

# AGENDA

## Marches Enterprise Joint Committee

Date: **Tuesday 11 October 2016**

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Time: **9.30 am**

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Place: **Craven Arms Community Centre, Newington Way,  
Craven Arms, Shropshire SY7 9PS**

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Notes: Please note the time, date and venue of the meeting.

For any further information please contact:

**Governance Services**

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# Agenda for the Meeting of the Marches Enterprise Joint Committee

## Members:

### Chairman

Councillor AW Johnson

Herefordshire Council

Councillor S Davies

Telford and Wrekin Council

Councillor M Pate

Shropshire Council

### Non Voting Member

Mr G Wynn OBE

Chairman of the Local Enterprise Partnership

## AGENDA

		Pages
1.	<b>APOLOGIES FOR ABSENCE</b> To receive apologies for absence.	
2.	<b>NAMED SUBSTITUTES (IF ANY)</b> To receive details of any Executive Member nominated to attend the meeting in place of the voting Member representing their Authority.	
3.	<b>DECLARATIONS OF INTEREST</b> To receive any declarations of interest by members of the Committee in respect of items on the agenda.	
4.	<b>MINUTES</b> To approve and sign the Minutes of the meeting held on 20 July 2016.	5 - 6
5.	<b>LOCAL ENTERPRISE PARTNERSHIP (LEP) SCHEME OF DELEGATION</b> To agree a scheme of delegation as part of the LEP assurance and accountability framework.	7 - 18



**MINUTES of the meeting of Marches Enterprise Joint Committee held at Committee Room 1, The Shire Hall, St Peter's Square, Hereford HR1 2HX on Wednesday 20 July 2016 at 9.30 am**

**Present:** Councillor AW Johnson (Chairman)  
Councillors: S Charmley and S Davies  
Non-voting member: Mr G Wynn OBE

**Officers:** Claire Cox (Business Relationship Manager Economic Growth, Shropshire Council), Gill Hamer (Marches LEP Director), Kathy Mulholland (Inward Investment and Business Support Delivery Manager, Telford and Wrekin Council), Claire Ward (Solicitor to the Council, Herefordshire Council), and Nick Webster (Economic Development Manager, Herefordshire Council).

**10. APOLOGIES FOR ABSENCE**

Apologies were received from Councillor M Pate.

**11. NAMED SUBSTITUTES**

Councillor S Charmley substituted for Councillor M Pate.

**12. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**13. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 31 May 2016 be confirmed as a correct record and signed by the Chairman.

**14. WEST MIDLANDS COMBINED AUTHORITY - NON-CONSTITUENT MEMBERSHIP**

The Committee considered a report setting out the case for the Marches LEP becoming a "Non-Constituent" Member of the West Midlands Combined Authority (WMCA) and the potential long term economic growth benefits to the Marches LEP in so doing.

**RESOLVED:**

- That:**
- (a) the Marches LEP applies to become a Non-Constituent Member of the West Midlands Combined Authority (WMCA) at a cost of £25k for 2016/17; and**
  - (b) the Chair of the Marches LEP, or his nominated substitute, be authorised to represent the LEP at the WMCA board and sub-groups as appropriate as a non-constituent member.**

## 15. NEW GROWTH DEAL SUBMISSION

*(The public and press were not excluded during consideration of this item.)*

The Committee was invited to agree the bid for funding support from the local growth fund to support economic growth across the Marches.

The report stated that KPMG had appraised and prioritised the Marches long list of projects in accordance with key government criteria. The LEP Board had considered this list and agreed that all projects with a positive appraisal score be put forward. There were two additional projects which the Board felt could be improved further so more time had been given to those project promoters. Those two projects were to be further appraised by KPMG.

The Marches LEP Director reported that KPMG's assessment of the two projects in question was due to be received shortly. It was detailed in appendix 2 to the report that if the two schemes received a positive appraisal score they would remain within the submission. If the appraisal score was negative they would not proceed and would be deleted from appendix 2. The LEP Board would be informed accordingly.

