

Essex Business Board

Terms of Reference

October 2017

1. Purpose

- 1.1 This Document sets out the terms of reference for the Essex Business Board (EBB)

2 Key Role of the Essex Business Board.

- 2.1 The Essex Business Board is the body through which public, private, education and skills sectors collaborate to drive economic growth and prosperity in the Greater Essex area through promotion of economic opportunities, delivery planning and lobbying of government.
- 2.2 The primary role of EBB is to provide a strong business voice for Essex in developing and promoting the growth of the Essex economy.
- 2.3 The Board also acts as the federated board of the South East Local Enterprise Partnership (SELEP.)

3 Board Functions

- 3.1.1 Proactively shaping, endorsing, and implementing the strategic agenda for the sub-regional economy including shaping the SEP, framework for growth and outputs of the Essex Economic Commission.
- 3.1.2 Providing a hub for two-way communication between the public sector and business organisations / stakeholders articulating the key issues and interventions from the business perspective, shape responses to consultations and influence key decisions.
- 3.1.3 Engage business as well as leveraging public and private sector knowledge to identify, develop, prioritise, and endorse infrastructure, skills, regeneration, innovation and business support projects to grow the Essex economy and retain existing businesses.
- 3.1.4 Lobbying and working in partnership with government, private, education & skills partners to secure infrastructure, funding and resources to grow the Essex economy.
- 3.1.5 Communicate a tangible, shared commitment and priorities for investment to key decision makers in the public and private sectors.
- 3.1.6 Represent Essex nationally, including contributing to government activities (policy reviews, think tanks etc.) and regionally providing a strong voice alongside and within the South East Local Enterprise Partnership as appropriate.
- 3.1.7 Contributing to the development of, and proactively disseminating, a recognisable brand and consistent narrative regionally, nationally and internationally to encourage investment and expansion of the Essex economy.
- 3.2 As the Federated Board of SELEP for the Essex (excluding “Greater Essex” districts), which are in the catchment of the Opportunity South Essex Board. The Board will:
- 3.2.1 Provide recommendations / recommendations to SELEP on projects seeking to access funding available via the LEF that support growth of the Essex economy

- 3.2.2 Provide the Local Accountability Board assurance functions for funding devolved to Greater Essex from SELEP, and ensure that delivery targets are achieved including holding local authorities and other delivery agents to account for project delivery.
- 3.2.3 Provide sound governance around the Local Accountability Board assurance functions devolved from the SELEP Board to provide clear decisions enabling the distribution of funding from the Accountable Body to the projects earmarked for funding and delivery.
- 3.2.4 Receive progress reports on project delivery and recommend changes when necessitated by delay, change of priority or other factors. This may include substitution of projects
- 3.2.5 Maintain strategic oversight of, and reporting on, the use of all funding from SELEP.
- 3.2.6 Work with Opportunity South Essex to realise the full potential of the wider Essex Economy and ensure economic prosperity is effectively distributed.
- 3.2.7 Publishing arrangements for developing, prioritising, appraising and approving projects, with a view to ensuring that a wide range of delivery partners can be involved.
- 3.2.8 For large strategic issues or where projects are located across both geographies EBB will work with Opportunity South Essex to promote the collective voice to champion the needs of the County that resonate at regional and national level as set out at section 10.

4 Membership

- 4.1 The Board shall consist of 21 members, as follows:
- 4.2 A Chairperson who is also a business member on the Board;
- 4.3 Two vice-chairs one drawn from a Private sector and Public sector organisation represented on the board.
- 4.4 Business representatives (9) consisting of;
 - 4.4.1 Representatives from the core economic sectors identified by the Essex Economic Commission;
 - Advanced Manufacturing & materials including construction and engineering.
 - Health tech/Care/Life Sciences
 - Financial and insurance
 - IT & Digital and creative
 - Low Carbon and Renewable energy
 - Ports and Logistics
 - 4.4.2 A Business representative from each growth Corridor of A120, M11 and Chelmsford (3)
- 4.5 Local Authority representatives (4) consisting of;
 - 4.5.1 A local Authority from each growth Corridor (M11, A120 & Chelmsford) (3)
 - 4.5.2 A representative from Essex County Council (1)
- 4.6 Nominated Representatives of Further and Higher Education (3);
 - 4.6.1 Anglia Ruskin University
 - 4.6.2 University of Essex
 - 4.6.3 A further education representative
- 4.7 Representatives of the business membership bodies in Essex (3);
 - 4.7.1 The chair of the Essex Employment & Skills Board

