

13. Conflicts of Interests

13.1 *Register of Interests*

It is the responsibility of Board members to ensure an up to date Register of Interests is maintained. A member must, within 28 days of becoming aware of any change in their interests, provide written notification of this. These will be published on the SCR website and is a condition of appointment. Registers will also be subject to an annual review.

13.2 *Declaration of Interests at a meeting*

It is the responsibility of Board members to declare any personal, prejudicial or pecuniary interest on any item of business being conducted at a LEP Board or Committee meeting. Where a 'pecuniary interest is declared Members will leave the meeting, where a 'non-pecuniary interest is declared, Members may remain at the meeting but not participate in business. (See Declaration of Interests Policy)

14. Urgency Procedure

14.1

In order to ensure that the LEP Board is able to progress its business in an efficient manner, comments on urgent matters may be sought by the SCR Managing Director or other Statutory Officer outside the meeting cycle.

Members will receive email notification which identifies:

- 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);
- The date responses are required by;
- The name of the person or persons making or putting forward the proposal/decision

Two working days after the close of responses, the following will be circulated to all LEP Board Members:

- 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
- 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 LEP Board.

15. Subordinate Bodies

With the approval of the Chair and the Deputy Chair/s, the LEP Board may establish a subordinate body to assist it to meet its remit.

Any such subordinate body set up by the LEP Board shall include one or more LEP Board Members, as nominated by the Board. With the consent of the Chair, 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 LEP Board.

16. Transparency

16.1 *Agendas and Reports*

Agendas and reports for the LEP Board will be available on the Sheffield City Region website at least five clear working days before the meeting to which they relate.

16.2 *Access to 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 Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 or under Schedule 12A of the Local Government Act 1972. These papers will be classed as 'exempt' papers and marked as such.

Exempt reports can still be requested under the Freedom of Information Act 2000, at which stage the SCR Mayoral Combined Authority (as the Accountable Body) will consider, on a case by case basis (taking into consideration such factors as timing, any applicable exemptions and the public interest test).

16.3

Meetings

The LEP Board meetings will not be held in public.

16.4 Meeting Record

The draft minutes of each meeting of the LEP Board will be posted on the Sheffield City Region website within 10 clear working days of the meeting taking place. The agreed minutes of each meeting will be published within 10 clear working days after approval at the subsequent meeting.

17. Secretariat

17.1 The Sheffield City Region Executive Team provides an independent secretariat function for the SCR LEP Board.

18. Amendments to Terms of Reference

18.1 These terms of reference will be reviewed annually in line with the review of the Assurance Framework and the Annual Governance Review. Any changes will be approved by the LEP Board.

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