**RESOLVED: That the prioritised project list attached at Appendix 2 to the report be approved for the New Growth Deal submission to Government by 28th July 2016.**

The meeting ended at 9.37 am

**CHAIRMAN**



<b>Marches enterprise joint committee</b>	
<b>Meeting date:</b>	<b>11 October 2016</b>
<b>Title of report:</b>	<b>Local enterprise partnership (LEP) scheme of delegation</b>

## Classification

Open

## Key decision

This is not a key decision.

## Purpose

To agree a scheme of delegation as part of the LEP assurance and accountability framework.

## Recommendation

**THAT: the schemes of delegation in appendix 1 and 2 be approved.**

## Summary

- 1 The three councils agreed in 2014 to establish an executive joint committee so that decisions could be made in a single place rather than separately by each council.
- 2 The LEP's Accountability and Assurance Framework sets out in a single assurance framework, the key practices and standards of the LEP in managing growth in the Marches, in decision-making around agreed priorities and in ensuring decisions over funding are proper and value for money is achieved. The decisions which the committee can make are set out in appendix one of this document.
- 3 The Marches LEP is an informal, business sector led public / private partnership. The work of the LEP is directed by a board which provides the strategic lead and is responsible for setting the overall strategy for growth. As an informal partnership the LEP has no legal entity and cannot in itself make decisions. The board makes recommendations to the joint committee.
- 4 With a view to ensuring unnecessary bureaucracy, potential delay to decision making and duplicating processes are reduced, two documents have been created which enables the LEP director to make decisions in certain circumstances as permitted by law and in accordance with each local authority's constitutions.

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Further information on the subject of this report is available from  
 Claire Ward, Solicitor to Herefordshire Council and email [claire.ward@herefordshire.gov.uk](mailto:claire.ward@herefordshire.gov.uk)

- 5 The documents (known as a scheme of delegation) enable the LEP director, following consultation, to make non key executive decisions without the need to involve the joint committee. A non-key decision is a decision which is below £500k, or which does not have significant community impact. Any key decision would be a decision of the committee, subject to urgency provisions. It remains open to the committee, when approving a grant scheme or project, to make further specific delegations above this limit to the director.
- 6 The scheme of delegation clearly identifies what decisions remain the responsibility of the joint committee and what decisions are for the LEP director and who the director should consult with.
- 7 The document enables the LEP director, within the agreed allocation of revenue and capital spend set by the joint committee and following the required consultations to
  - allocate LEP revenue and capital spend relating to the delivery of the LEP Economic Plan up to £500k
  - agree capital expenditure programmes up to £500k
  - agree Major Transport Scheme funding allocation up to £500k
  - provide an annual report to the three partner councils
- 8 There is also provision where circumstances are urgent and cannot be reasonably deferred which enables the financial limit on these delegations to increase to £5m.
- 9 The requirements for notices given of a decision date and for decisions to be published still apply.
- 10 The openness and transparency of decision making is not affected by adoption of these schemes.

## **Alternative options**

11. To not adopt a scheme of delegation. This is not recommended because it would not lead to timely and efficient decision-making.

## **Financial implications**

12. None.

## **Legal implications**

13. Under S101(5) of the Local Government Act 1972 an authorities functions can be discharged by a joint committee in accordance with s.9EB of the Local Government Act 2000. Those functions can then be further delegated in accordance with the Reg 11(8) Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012 to an officer of one of the authorities concerned.
14. The access to information requirements of the Local Government Act 2000 as amended and compliance with The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 will continued to be complied with.

## **Risks, opportunities and impacts**

15. If the scheme of delegation is not approved there is a risk that all decisions will

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require meetings of the committee to effect adding time and bureaucracy which increases costs and may result in access to grant funding being delayed.

16. The scheme of delegation sets out transparently the circumstances in which delegated authority may be exercised and makes clear that the requirements of the regulations for both executive decision making and access to information must still be met ensuring risks of a lack of transparency are mitigated.

## **Consultation**

17. The LEP board considered the scheme of delegation at its meeting of 20 September 2016 and recommended it to the committee for approval. The board asked that the Scheme of Delegation be included within the published LEP Assurance Framework on the LEP website. The board explored and were content with the arrangements for consultation on decisions delegated to the LEP Director.

