

## Appendix A – SELEP Terms of Reference June 2018:

### 1. PURPOSE AND PRINCIPLES

#### 1.1. Role of the Local Enterprise Partnership

1.1.1 The South East Local Enterprise Partnership (the LEP) is a strategic partnership which brings together the public and private sectors to support economic growth across the local authority areas of East Sussex, Essex, Kent, Medway, Southend-on-Sea and Thurrock. It has a federated model of operation which is principally supported by the Essex Business Board, Kent and Medway Economic Partnership, Opportunity South Essex and Team East Sussex.

1.1.2 The LEP will:

- a) progress priorities of cross-border economic importance where there is added value in working together
- b) support priorities of local importance where they are designated as priority by Federated Boards
- c) support the conditions through which a more creative, responsive and flexible working relationship can exist between business and government at all levels
- d) seek resources, freedoms and flexibilities to progress strategic growth priorities
- e) operate transparently, openly and in collaboration
- f) work in collaboration with neighbouring LEPs, including London, where the agenda dictates

1.1.3. In pursuit of this role, the LEP will bring together intelligence and expertise to identify priorities and develop solutions to maximise particularly private sector investment into the area and to address barriers to growth.

#### 1.2. Legal status

1.2.1. The LEP is an informal partnership. It does not have legal status to enter into contracts and will act through one of its local authority partners as Accountable Body. This role has been undertaken by Essex County Council since the LEP's inception, but need not remain the case.

#### 1.3. Subsidiarity

1.3.1. The LEP operates on the principle of subsidiarity. This means that decisions should be taken at the practical level closest to the communities and businesses affected by those decisions. The LEP's 'federal' model of operation provides a clear structure for this approach. This allows for local decision

making around individual projects and for decision-making of a more cross-cutting nature at the LEP Strategic Board.

- 1.3.2 Designated as a s.101 committee as defined by the Local Government Act (1972), the Accountability Board provides the accountability structure for decision-making and the approval of funding within the overarching vision set by the Strategic Board.
- 1.3.3 This document articulates the principal machinery around the LEP for the benefit of Board members and other interested parties. This should not preclude the emergence of new groups to support the working agenda, or indeed advisory arrangements to support the work of the SELEP team. Future iterations of this document will record any material change.

## 2. GOVERNANCE

### 2.1. General

- 2.1.1 The LEP is governed by two boards, the Strategic Board and the Accountability Board. The Terms of Reference for the Accountability Board are enshrined within the SELEP Assurance Framework and the Joint Committee Agreement.

2.1.2 An Investment Panel has also been established, as a sub-committee of the Strategic Board. The Investment Panel operates under its own Terms of Reference agreed by the Strategic Board.

### 2.2. Strategic Board

- 2.2.1. The Strategic Board, supported by the SELEP team, is responsible for:

- a) setting the vision, strategic direction and priorities of the LEP overall
- b) ensuring the development, maintenance and delivery of the Strategic Economic Plan and for determining its key funding priorities.
- c) ensuring that that adequate capacity and expertise is maintained to deliver against b)
- d) considering and agreeing a position on major items of strategic importance
- e) setting the strategic direction and framework for the publishing arrangements for developing, prioritisation, appraising and approval of projects with a view to ensuring that a wide range of delivery partners can be involved
- f) development, ~~and~~ approval and delivery of the European Structural Investment Funds (ESIF), a Skills Strategy, Energy Strategy and any other strategic documents which are developed for the area as follow on work streams to the Strategic Economic Plan  
approval of European Structural Investment Funds (ESIF) strategy
- ~~g) deciding how the activities of the LEP should be delegated~~
- ~~h)~~  g)  championing the LEP and the LEP area in all other forums
- ~~h)~~  h)  supporting pan-LEP activity undertaken by the working groups
- ~~i)~~  i)  working closely with federal boards to oversee Growth Hub, Enterprise

Zone and City Deal activities

Endorsing local areas' efforts to advance projects for economic growth which may not be directly linked to the LEP.