4.7.2 A representative from the Essex Chambers of Commerce

4.7.3 A representative of the Federation of Small Business

4.8 The chairperson of the Integrated Growth Forum (1)

4.9 A non-voting representative of Opportunity South Essex (1)

4.10 Invited membership of EBB will be routinely and regularly reviewed to ensure that there is a balanced representation of business reflecting Essex's geography and diversity of the business base (size, scale and speciality)

4.11 The business membership shall be aligned with the principle economic sectors in Essex to ensure equitable coverage of business interests. The membership shall be regularly reviewed to ensure alignment with those identified by the Essex Economic Commission as well as considering representation of sectors on the Essex Skills Board to ensure consistency.

4.12 Leaders or nominated representatives of other local authorities should also be given the opportunity to attend EBB as non-voting members with attendance dictated by the agenda and agreed by the Chair in advance of the meeting.

4.13 Where there is a key sector specified in research or current strategy that is not a speciality held by current EBB members, additional members shall be sought. EBB shall also have power to co-opt other members as it may from time to time judge necessary to assist it in the discharge of its responsibilities.

4.14 New members of EBB will be selected by the chair, in consultation with the board. The EBB Secretariat will alert the Growth / Partnership Boards when a business vacancy becomes available to identify suitable representation to be put forward.

4.15 Should a Board member be unable to attend a Board meeting, s/he may nominate an alternate to take his/her place. In such cases, the Board member should notify the Chairman in advance.

4.16 The chair and / or Managing Director of SELEP will be invited to attend the board meetings as required acting in a non-voting capacity.

Officers providing secretariat support from Essex County Council as outlined at section 12 will attend the meetings in a non-voting capacity.

5 Frequency of meetings

5.1 EBB shall meet quarterly with meetings scheduled to take place before each SELEP Board meeting.

5.2 The EBB meetings shall be held in private with the exception of an annual general meeting that shall be open to public attendance. Minutes shall be published on the EBB section of the SELEP website

6 Terms of office

6.1 Should a Local Authority Officers be an elected member their appointment to the board will run concurrently with their period of tenure in that office

- 6.2 Business Representatives membership of EBB will last for a period of three years, commencing the date of the first board meeting in each New Year with reappointment by agreement of the Board with no maximum number of terms that they may serve.
- 6.3 If a Business Representative does not attend three consecutive meetings of EBB without the prior approval of the Chairman, then it will be deemed that the Business Representative has resigned from the Board and a replacement shall be sought.
- 6.4 Members may resign from the Board by giving no fewer than 20 working days' notice to the Chairman and Secretariat.
- 6.5 Members of EBB undertake to consult their partners or members on relevant issues and shall seek and represent the views of their respective boards and present these to EBB.
- 6.6 Business representatives will be expected to engage their professional networks and colleagues to ensure effective sectoral representation with this tested at appointment.
- 6.7 Businesses across Essex are entitled to make representations through their geographic and/or membership organisation or failing which to the SELEP Board vice Chair for Essex.

7 Making recommendations

- 7.1 The Board does not have delegated authority to make decisions regarding the use of public funds. However, the Board may provide a strategic partnership view on priorities for, or the use of, public funds and may make recommendations to local and central government and their agents.
- 7.2 In considering priorities and performance and in making recommendations, the Board shall at all times aim to reach consensus. Where consensus is not possible, the Board may set out majority and minority opinions.

8 Quorum

- 8.1 The quorum of the Board shall be 11 of which no fewer than 6 shall be business representatives.
- 8.2 Should a Board meeting not be quorate, the Chairman may arrange a Special Meeting of the Board to deal with outstanding business, or may allow business to adjourn to the following ordinary Board meeting, or may allow Board members to convey their views electronically to all the other Board members via the Secretariat.
- 8.3 In respect of rules around voting, any issues not resolved by consensus and therefore put to a vote shall be decided by a simple majority and on the basis of one member, one vote. In the case of a tied vote, the Chair shall have a second or casting vote.
- 8.4 Board members who are unable to attend or send an alternate shall have the right to a proxy vote, such vote to be communicated to the Chairman of EBB and the Secretary.

9 Chairman

- 9.1 The EBB shall be chaired by an independent private sector chair appointed by the board.