## **Additional information**

18. None

## **Appendices**

Appendix 1 – Marches Local Enterprise Partnership Scheme of Delegation.

Appendix 2 - Marches Local Enterprise Partnership Scheme of Delegation – Remit by LEP Board, Sub-Groups and Officers.

## **Background papers**

- None identified.



Appendix 1 Marches Local Enterprise Partnership Scheme of Delegation				
Body	Function (as set out in the MEJC constitution - LEP's Accountability and Assurance Framework appendix 1 )	Delegation	Financial Limit	What does this mean?
Marches Enterprise Joint Committee (MEJC) Decisions	<p>a) Set, monitor and review objectives and priorities for strategic economic investment across the Marches LEP area, i.e. receives recommendations from the Board to approve all plans and strategies the LEP adopts to govern its overall priorities and direction which as a minimum includes:</p> <ul style="list-style-type: none"> <li>• Strategic Economic Plan (SEP)</li> <li>• Business Plan (and performance reporting by exception against that plan)</li> <li>• Growth Deal 1 (incl. extension)</li> <li>• Marches Skills Plan (incl. Marches EZ Skills Plan, Apprenticeship Plan)</li> <li>• EU Structural &amp; Investment Funds Strategy</li> <li>• Growth deal three</li> <li>• Major transports</li> </ul>	In year changes – LEP Board recommendations are carried out by Marches LEP Director, following consultation with MEJC Chairman.	N/A	JC retains responsibility
	<p>b) Agree allocation of Marches LEP revenue and capital spend that is under the control of the LEP Partnership Board and relating to the delivery of the LEP Economic Plan, i.e. receives recommendations from the Board to agree specific spend allocations.</p>	Marches LEP Director following consultation with Accountable Body S151 Finance Officer (LEP Finance Officer), LEP Board and the Leaders of the three Partner Authorities	Up to £500k	LEP Director can once consulted allocate LEP revenue and capital spend relating to the delivery of the LEP Economic Plan up to £500k
		Marches LEP Director (where <u>urgent decision or one which cannot be reasonably deferred</u> is required (see note 3 below)), following consultation with Accountable Body S151 Finance Officer (LEP Finance Officer) and the Leaders of the three Partner Authorities	£500k to £5M	Where an <u>urgent decision which cannot be reasonably deferred</u> is required, LEP Director can once consulted agree LEP revenue and capital spend up to £5M Unless urgent JC retains LEP revenue and capital

				spend over £500k
	c) Agree Marches LEP capital expenditure programmes relating to the delivery of the LEP Strategic Economic Plan, and ensure policy and programmes are delivered effectively	Marches LEP Director following consultation with Accountable Body S151 Finance Officer (LEP Finance Officer) LEP Board and the Leaders of the three Partner Authorities	Up to £500k	LEP Director can once consulted agree capital expenditure programmes up to £500k
		Marches LEP Director (where <u>urgent decision or one which cannot be reasonably deferred is required</u> (see note 3 below)), following consultation with Accountable Body S151 Finance Officer (LEP Finance Officer) and the Leaders of the three Partner Authorities	£500k to £5m	Where an <u>urgent decision which cannot be reasonably deferred</u> is required, LEP Director can once consulted agree capital programme to up to £5M Unless urgent JC retains decision on capital expenditure programmes over £500k

	<b>d)</b> Agree Major Transport Scheme funding allocation in line with the LEP Strategic Economic Plan	Marches LEP Director following consultation with Accountable Body S151 Finance Officer (LEP Finance Officer) LEP Board and the Leaders of the three Partner Authorities	Up to £500k	LEP Director can once consulted agree Major Transport Scheme funding allocation up to £500k
		Marches LEP Director (where <u>urgent decision or one which cannot be reasonably deferred</u> is required), following consultation with Accountable Body S151 Finance Officer (LEP Finance Officer) and the Leaders and chairpersons of overview and scrutiny committee of the three Partner Authorities	£500k to £5M	Where an <u>urgent decision which cannot be reasonably deferred</u> is required, LEP Director can once consulted agree Major Transport Scheme funding allocation to up £5M. Unless urgent, JC retains decision on Major Transport Scheme funding allocation over £500k
	<b>e)</b> Ensure alignment between decision making regarding achievement of the Marches Strategic Economic Plan and decisions on other related areas of policy such as land use, transportation and wider community and economic regeneration	No delegation	N/A	JC retains responsibility
	<b>f)</b> Influence and align government and public investment in order to boost economic growth within the Marches LEP area	No delegation	N/A	JC retains responsibility
	<b>g)</b> Provide an annual report on the activities of MEJC to the three partner councils	Marches LEP Director following consultation with LEP Finance Officer, LEP Governance Officer (Herefordshire Council), and LEP Board Chairman and MEJC Chairman.	N/A	LEP Director can once consulted provide annual report to the three partner councils