2.2.2. The Strategic Board has a private sector Chair, with the majority of the remaining members also coming from the private sector. It is constituted as follows (terminology changed to reflect federal model, numbers are the same):

Count	Membership
5	Business representatives taken from <b>Essex Business Board</b> and <b>Opportunity South Essex</b>
5	<del>Local Government</del> <b>Public Sector</b> representatives taken from <b>Essex Business Board</b> and <b>Opportunity South Essex</b>
4	Business representatives from <b>Kent and Medway Economic Partnership</b>
4	<del>Public Sector</del> <del>Local Government</del> representatives from <b>Kent and Medway Economic Partnership</b>
3	Business representatives from <b>Team East Sussex</b>
3	<del>Public Sector</del> <del>Local Government</del> representatives from <b>Team East Sussex</b>
1	Representative of the <b>Higher Education</b> sector
1	Representative of the <b>Further Education</b> sector
1	<b>Social Enterprise</b> representative
28	(including Chair)

~~2.2.3 The process for recruiting representatives from business and local government shall be determined within a framework agreed by the LEP with the area Vice-Chairman providing the final list to the LEP Chair as necessary. The process for the recruitment of Strategic Board and Federated Board members is set out within the Board Recruitment Process. Each Federated Area shall select private sector Strategic Board members through an open, transparent and non-discriminatory competitive process which assesses each candidate on merit. Local authority representation should be at a senior political level, namely the Leader of the Council or a Cabinet Member.~~

~~2.2.3.2.4 If the named Strategic Board member is unable to attend then a substitute may attend on their behalf, subject to full compliance with SELEP policies and the Board Recruitment Process.~~

~~2.2.4 The process for selecting the FE/ HE representatives shall be determined by the Skills Advisory Group and the U9 groups respectively, with final approval given~~

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~~by the SELEP Chairman. This process shall also be followed by the Social Enterprise Working Group in agreeing their nomination to the board.~~

2.2.6 Board members are expected to conduct themselves in accordance with the SELEP Code of Conduct which reflects Nolan’s Seven Principles of Public Life (see link). In the following circumstances, following adjudication by the Accountable Body’s Standards Committee, Board Members can be removed from SELEP office as a result of:

- a) failure to comply with the SELEP Code of Conduct and all other SELEP Policies
- b) failure to attend Strategic Board meetings for six months without pre-approval from the Chair
- c) failure to comply with the SELEP Register of Interest Policy and maintain their Declaration of Interests and/or continued participation in decisions where there is a clear, yet undeclared, conflict.

2.2.7

~~2.2.72.2.8~~ 2.2.8 The LEP will ensure that representation at its Strategic Board and working group meetings is diverse and that membership is reflective of the business communities that it serves.

~~2.2.82.2.9~~ 2.2.9 In accordance with Government’s expectations, the LEP shall designate the following board members or members of the SELEP team with responsibilities pertaining to the good governance of Government funding as follows:

<i>Maximising the LEP’s connections with SMEs across the area</i>	Chair of the Strategic Board
<i>Ensuring that the LEP’s investments represent value for money</i>	Chair of the Accountability Board
<i>Ensuring that business cases are subject to scrutiny</i>	Chair of the Accountability Board
<i>Identification and management of risk of all the projects supported by the LEP’s programme</i>	Chair of the Accountability Board

~~2.2.92.2.10~~ 2.2.10 The Strategic Board will be supported by the LEP Team and the Senior Officer Group in identifying opportunities to work with LEPs across the national network according to the working agenda and priorities of the time.

~~2.2.102.2.11~~ 2.2.11 All Board members are requested to advise the SELEP Team of any hospitality or gifts they are offered pursuant to their LEP role, in line with the requirements of the Subsistence and Hospitality Policy as published on the SELEP website. The LEP Team shall publish Hospitality and Gift returns quarterly on the SELEP website.

