

## 5.0 THE ROLE OF DIFFERENT BODIES IN THE DECISION-MAKING PROCESS

### 5.1 The Buckinghamshire LEP Board

- 5.1.1 The Buckinghamshire LEP Board is responsible for strategic leadership of the economic development/growth agenda in Buckinghamshire. The Buckinghamshire LEP Board is also responsible for prioritisation and technical appraisal of schemes pre-award of any funding, although it may choose to delegate the technical appraisal of schemes to its Capital Programme Sub Group, an independent external specialist, or any combination of these, if considered beneficial and/or financially expeditious.
- 5.1.2 The key purpose of the Buckinghamshire LEP board is to provide 'helicopter' direction for economic development interventions in Buckinghamshire and manage strategic/operational risk within the Buckinghamshire LEP delivery programme. Key functions of the board are to ensure economic development activity is well co-ordinated, that duplication is avoided, and that regular updates on projects and initiatives are undertaken.
- 5.1.3 The Buckinghamshire LEP Board has the following strategic objectives:
- To work with public and private sector partners to develop a shared vision for the future of the local economy and use the LEP Board as a forum for collective discussion and decision making on strategic growth priorities.
  - To agree a prioritised list of investments within the available budget drawn from the agreed resources and bid for additional funding, according to the approach set out in this framework.
  - To make decisions on individual scheme approvals, investment decision making and release of funding, including scrutiny of individual scheme business cases, according to the approach set out in this framework.
  - To identify, monitor and evaluate strategic risks to funded projects/the delivery of key objectives.
- 5.1.4 The Buckinghamshire LEP Board will operate as a strong public-private sector governance, accountability and decision-making unit.
- 5.1.5 There is an implicit obligation on the LEP to lead in avoiding duplication of effort. Clear two-way communication between all partners involved in economic development and sharing of information avoids potential overlaps. Because of this, the Buckinghamshire LEP Board will regularly explore the potential to align, pool and/or share assets.
- 5.1.6 All partners to the LEP agree to work together in a win/win partnership to deliver what is best for Bucks as a whole and for its constituent parts.
- 5.1.7 As a matter of Board policy, all meetings of the Directors must have a predefined purpose, be furnished with action-oriented information, have a focussed agenda, and allow reasonable time for adequate debate and considered decisions.
- 5.1.8 With this objective in mind, prior to meetings of the Board:
- Papers will be circulated and published on the Buckinghamshire LEP Website a minimum of five working days in advance of the Board meeting.
  - The Board meeting will be conducted on the assumption that Board members have read Board papers prior to the meeting.
  - Each paper will be annotated to the effect that it is for “discussion”, “decision”, or “information”.
  - ‘Any other business’ items should be raised with the Chair prior to the Board meeting. Items tabled at the meeting will only be accepted in exceptional circumstances. A timed agenda will be laid out in advance.

### 5.1.9 **Role and Responsibility of the Chair**

5.1.9.1 The role of the Chair is to lead the Board in defining vision and direction, and in delivering the desired outputs, whilst ensuring that appropriate procedures for governance and management of resources are in place.

5.1.9.2 The key responsibilities of the post are to:

- Ensure the Buckinghamshire LEP's Vision, Direction and Strategy are understood and influenced by key Stakeholders.
- Take charge of key relationships at the stakeholder and political levels, and function to prevent stress in the relationship at an operational level while building strong partnerships.
- Comply with any reporting requirements of the accountable body (BC).
- Provide regular reports on the on-going delivery of projects, highlighting any risks and outputs achieved.
- Build a strong complementary relationship with the Secretariat.
- Ensure that the principles of good practice on appointments, openness, codes of conduct and practice, and conflicts of interest are defined, monitored and adhered to.
- Ensure that individual Board members and the Board develop as a team.
- Regularly review succession planning for the positions of Chair, Vice Chair, and Board members.

### 5.1.10 **Role and Responsibility of the Vice Chair**

5.1.10.1 The role of the Vice Chair of the Board is to support the Chair in all their Board dealings, and to deputise for him if possible when asked to do so. The key responsibilities of the post are to:

- Chair meetings of the Board when the Chair is unavailable.
- Support and assist the Chair in upholding his responsibilities.

### 5.1.11 **Role and Responsibility of Board Members**

5.1.11.1 Board members have a responsibility to uphold high standards of integrity and probity. They should support the Chair and Vice Chair in instilling the appropriate culture, values and behaviours in the boardroom and beyond.

5.1.11.2 Board members should take into account the views of other stakeholders, because these views may provide different perspectives on the LEP and its performance.