	<b>h)</b> Agree lead or accountable body status for any particular issue as necessary	No delegation	N/A	JC retains responsibility
	<b>i)</b> Review and (where all three Leaders are present) amend the Terms of Reference of the MEJC	No delegation	N/A	

**Notes:**

1. This scheme applies unless a Leader of one of the Authorities directs for a decision to be made by the joint committee rather than under this scheme of delegation.
2. The decision-maker must comply with the executive decision/access to information requirements. Where an executive decision is to be taken by an individual under section 1 of this scheme a written statement must be published together with the report recommending the decision as soon as practicable after the decision is made.
3. Where a key executive decision is to be taken under this scheme where it is impracticable due to urgency to be published as a notice within 28 or 5 days then the decision may only be made where the decision maker has obtained agreement from the chairmen of all three overview and scrutiny committees - that the making of the decision is urgent and cannot reasonably be deferred. A public notice must be published giving of the reasons for urgency.  
This scheme does not prevent the joint committee by whom these arrangements are made from exercising any of the functions delegated.
4. Where the MEJC delegates final sign-off to a specified official (e.g. Marches LEP Director, LEP Finance Officer, LEP Governance Officer) that decision will form the record of delegation.
5. LEP Board Papers will be circulated in draft to the Management Team, ahead of the relevant LEP Board. LA Directors will share papers with their S151 and Monitoring Officers and comments will be fed back via the Management Team's LA Director/Senior to the agreed timescale to allow comments to be made before papers are circulated to the Board. Any Board amendments to papers progressing to the subsequent MEJC for sign off will be circulated to all S151 and Monitoring Officers by the LEP Director for information prior to the MEJC.

<b>Appendix 2 Marches Local Enterprise Partnership Scheme of Delegation – Remit by LEP Board, Sub-Groups and Officers</b>				
<b>1.</b>	<b>Marches LEP Partnership Board</b>	a) Set the overarching vision and strategy for economic growth in the LEP area (including sign off of the Strategic Economic Plan, Growth Deal, ESIF, Skills Plans and other required strategies produced by the LEP), including key priorities for investment, and develop and review strategic policy	See Appendix 1, Section a)	
		b) Determine the operating structure and governance arrangements of the LEP including making appointments to the board and relevant LEP sub-groups.	Operating structure – Director Governance – MJEC Appointments to the Board/Sub-Groups – Director following consultation with LEP Board Chairman	
		c) Recommend LEP revenue and capital spend relating to the delivery of the LEP Economic Plan.	See Appendix 1, Section b)	
		d) Recommend the Marches LEP Delivery Plan for the LEP Strategic Economic Plan and ESIF Implementation Plan.	See Appendix 1, Section a)	
		e) Overseeing Programme Management including information monitoring arrangements.	Recommendations from LEP Finance Officer & PRMC to LEP Board	
		f) Champion the Marches as a business investment location.	No delegation	
		g) The LEP Partnership Board may delegate specific functions (or parts of functions) to other groups or individuals. However, the LEP Partnership Board will retain overall responsibility for these functions even when they delegate responsibility for delivery	Recommendations from group/individual made to Board	N/A
<b>2.</b>	<b>Marches Performance, Risk &amp; Monitoring Committee</b>	a) Monitoring the delivery, outputs and spend of the projects funded under the Growth Deal Programme or other funding programmes including Marches Investment Fund, Regional Growth Funds (Marches Redundant Building Grant).	See Appendix 1, Section e)	
		b) Recommending the annual LEP core budget and monitoring expenditure (which includes the funding for the LEP Team)	Marches LEP Director/LEP Finance Officer	
		c) Monitoring LEP legal & governance compliance e.g. data protection, health and safety, FOI, complaints, declarations of interest, gifts and hospitality etc. for the LEP Team and LEP Board Members.	Recommendations from LEP Finance Officer, LEP Governance Officer for PRMC to advise LEP Board	