- 9.2 The role of the EBB Chair will be subject to re-appointment by the board every two years.
- 9.3 The Board will select two vice chairs representing the public and private sectors.
- 9.4 The Chair shall preside at meetings of the Board, in their absence; either of the Vice-Chairman shall preside or in the absence of both parties the Board shall elect any Member of the Board to act as Chairman for that meeting only.
- 9.5 The Chairman is responsible for providing SELEP with three nominations for membership of the SELEP Strategic Board drawn from the membership of EBB, should the SELEP vice-chair for Essex also be a member for Essex they shall be included within this total.
- 9.6 In the event of an EBB nominee to the SELEP Strategic Board being unable to attend a SELEP meeting the Chair shall have the right to nominate a substitute from the EBB, failing which he shall have the right to select a representative from the wider business community.
- 9.7 The EBB will establish a working relationship with the current 'Integrated Growth Forum' (IGF) of local authority Heads of Economic Development and Regeneration, and shall, through the local authority membership, commission this group of officers to deliver against the Economic Priorities of Essex. This arrangement will also necessitate dialogue between EBB and the Essex Chief Executives' Association (ECEA).
- 9.8 Quarterly meetings between the SELEP Chairman, SELEP Director, the Chairman of EBB & Opportunity South Essex and other appropriate members of EBB shall be arranged in support of a shared agenda, and with the aim of positioning the area as strongly as possible and where practical within SELEP to promote a unified voice and strategic view.

10 Other participants

- 10.1 With the prior agreement of the Chairman, other Participants may attend meetings of the Board. Other Participants may include representatives of agencies with a significant economic role, such as (*inter alia*) the Environment Agency, the Homes and Communities Agency or the Skills Funding Agency.
- 10.2 Other Participants may, at the discretion of the Chairman, participate in discussion (subject to the Conflicts of Interest procedure set out in below.) However, they shall not be considered to be members of the Board and will not have voting rights.
- 10.3 Officers from Local Authority areas within EBB shall also attend Board meetings where they are presenting papers or other information for the Board's consideration.

11 Relationship with Opportunity South Essex.

- 11.1 It is recognised that within Greater Essex two federated boards operate, it is recognised that EBB and OSE both play a critical role in ensuring the priorities of Essex are effectively represented at a SELEP level and wider context. EBB will drive Economic Growth and Prosperity across Essex with the exception of areas within Opportunity South Essex.
- 11.2 The EBB shall work with South Essex businesses and local authorities with the intention of achieving unity on key issues; to progress projects of mutual interest and to speak with one voice where this is of resonance with SELEP and with Government.

- 11.3 This relationship is governed by through close working relationships, agreements and regular conversations between the chairs of the respective boards.
- 11.4 The appointment of the SELEP business vice chair for Essex will come from both EBB and Opportunity South Essex.
- 11.5 Projects that are located in both geographies be discussed by both Boards with the chairmen and vice chairmen of the respective boards working to seek consensus on recommendation to SELEP. Only larger strategic issues impacting the economic growth and prosperity of both areas will be discussed by both boards. Issues contained within the EBB / OSE areas will not require collaborative discussion.

12 Secretariat, Minutes and Agenda Setting

- 12.1 The Secretariat of the Board shall be carried out by Essex County Council and is comprised of;
- 12.1.1 Director for Economic Growth and Localities (or nominated substitute)
- 12.1.2 Secretariat support officer.
- 12.2 The chairman shall work closely with the secretariat and leaders of the growth partnerships / boards to consider both forthcoming agenda items and the strategic monitoring of actions determined by the Board. Agenda items for meetings should be provided to the EBB secretariat who will then collate all items and pass to the chairman for agreement
- 12.3 The secretariat shall support the development and updating of a forward plan of activities and projects across the Greater Essex Area as defined by both EBB and OSE board members including working with the chairs of both boards to review and update.
- 12.4 The secretariat will be responsible in ensuring:
- Meetings shall be called with notice of at least 10 working days and papers shall be circulated 5 working days before the date of the meeting.
 - the SELEP chairman and Managing Director are informed of the dates of all EBB meetings
 - Agendas for meetings are agreed with the chair 10 days before the meeting dates
 - Meeting dates to be set 12 months in advance, on a rolling basis
 - Papers circulated 5 days prior to meeting
 - Minutes provided 5 days post meeting
- 12.5 SELEP Board papers shall be circulated to the members by the Essex Vice Chair for SELEP or the Secretariat.