5.1.11.3 The duties and responsibilities of a Board member are to:

- Contribute to setting of clear Vision, Mission, Objectives and Strategy.
- Collectively be the ultimate strategic policymakers for Buckinghamshire LEP through decision-making on the Strategic Economic Plan, Local Industrial Strategy and other core policies.
- Be involved in the decision-making and accountability processes of Buckinghamshire LEP.
- Maintain the highest standards of conduct and ethics at all times.
- Invest appropriate time to keep abreast of key developments.
- Recognise collective responsibility. Adhere to, and support Board decisions.
- Propose, from their number, a Chair and Vice Chair.
- Act in a non-parochial manner on behalf of all residents and businesses in Bucks.

5.1.11.4 Board Members will have such rights of access to all documents and information necessary for proper discharge of their functions in accordance with the law.

5.1.11.5 Board Members will not make public information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a member or officer entitled to know.

- When carrying out LEP duties, Board Members must make all choices, such as making appointments, awarding contracts or recommending individuals for rewards or benefits, based on evidence.
- Board Members are accountable for their decisions and must co-operate fully with whatever scrutiny is appropriate. They must be as open as possible about both their individual decisions and actions and the decisions and actions of the LEP. In addition, they should be prepared to give reasons for those decisions and actions.
- Board Members must declare any private interests, both pecuniary and nonpecuniary, including membership of any Trade Union, political party or local authority that relates to your LEP duties and complete on an annual basis a declarations of interest form to be kept on the LEP website. Board Members must take steps to resolve any conflicts arising in a way that protects the public interest. This includes registering and declaring interests in a manner conforming with the procedures set out in the section 'Registering and declaring pecuniary and non-pecuniary interests'.
- When using or authorising the use by others of the resources of your LEP, Board members must ensure that such resources are not used improperly for political or personal purposes (including party political purposes).
- Board members must promote and support high standards of conduct when serving in the LEP post, in particular as characterised by the above requirements, by leadership and example.

#### 5.1.12 **Registering and declaring pecuniary and non-pecuniary interests**

You must, within 28 days of taking office as a Board Member or co-opted, notify your LEP Chief Executive and Accountable Body's S151/S73 Officer of any disclosable pecuniary interest, where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a spouse, or as if you were civil partners.

In addition, you must, within 28 days of taking office, notify your LEP Chief Executive and Accountable Body's S151 Officer of any nonpecuniary interest if you are to fulfil your duty to act in conformity with the Seven Principles of Public Life. These non-pecuniary interests will necessarily include your membership of any Trade Union.

Board members should review their individual register of interest before each board meeting and decision making committee meeting. If an interest has not been entered onto the LEP's register, then the member must disclose the interest at any meeting of the LEP at which they are present, where they have a disclosable interest in any matter being considered and where the matter is not a 'sensitive interest'.

Following any disclosure of an interest not on the LEP register or the subject of pending notification, you must notify the LEP Chief Executive and S151 Officer of the interest within 28 days beginning with the date of disclosure.

Unless dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a pecuniary interest. Additionally, you must observe the restrictions your LEP places on your involvement in matters where you have a pecuniary or non pecuniary interest as defined by your LEP.

- 5.1.13 Board Members operating as Directors of Buckinghamshire LEP, will be covered by corporate legal indemnity organised centrally by Buckinghamshire LEP.

## **5.2 The Buckinghamshire LEP Executive**

### **5.2.1 The Role and Responsibility of the Chief Executive**

As an ex officio member of the Buckinghamshire LEP Board the Chief Executive will:

- Ensure that relevant decisions and activities of Buckinghamshire LEP, its Sub Groups, BBF and the Buckinghamshire Skills Advisory Panel conform with legal requirements with regard to equalities, environmental, EU procurement etc., seeking third party advice where appropriate.
- Develop an annual Buckinghamshire LEP revenue budget for Board approval every year, setting out the proposed split of resources between Buckinghamshire LEP, BBF, BA and the Skills Advisory Panel.
- Report to the Buckinghamshire LEP Board, where he/she considers it appropriate to do so, on the manner in which the discharge of Buckinghamshire LEPs functions is to be co-ordinated, the number and grade of officers required for the discharge of functions, and the organisation of officers.
- Grant dispensations to Buckinghamshire LEP Board Members in respect of any conflict of interest other than a disclosable pecuniary Interest to allow them to participate in discussion and debate during meetings and/or seek external legal advice on such matters, where necessary.
- Ensure that this Accountability and Assurance Framework is kept up to date and amended to reflect changes in legislation, Buckinghamshire LEP Board decisions and changes of fact. After consulting with the Section 151 Officer where practicable, report to the Buckinghamshire LEP Board if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- Contribute to the promotion and maintenance of high standards of conduct (in accordance with the gov.uk guidance “The 7 principles of public life”<sup>1</sup>). The Chief Executive will ensure that all board members and staff sign up to a code of conduct based on the Nolan Principles listed below. This code of conduct will be published directly on the Buckinghamshire LEP Website and will be updated annually.