<b>Appendix 2 Marches Local Enterprise Partnership Scheme of Delegation – Remit by LEP Board, Sub-Groups and Officers</b>				
		d) Ensuring the Risk Registers for Growth Deal, Marches Investment Fund and other programmes are reviewed and that all mitigations are up to date/appropriate and if a project is at Risk this is brought to the attention of the LEP Board with recommendations for action	Recommendations from LEP Finance Officer for PRMC to advise LEP Board	
		e) Making recommendations on courses of action if projects are delayed and or not spending to profile, referring issues and any significant proposals for change to the above mentioned Programmes to the LEP Board and LEP Finance Officer	See Appendix 1, Section b)	
		f) Maintaining strategic oversight of all LEP led expenditure to ensure that, taken together, it represents value for money	Recommendations from LEP Finance Officer for PRMC to advise LEP Board	N/A
		g) Through the accountable body S151 officer, commissioning and reviewing relevant internal and external audit reports and assurance checks to verify that the LEP is operating effectively within the terms of its agreed Accountability and Assurance Framework. And, if concerns are identified in any audits, making recommendations to the LEP Board on the actions required to remedy any shortcomings identified within any such audit	LEP Finance Officer. Requirement to notify the S151 and Monitoring Officers of the three partner councils if affects their council area	N/A
		h) Dealing with Stage 2 complaints, as per The Marches LEP Enquiries, Comments, Compliments and Complaints Policy.		
<b>3.</b>	<b>Marches Skills Board (Working Group)</b>	a) Overseeing the Expressions of Interest and due diligence appraisal of applications to the FE Skills Capital Fund allocation from the Growth Deal 1 programme.	LEP Director and Skills Champion reporting to LEP Finance Officer & PRMC to LEP Board.	
		b) Monitoring spend, delivery and outputs for the Enterprise Zone Skills pot reporting to the PRMC and LEP Board	Herefordshire Council S151 Officer reporting to LEP Finance Officer & LEP Board	
<b>4.</b>	<b>Hereford Enterprise Zone</b>	a) Monitoring the delivery, outputs and spend for the Programme of Work reporting to the PRMC & LEP Board.	EZ Managing Director reporting to the PRMC & LEP Board	



## Appendix 2 Marches Local Enterprise Partnership Scheme of Delegation – Remit by LEP Board, Sub-Groups and Officers

5.	<b>Marches LEP Director</b>	a) Management of day to day administrative and operational budgets for the LEP Team and associated Core Budget work programme, including award of contracts to progress pipeline projects, in line with accountable body procedure rules	Marches LEP Director, following consultation with LEP Finance Officer and LEP Board Chairman	Up to £30k
		b) Delivery of business plans within agreed budgets including allocation of funding in accordance with plans approved by MEJC	See Appendix 1, Section b) and c) above	Up to £500k
		c) Make formal responses on behalf of the partnership to Government, EU or other relevant partners on policy documents where time does not permit reference to the Board and MEJC	Following consultation with Board Chairman and MEJC Chairman	
		d) Resolution of stage 1 complaints		
6.	<b>Shropshire Council S151 Officer</b>	a) On behalf of the Marches LEP the S151 will develop and sign off all agreements relating to funds allocated to the LEP e.g. grant funding agreements with partners allocated Growth Deal Funds and Marches Investment Fund loan agreements		
		b) Programme manage movement of funds to meet quarterly spend targets in the light of project performance data provided by the Project Managers and in response to recommendations of the LEP Director and LEP Partnership Board and submission of claims and monitoring data in accordance with government requirements		