## 2.3 Chair and Vice Chairs

- 2.3.1 The Chair shall be appointed by the Strategic Board for a two year term following an open, transparent and non-discriminatory competition that assesses each candidate on merit.
- 2.3.2 The Chair's performance will be subject to annual review by the Strategic Board, led by the Vice Chairs.
- 2.3.3 Duties of the Chair will be to:
- a) ensure the smooth and effective operation of the Strategic Board
  - b) lead on the development of strategy
  - c) participate in the appointment of and directly manage the Managing Director of the LEP bringing any significant performance or staffing issues to the attention of the Strategic Board and the Accountable Body
  - d) ensure effective liaison with all constituents of the LEP and Government and to undertake representation, communication and advocacy as required and as according to LEP's extant strategies
  - e) maximize SELEP's connections with Small and Medium sized enterprises (SME's) across the SELEP area
  - f) provide on an annual basis, in conjunction with the SELEP Managing Director, a statement on the status of governance and transparency within SELEP; this statement will be explored in greater detail during the Annual Conversation process with government. This statement will be published on the SELEP website.
  - g) oversee the development and implementation of SELEP's Communication Strategy
  - h) support any resolutions of conflict between the Accountable Body and the Accountability Board
  - i) ensure that declarations of interest are requested, and acted upon, at the outset of each Strategic Board meeting
- 2.3.4 Following the two year term, the Strategic Board can agree to extend the Chairs terms for a further two years for a maximum of two consecutive terms. The Strategic Board will be asked to consider the potential extension of the Chairs contract approximately 6 months before the end of the term.

~~2.3.4.2.3.5~~ The Strategic Board will have three strategic Vice Chairs, one for Essex and South Essex, one for Kent and Medway and one for East Sussex. The recruitment process for appointing the SELEP Vice-Chairs is set out in the Board Recruitment Process. Their election and terms of office shall be determined by the federal boards who will work in partnership to agree the approach where required.

## 2.4 Representation and Attendance

- 2.4.1 Each member of the Board can name one alternate to attend in his or her place who is authorised to take decisions on his or her behalf, subject to full

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~~compliance with SELEP Policies and SELEP Board Recruitment Process-  
Alternates from Local Authorities shall be elected members.~~

- 2.4.2 For the Board to be quorate for decision making at least 17 of the 28 members must be present. Of these:
- a) At least 9 of the 17 should be business reps (ensuring business majority);
  - b) There should be at least 1 business rep per partnership area; and
  - c) At least 3 representatives must be from the 6 county/unitary councils
- 2.4.3 Only members of the Strategic Board or their alternates may sit at the meeting table and vote. Others may attend and take part by the invitation of the Chair.
- 2.4.4 Meetings of the Board are open to the press and public as observers, with the exception of any items that should be treated confidentially for commercial or other reasons. Filming or recording of proceedings should be agreed in advance with the SELEP team. The number of observers may be limited at the discretion of the Chair.

## 2.5 Decisions

- 2.5.1 The Board shall operate on the basis of consensus. If consensus is not achieved, decisions will be determined by majority vote, with the Chair's casting vote deployed if required.
- 2.5.2 All urgent matters to be considered for decision must have been circulated in writing to all members of the Strategic Board at least two clear working days before the meeting. No decision can be taken without notice having been given.
- 2.5.3 In the event that a decision is required outside of a scheduled meeting, the Chair may decide to hold an Extraordinary Meeting. Such meetings shall be coordinated by the SELEP team, and shall operate according to normal Strategic Board rules.
- 2.5.4 In certain circumstances, the Chair may decide to seek agreement to a proposal via Electronic Procedure. In such cases, the SELEP Team will write to each Board member requesting agreement to a specified course of action. Board Members shall be given no fewer than five working days to respond. For a decision to be made, the provisions of paragraph 2.5.2 shall apply.
- 2.5.5 In certain circumstances, the Chair may decide to seek agreement to a proposal via Electronic Procedure. In such cases, the SELEP Team will write to each Board member requesting agreement to a specified course of action. The admissible responses are: Approved, Not Approved or Abstain. Board Members shall be given no fewer than five working days to respond. For a decision to be made, the provisions of paragraph 2.5.2 shall apply. The rules of quorum (paragraph 2.4.2) will apply.

- 2.5.6 All decisions made by Electronic Procedure shall be ratified at the next scheduled meeting of the Board.