#### **1 Selflessness**

Holders of public office should act solely in terms of the public interest.

#### **2 Integrity**

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Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

### **3 Objectivity**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

### **4 Accountability**

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

### **5 Openness**

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

### **6 Honesty**

Holders of public office should be truthful.

### **7 Leadership**

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

- Ensure that Executive decisions, together with the reasons for those decisions and relevant reports and background papers, are made publicly available as soon as possible.
- Advise whether proposed decisions of the Buckinghamshire LEP Board are in accordance with the budget and policy frameworks in consultation with BC's Section 151 Officer.
- Seek external legal advice, as appropriate, on any issues relating to the scope of the Buckinghamshire LEP Boards/Board Members powers and authority to take decisions, maladministration, financial impropriety, probity, regulatory (equalities, social value, environmental, State Aid, procurement etc.) and budget and policy issues.
- Ensure business cases are appropriately scrutinised and published, prior to being considered by the Buckinghamshire LEP Board

#### **5.2.2 The Role of the Senior Management Team**

5.2.2.1 The Buckinghamshire LEP secretariat, administrative and technical support will be provided by staff employed by or contracted through Buckinghamshire Business First or the Buckinghamshire Skills Advisory Panel. Such resources will be under the direct operational control of Buckinghamshire LEP through its staffing structure and will be independent of any direct local authority influence.

5.2.2.2 The Buckinghamshire LEP Board, and/or the REMNOM Sub Group will be responsible for the appointment and dismissal of the Chief Executive.

#### **5.2.3 The Role of the Wider Executive**

5.2.3.1 Buckinghamshire LEP has delegated the appointment, discipline and dismissal of all other staff to the Chief Executive.

5.2.3.2 Subject to the availability of budget, the Buckinghamshire LEP Chief Executive may appoint such staff and contractors he/she considers to be appropriate for the discharge of its functions.

- 5.2.3.3 Staff indemnity against any expenses liability, loss claim or proceedings whatsoever arising from their neglect, act, error or omission will be covered by corporate insurance organised directly by Buckinghamshire LEP.

### **5.3 Buckinghamshire Council (BC)**

5.3.1 As Accountable Body for Buckinghamshire LEP, BC is responsible for ensuring appropriate arrangements are in place for the proper use and administration of funding, building on the existing local government systems, which fall under the annual audit of the local authority's accounts. The accountable local authority is also responsible for ensuring that decisions are made in accordance with the local LGF assurance framework.

5.3.2 As the accountable body for Local Growth Funding, BC will:

- Ensure (through their Section 151 Officer) that the funds are used appropriately, including the ability to account for these funds in such a way that they are separately identifiable from the accountable body's own funds.
- Sign off the Local Assurance Framework and write to the Accounting Officer in MHCLG certifying that a local assurance framework is agreed, is being implemented and that it meets the standards articulated in the national framework.
- Support the independent scrutiny assessment and whistleblowing policies of the operation and performance of Buckinghamshire LEP.
- Ensure that the Buckinghamshire LEP assurance frameworks is published on the Buckinghamshire LEP website, and reviewed annually to ensure transparency in decision making.
- Ensure that the Buckinghamshire LEP assurance framework is being adhered to.
- Maintain the official record of Buckinghamshire LEP proceedings, ensuring all relevant documents are retained for future inspection.
- Be financially responsible for the decisions of Buckinghamshire LEP Board in approving schemes (for example if subjected to legal challenge).

5.3.3 BC will achieve the above objectives by:

- Collaborating on the development of, and signing off this Local Assurance Framework.
- Ensuring the Section 151 Officer attends the Buckinghamshire LEP Board Meetings as an Observer.
- Asking BC's S151 Officer to commission an annual audit of Buckinghamshire LEPs financial controls and systems, to ensure the Buckinghamshire LEP has put in place sufficiently robust systems to ensure appropriate arrangements are in place for the proper use and administration of funding.

#### **5.3.4 Role and Responsibility of the Section 151 Officer in Buckinghamshire Council**

The Section 151 Officer will be responsible for:

- Ensuring financial prudence of decision making - After consulting with the Buckinghamshire LEP Chief Executive, where practicable, the Section 151 Officer will report to the Buckinghamshire LEP Board (in relation to an Executive function), if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is likely to cause a loss or deficiency or if Buckinghamshire LEP is about to enter an item of account unlawfully.
- Administration of financial affairs - Will have responsibility for scrutinising the administration of the financial affairs of Buckinghamshire LEP; ensuring the

promotion and delivery by the whole organisation of good financial management so that public money is safeguarded at all times and used appropriately, economically, efficiently and effectively.