13 Conflicts of interest

- 13.1 A Register of Interests shall be held by the EBB secretariat.
- 13.2 All Board Members are required to complete a Declaration of Interest form, recording details of any relationship or other financial or personal interest which might conflict with their duties to EBB and SELEP. This includes recording memberships of external bodies, undertaking outside work (voluntary or paid) with anyone who has or seeks to

- 13.3 All board members are required to identify any close family member who is also an EBB and/or SELEP representative, or has the ability to exercise significant influence over EBB's or SELEP's agenda or activity. The Register will be available on the EBB website.
- 13.4 Where a conflict of interest arises at a meeting, the member may be asked to leave the room by the Chair whilst the item is discussed, and in any event will not be entitled to vote on the item, but may, with leave of the Chair participate in the discussion.

14 Voting

- 14.1 The Board may vote on the following matters:
- 14.1.1 Matters where the board make a recommendation or adopt an approach.
 - 14.1.2 Variation to the Terms of Reference of the Partnership and Board;
 - 14.1.3 Election of the Chairman or Vice-Chairman;
 - 14.1.4 Termination of the Partnership and Board
- 14.2 Determination of these matters shall require the support of at least 75% of Board members present.

15 Sub-groups

- 15.1 The EBB reserves the right to establish task and finish groups, advisory groups or similar to deliver key elements of its programme or provide expert advice on key topics through nominated subject matter experts on an as and when basis. These groups will work to clearly defined brief and reporting requirements. Any such arrangements should be in a position to offer advice more widely (for example to government or SELEP).
- 15.2 The Board may from time to time establish sub-groups. In such circumstances, the terms of reference for any sub-group shall be approved by the Board.

16 Transparency & Communications

- 16.1 The Board shall seek to operate in an open and transparent manner.
- 16.2 EBB will seek to develop a website to promote its work, provide key links to further information provided by business organisations, local authorities, SELEP and other relevant sources and publish its minutes and other papers.
- 16.3 EBB will ensure the following information is published on its own website;
- (a) Its terms of reference
 - (b) Membership
 - (c) Calendar of future meetings
 - (d) All board papers and minutes (with the exception of any exempt items according to Schedule 12A of the Local Government Act 1972);
 - (e) The EBB Register of interests
 - (f) Contact Details for EBB, and;
 - (g) The terms of reference and membership of any EBB sub-groups
- 15.4 The website will be linked to the SELEP website (www.southeastlep.com), where partners and the public can access supporting documentation for decision-making including:
- a) Forward plans

- b) SELEP agendas
- c) Reports and business cases
- d) SELEP minutes
- e) Summary of decisions of the SELEP boards

- 16.4 The website will provide the opportunity for local engagement with and feedback to the general public about future strategy development and progress against delivery of the SEP, including key projects and spend against those projects and that this can be evidenced.
- 16.5 When a funding opportunity is announced (such as the Local Growth Fund), EBB will publish details on its website, including how to submit a bid, and the prioritisation and appraisal criteria, with a view to ensuring a wide range of partners can be involved.
- 16.6 In the short term the board shall use the communications means of member organisations to promote its work, with the aim of establishing a more targeted communications strategy when resource allows.

17 Indemnity

- 17.1 Unless otherwise indemnified by the organisations of which they are representatives, Essex County Council shall indemnify the members of the Board in respect of all decisions made by the Board.

18 Variation to Terms of Reference

- 18.1 The Board may decide to vary its Terms of Reference, provided the procedure in Section 13 is followed.

19 Equality and Diversity

- 19.1 EBB is covered by the general equality duty as set out within the Equality Act 2010. Accordingly all decisions taken by the EBB will pay 'due regard' to:
- (i) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the act;
 - (ii) advance equality of opportunity between people from different equality groups; and
 - (iii) foster good relations between people from different equality groups.

20 The Principles of Public Life

- 20.1 EBB members are required to maintain high standards in the way they undertake their duties. As a member they are a representative of the EBB, and therefore their actions can have both a positive and negative impact on the way in which the EBB is viewed.
- 20.2 All board members are required to have regard to the Principles of Public life, known as the Nolan Principles, contained within the provisions of S.29(1) of the Localism Act 2011. The Nolan Principles are available to view at:
<https://www.gov.uk/government/publications/the-7-principles-of-public-life>