## 2.6 Meetings and Papers

- 2.6.1 The Board will meet at least four times a year. A calendar of future meetings will be set for a year at a time.
- 2.6.2 The agenda and papers for meetings shall be approved by the Chair and issued at least five working days in advance of the meeting.
- 2.6.3 The agenda and papers shall be disseminated by the SELEP Team. Board members wishing to propose items for the agenda should contact the Secretariat. Final papers for Board discussion shall be made available on the LEP website as soon as they are disseminated to the Board, except for papers which are not suitable for release into the public domain, for example, due to them containing commercially sensitive data or information pertaining to the employment of individuals.
- 2.6.4 Minutes of meetings of the Board shall be approved in draft form by the Chair and disseminated to Strategic Board members no later than ten working days following the meeting. Minutes shall remain in draft until approval by the Board at the Board's next meeting.
- 2.6.5 Minutes shall be made publicly available in draft on [www.southeastlep.com](http://www.southeastlep.com) no more than ten days after the meeting and will similarly be published in final form no more than ten working days following approval by the Strategic Board, except for minutes which are not suitable for release into the public domain for example due to them containing commercially sensitive data. Any minutes which are not released into the public domain will be stored confidentially by the SELEP Team.

## 2.7 Conflicts of interest

- 2.7.1 Board members must be familiar with and fully comply with SELEPs Register of Interests Policy.
- 2.7.2 Board members ~~and their nominated alternates~~ shall complete a Register of Interest in the format prescribed by Central Government within 28 days of becoming a member of a SELEP Board and which will be published on the SELEP website.
- 2.7.3 Board members are responsible for ensuring that registers of interest are kept up to date by notifying the SELEP Managing Director of any changes to their interests within 28 days of the change occurring.
- 2.7.4 Board members are required to review their register of interest before each Board meeting and submit any necessary revisions to their Register of Interest in advance of the meeting.

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~~2.7.22.7.5~~ The Chair will ask for declaration interests to be declared at the start of each Strategic Board meeting.

~~2.7.3~~ Where a Disclosable Pecuniary Interest is declaration has been made the Board member must withdraw from the room where the meeting considering the business is being held at the time that item of business is being discussed and must not participate in any debate or vote on the matter.

~~2.7.6~~ Board Members are required to declare an interest on decisions, irrespective of whether or not they are able to attend the meeting at which the decision is to be taken. Where a Board member declares an Pecuniary Interest, a substitute member is unable to vote on their behalf.

~~2.7.4~~

~~2.7.5~~ The SELEP Team shall maintain a Register of Strategic Board Members' Interests. This shall include all company directorships, trusteeships, elected offices, remunerated posts and other relevant interests. The Register of the Strategic Board Members' Interests will be published on the LEP website and shall be made available to any interested party at any time. Strategic Board members shall supply information to the Secretariat for inclusion in the register, or a nil return, on joining the Board, in response to any request for an update and on becoming aware of any new interest. The secretariat will circulate a request for information about interests annually.

~~2.7.62.7.7~~ Should an item be discussed by the Strategic Board which presents a conflict of interest to a Strategic Board member, the Strategic Board Member shall declare the conflict of interest, regardless of whether s/he has previously declared the interest in the Register of Board Members' Interests. Such declarations shall be minuted and the Strategic Board member shall abstain from discussion and may be asked to withdraw at the Chair's discretion and shall not participate in any vote on the item.

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## 2.8 Accountability Board

2.8.1 The SELEP Accountability Board is the main performance management structure within the LEP. It provides the accountability structure for decision making and approving funding within the overarching vision of the Strategic Board. This satisfies the accountability processes of the Accountable Body and the requirements of Government.

## 2.9 SELEP Investment Panel

~~2.9.1~~ The Investment Panel is a sub-committee of the Strategic Board, as an advisory committee to the Strategic Board and Accountability Board.

~~2.9.2~~ The Panel meeting is not a public meeting,

~~2.9.12.9.3~~ The Investment Panel operates under its own Terms of Reference, agreed by the

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### SELEP Strategic Board.

2.9.22.9.4 The Investment Panel's role and responsibilities include:

- a) Reviewing the initial list of projects put forward for investment by each of the Federated Board and which have been through an initial ITE review process;
- b) Conducting a prioritisation process of those projects requiring investment based on an approach agreed by the Strategic Board and in accordance with the SELEP Assurance Framework;
- c) Making recommendations for the provisional allocation of funding to projects prioritised by the Panel. The final award of funding will be subject to an Accountability Board decision, in line with the Assurance Framework; and
- d) Consider priorities for future funding from Central Government in accordance with the priorities identified through the Strategic Economic Plan, along with emerging SELEP and Government priorities.