- Providing advice - Will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all members and will support and advise members and officers in their respective roles.
- Certifying the robustness of Buckinghamshire LEP's Estimates - will have responsibility for certifying the robustness of Buckinghamshire LEP's Budget estimates and the adequacy of Buckinghamshire LEP's reserves.

#### **5.4 Capital Programme Sub Group**

5.4.1 A Capital Programme Sub Group, is responsible for oversight of Buckinghamshire LEP's capital programme, much of which is likely to be delivered by a range of different project sponsors. In undertaking this role, the Programme Management Board will be responsible for ensuring local growth funds are invested to maximum effect; any emerging risks are mitigated or referred to the LEP Board for resolution; and the local delivery capability of partners is aligned behind the core programme. This board will meet on a quarterly basis to support the detailed review and assessment of the Buckinghamshire Local Growth Fund Programme.

Buckinghamshire LEP commit to meet Government branding guidelines for all projects and will ensure correct branding and wording is used for websites, signage, social media, press notices and other marketing material.

#### **5.5 Buckinghamshire Business First**

5.5.1 Buckinghamshire Business First's role within Buckinghamshire LEP is to bring a well evidenced business voice to support economic growth, strategic direction and decision making process of the Buckinghamshire LEP Board.

5.5.2 Buckinghamshire Business First is also responsible for the delivery of Buckinghamshire's Local Growth Hub, which is intended to sit at the heart of a diverse and buoyant business services marketplace. This, combined with its strong business membership, its experienced executive and robust back office systems (business database, email contacts etc.) means it is ideally placed to provide a cost effective management, oversight and central secretarial support service for Buckinghamshire LEP's business support and skills programmes.

5.5.3 At the very heart of the national proposition for Local Growth Hubs is the principle that they should:

- Engage in discussions with and involve as partners in the Growth Hub all key local bodies involved in business support (which will typically include the LEP, LAs, business groups such as Chambers of Commerce and the FSB, universities and others). In practice, this means Growth Hubs should establish strong working links between all institutions involved in providing business, innovation and trade support in their area (national, local, public and private), with effective leadership under the strategic governance of the LEP and formal agreements with the partners.
- Publish clear and inclusive governance arrangements under the oversight of the LEP with appropriate business representation, and a clear plan for delivering and

sustaining the Growth Hub, including other sources of funding and match funding where possible.

- Actively promote all forms of business support available in their area, aligning with the Business is GREAT campaign and provide a diagnostic and signposting service for all businesses which covers all available business support across the LEP area (national, local, public and private). This should help businesses understand what support would help them most and connect them to that support. This service is likely to be provided through a range of different mediums - a website, telephone line, face-to-face advice, account management - but will provide a consistent level of information to businesses. This function should wherever possible make use of existing national assets.
- Support the integration of national and local business support so that it works seamlessly together.

5.5.4 In certain circumstances, Buckinghamshire LEP may also ask Buckinghamshire Business First to directly deliver part of its business support programme, particularly where it feels the task needing to be undertaken is particularly consistent with the role and/or sustainability of a Local Growth Hub. In such circumstances Buckinghamshire LEP will need to satisfy itself that operating in this way offers good value for money, improved outcomes/impact etc. and that this assurance and accountability framework is being complied with.

## **5.6 Buckinghamshire Skills Advisory Panel**

5.6.1 As indicated previously, the Buckinghamshire Skills Advisory Panel has been established as a partnership to develop the Buckinghamshire Skills Strategy, and provide a forum for collaboration between national and local skills providers and key business representatives in Buckinghamshire. The Buckinghamshire Skills Advisory Panel is responsible for the day-to-day management and oversight of Buckinghamshire LEP's skills programme.

5.6.2 Whilst we do not envisage that the Skills Advisory Panel will ever ask Buckinghamshire LEP to directly deliver skills projects on the Board's behalf, we do envisage that this will necessitate its Executive being employed by or contracted to a partner organisation, and that any projects will need to be tested for value for money/impact etc. and that this assurance and accountability framework is being complied with.

## **5.7 Buckinghamshire Local Transport Body**

5.7.1 The sole focus of the Local Transport Body is to allocate the remaining allocation of Local Transport Majors Funding. Moving forward, scheme prioritisation and appraisal of transport projects will be the responsibility of the LEP Board, acting on the advice of Buckinghamshire Council, as the only local Transport Authority in the LEP Area. As stated above, the Buckinghamshire LEP Board may choose to delegate the technical appraisal of any transport schemes to its Capital Programme Sub Group, an independent external specialist, or any combination of these, if considered beneficial and/or financially expeditious.