## 2.10 Other Board and working group arrangements

2.10.1 As described in section 1.3.1, the LEP operates a federal model, which allows for decision-making and project prioritisation at a local level.

2.10.2 In discharging those responsibilities relevant to the LEP, federal boards should provide the following responsibilities as a minimum and include these in their own Terms of Reference:

- a) ensure that the Managing Director is informed of all **meetings** and that the SELEP team is given the opportunity to attend
- b) working with the incumbent Vice Chair, provide the SELEP Team with clear and updated **nominations** for membership of the Strategic Board
- c) finalise local **priorities** and/or a vision for the federal area which is in line with the LEP's Strategic Economic Plan and the LEP's approach to project prioritisation
- d) coordinate **reports** as required to the LEP Strategic and Accountability Boards and monitor and report on all LEP investments in the area
- e) **champion** the work of the LEP to local communities
- f) ensure the **transparency** and accountability of decisions and recommendations made at local level
- g) enable **collective engagement** with all local authority leaders within the Federal Area to ensure that there is a clear mandate for decision making on growth priorities and supporting collaboration and joint delivery at executive level.
- h) ensure on-going local engagement with **public and private sector** partners to inform key decisions and set out how they will evidence effective engagement
- i) ensure that there is 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
- j) work with the LEP to **publish** arrangements for developing, prioritising, appraising and approving projects, with a view to ensuring that a wide range of delivery partners can be involved

2.10.3 The LEP's working agenda is supported by a range of advisory, working and interest groups. Over the course of the LEP's existence, some activity has ceased naturally and some has increased exponentially. Now termed simply as SELEP working groups, the groups and their top-level purposes are detailed below. Broad membership of the working groups is listed separately.

2.10.4 The Working Groups listed below should provide the following as a minimum:

- a) a simple Terms of Reference, which will be made available on the LEP website
- b) notification of future meetings and meeting notes made available on the LEP website
- c) clarifications around how federal areas have been engaged in any process which culminates in recommendations being made to the LEP Strategic Board
- d) an action plan which clearly associates milestones, outputs and monitoring arrangements when LEP funding is being spent
- e) an assurance that LEP funding will not be used until approval, where required, has been obtained from the LEP Strategic Board.

2.10.5 The Working Groups are accountable to the LEP Strategic Board and will be required to provide updates to each Strategic Board meeting. Where there is specific local interest to their work, the Working Groups should also report to federated boards.

Group	Function	Purpose
Senior Officer Group	Advisory	<ul style="list-style-type: none"> <li>- To provide resource and advice to the SELEP team on particular items of work, to link with local political members, to support effective decision making and to generally expedite the work of the LEP.</li> <li>- For more urgent matters, the Director of the LEP can call a 'Directors Group' of lead federal area representatives together.</li> </ul>
Transport Officer Group (covering Strategic Infrastructure)	Advisory	<ul style="list-style-type: none"> <li>- To develop a strong pipeline of transport schemes linked to the SEP and to exert significant influence over Government, Network Rail and Highways England</li> <li>- To broaden an approach across other strategic infrastructure, such as broadband.</li> </ul>

Coastal Communities	Working Group	<ul style="list-style-type: none"> <li>- To help develop the economies of our coastal areas and address regeneration needs through targeted intervention</li> <li>- To build on previous work in support of the Offshore Renewables sector across the LEP</li> </ul>
<u>South East Creative Economy Network</u>	Working Group	- To implement practical and scalable initiatives to overcome barriers to the growth of the creative sector by aligning the efforts of businesses, education bodies, strategic organisations and local authorities.
Growth Hub	Working Group	- To develop and deliver Growth Hub activity at the LEP level and across the three local sub-hubs.
<u>Housing and Development</u>	Working Group	- To contribute to the acceleration of housing delivery and commercial development and ensure that we have the homes built to support consistent growth across the LEP area
Rural	Working Group	- To coordinate and support activities to
		enable growth in the rural economy, maximising access to all available funding sources.
Skills Advisory Group	Working Group	- To provide a strategic, joined up, holistic LEP view and input to skills issues and to deliver solutions where possible. These include funding opportunities, new projects and government priorities such as apprenticeship reforms and Area Reviews.
Social Enterprise	Working Group	- To progress matters which advance the interests of the third sector and to seek opportunities to put the agenda at the forefront of the LEP's work.
U9	Working Group	- To promote the interests of universities across the LEP, to follow best practice, to coordinate around funding bids and to drive the LEP's work around innovation.

2.10.6 It may be the case that working groups either cease to exist or are created to reflect the LEP's operational Strategic Economic Plan and the levels of priority and engagement from Government. The LEP does not preclude the inauguration of further groups which would exist to help deliver its objectives and will work with the federated boards in developing plans.

2.10.7 The Working Groups shall have a designated direct link to the SELEP board, either through existing representation, or through an existing board member acting as a champion for the sector.

2.10.8 There are two meetings external to, but coterminous with the LEP. The ESIF sub-committee, administered by DCLG for the discharge of European funding in the LEP area, continues to operate and is well aligned with the LEP team. The Thames Gateway Strategic Group, which incorporates South Essex, North Kent and East London, continues to meet to progress the delivery of Government policy objectives in the area and continues to benefit from special ministerial attention. Both of these groups are critical to the LEP's successful discharge of its duties and will therefore continue to be resourced.

2.10.9 Added to this, the LEP shall be represented on the Strategic Boards of the Enterprise Zones in its area by either a board member or a senior member of the SELEP team.

### 3. SECRETARIAT AND ADMINISTRATION

#### 3.1. Secretariat

3.1.1 The Strategic Board is supported by a secretariat which is generally referred to elsewhere as the 'SELEP team'. The SELEP team has responsibility for:

- a) ensuring the efficient administration of the Strategic Board, the Accountability Board and the other LEP sponsored working groups
- b) ensuring the Boards operate within their Terms of Reference
- c) providing information and support to the Chair and Vice Chairs
- d) monitoring work commissioned by the Board and reporting on progress to the Board
- e) coordinating the production of papers and agenda items
- f) managing communications activity on behalf of the LEP
- g) undertaking such tasks as directed by the Board, Chair and Vice Chairs
- h) maintaining a dedicated website through which local partners and the public can check progress on the delivery of the Growth Deal and access key documents such as the SEP

***Additional Assurance Framework requirements:***

- i) ensuring compliance with financial regulations of the Accountable Body and using all reasonable endeavors to ensure that partners in receipt of funding fulfil their obligations with regard to that funding, including maintaining a robust audit trail to demonstrate compliance
- j) ensuring arrangements are in place for the lawful and effective implementation and delivery of projects by partners
- k) ensuring that an appropriate process is followed for setting of budgets and preparation of accounts within the LEP which are approved by the Accountable Body

- l) reporting to the Accountable Body as required
- m) liaising with and reporting to Government, particularly in respect of the Local Growth Fund Capital Programme

- 3.1.2 The SELEP Team will be employed by an upper tier local authority and will work within the policies and procedures of the employing body as well as the policies and procedures of SELEP.
- 3.1.3 The SELEP Team will seek support and advice from other local organisations to the extent that it supports the advancement of the LEP's overall work programme. The Managing Director is also responsible for managing the LEP's operational revenue budget and for reporting spend to the Accountable Body and other board members on request.
- 3.1.4 The costs of the SELEP team and any financial liabilities of the Accountable Body resulting from being the Accountable Body of the LEP shall be borne equitably between the six upper tier authorities using population figures as the basis for calculating their contribution. Financial contribution towards secretariat costs may be used as a contribution to match funding made available from Government or other sources and should be agreed annually.
- 3.1.5 Members of the secretariat who have decision making responsibility will complete a Register of Interest, which will be made available on the SELEP website for full transparency.

### **3.2 Communications**

- 3.2.1 The Board shall operate on the basis of transparency, openness and good communication.
- 3.2.2 The SELEP team shall be responsible for the LEP's communications approach. This shall include communications to Board members and the wider public and shall include the maintenance of an up-to-date, relevant and accessible website. The team shall also be responsible for implementation of a communications strategy.

### **4. AMENDMENTS TO TERMS OF REFERENCE**

- 4.1 The Board may amend these terms of reference at any time.
- 4.2 These terms of reference, agreed 29<sup>th</sup> June 2018, replace the version agreed by the Board in March 2018. Prior to that, SELEP's Terms of Reference were agreed in previous forms in December 2017, December 2014, February 2014 and October 2012.