

Leeds City Region Enterprise Partnership

Constitution

1. Role and functions of the Leeds City Region Enterprise Partnership

- 1.1 The Leeds City Region Enterprise Partnership ('LEP') is a non-statutory strategic body responsible for a significant amount of public funding to drive inclusive growth, increase prosperity and improve the productivity of the Leeds City Region.¹ It is an autonomous business-led private-public local partnership, which brings together private and public sectors from across Leeds City Region, to provide strategic leadership.
- 1.2 The **Leeds City Region Enterprise Partnership Board ('LEP Board')** is the decision-making forum of the LEP.
- 1.3 The LEP focusses on the following four activities:
 - **Strategy:** setting and developing strategies that identify local strengths and challenges, future opportunities and the interventions needed to boost productivity, earning power and competitiveness across the Leeds City Region.
 - **Allocation of funding:** identifying and developing investment opportunities, prioritising the award of local growth funding; and monitoring and evaluating the impact of LEP activities to improve productivity across the local economy.
 - **Co-ordination:** using the LEP's convening power, and bringing together partners from the private, public and third sectors.
 - **Advocacy:** collaborating with a wide-range of local partners to act as an informed and independent voice for the Leeds City Region.

2. The LEP's accountable body

- 2.1 The West Yorkshire Combined Authority (the Combined Authority) is the accountable body for the LEP. As accountable body, the Combined Authority is responsible for:
 - carrying out **finance functions** on behalf of the LEP
 - **oversight** of the LEP's financial and governance, transparency and accountability arrangements
 - providing **additional support** as agreed by the LEP.
- 2.2 The LEP has agreed a formal statement with the accountable body,

¹ The geographical area of the Leeds City Region LEP spans 5 local authority areas: Bradford, Calderdale, Kirklees, Leeds, and Wakefield.

defining their roles and relationship².

3. Interpretation

3.1 With the exception of any matter arising under the LEP Board Procedure Rules, the Combined Authority's Head of Legal and Governance Services shall make any final decision about:

- how any provision in this Constitution or any other LEP governance document should be interpreted, and
- any question of procedure not provided for by the Constitution or another LEP governance document.

4. LEP Board Membership

4.1 LEP Board membership must include:

- **private sector representatives**³ who live or work within the Leeds City Region; and
- Leeds City Region **local authority representatives**.

4.2 At least two-thirds of the members of the LEP Board shall be private sector representatives appointed under paragraph 4.5 below⁴.

4.3 The number of LEP Board members shall not exceed 20, excluding any additional member co-opted to the LEP Board in accordance with paragraph 4.14 below.

Appointment

4.4 No person may act as a member of the LEP Board⁵ if:

- they are the subject of a bankruptcy restrictions order, an interim bankruptcy restrictions order, a debt relief restrictions order or interim debt relief restrictions order under Schedule 4ZB of the Insolvency Act 1986, or
- during the 5 years prior to the date of appointment, they have been convicted of any offence and been sentenced to imprisonment (whether suspended or not) for a period of not less than 3 months without the option of a fine, or

² This is Appendix 1 of the Leeds City Region Assurance Framework.

³ A private sector representative must be or have been employed by an organisation not included as central government, local government or a public corporation as defined for the UK National Accounts. For this purpose, any Higher Education or Further Education Institution is not classified as a public sector organisation.

⁴ any co-optee appointed to the LEP Board is not included as a member of the LEP Board for the purpose of this requirement.

⁵ For the avoidance of doubt, this provision extends to any co-optee appointed to the LEP Board.

- they have an incapacity imposed under Part III of the Representation of the People Act 1983 having been convicted of a corrupt or illegal practice, or
 - they are an officer or servant of the Combined Authority or a Combined Authority subsidiary (within the meaning of the Transport Act 1962).
- 4.5 The LEP Board shall appoint the **private sector representatives** to the LEP Board. Any private sector representative on the LEP Board is appointed in their individual capacity, and not as a representative of their employer or any other organisation. No substitute members will be appointed for private sector representatives.
- 4.6 The LEP Board will select the private sector representatives in accordance with the LEP's diversity statement and in accordance with its Recruitment Procedure for Private Sector Representatives.
- 4.7 The following local authorities shall each appoint a **local authority representative** to the LEP Board⁶:
- City of **Bradford** Metropolitan District Council
 - Borough Council of **Calderdale**
 - **Kirklees** Metropolitan Council
 - **Leeds** City Council
 - Council of the City of **Wakefield**
- 4.8 Each of these local authorities may also appoint a substitute to act in the absence of their appointed representative, subject to the LEP Board Procedure Rules⁷. The substitute member must be an elected councillor from the same local authority as the member for whom they are substituting.
- 4.9 An officer cannot substitute for any member of the LEP Board.

Appointment of Chair and Deputy Chair of the LEP

- 4.10 The LEP Board will appoint:
- a private sector representative as **Chair of the LEP**, and
 - a private sector representative as a **Deputy Chair of the LEP**.
- 4.11 A person ceases to be Chair of the LEP or Deputy Chair of the LEP if they cease to be a member of the LEP Board.
- 4.12 The role of the Chair is to convene the local business community and

⁶ This is expected, but not required, to be the Leader of the relevant council.

⁷ See LEP Board Procedure Rule 9.

public sector stakeholders, whilst overseeing the allocation of funding for which the LEP is responsible and the development of an economic strategy.

- 4.13 The LEP Board will select the Chair in accordance with the LEP's diversity statement and in accordance with its Recruitment Procedure for Private Sector Representatives. The terms of the appointment will be set out in an appointment letter from the Combined Authority to the Chair of the LEP.

Appointment of co-optees to the LEP Board

- 4.14 The LEP Board may at any time co-opt up to 5 additional persons with specialist knowledge to the LEP Board, subject to paragraph 4.17 below.

Terms of office

- 4.15 The term of office for each **private sector representative** appointed under paragraph 4.5 will normally be a maximum of three years, with an optional extension of three years. In exceptional circumstances, the LEP Board may approve an extension of a further three years.
- 4.16 The term of office for the **Chair** and **Deputy Chair** will be three years⁸, with an optional extension of three years. In exceptional circumstances, the LEP Board may approve a further extension of three years.
- 4.17 The term of office for each **co-optee** appointed under paragraph 4.14 will be one year, subject to any exceptional circumstances.
- 4.18 The LEP Board may terminate the membership of any **private sector representative** or **co-optee** at any time.
- 4.19 The term of office for any **local authority representative** (or their substitute) is at the discretion of their appointing authority; authorities may terminate their appointment or appoint a representative at any time, by notification in writing to the Combined Authority's Head of Legal and Governance.
- 4.20 Any member of the LEP Board or co-optee may resign at any time by written notification to the LEP Chair.
- 4.21 Any member of the LEP Board who fails to attend any meeting of the LEP Board throughout six consecutive months from the date they last attended such a meeting, shall cease to be a member of the LEP Board, unless the failure was due to a reason approved by the LEP

⁸ This provision to come into effect once the existing Chair's term of office has expired.

Board before the expiry of the six month period⁹.

5. Membership of Combined Authority Panels

- 5.1 The Combined Authority may appoint any member of the LEP Board to be a member of a Combined Authority Panel or committee¹⁰. The minutes of any such Panel will be reported to the LEP Board as soon as reasonably practicable.

6. LEP Officers

- 6.1 Combined Authority officers serve both the LEP and the Combined Authority.
- 6.2 Every Combined Authority officer must comply with the Combined Authority Officers' Code of Conduct, which is published on the Combined Authority's web-site. Senior officers of the Combined Authority and other officers advising on LEP decisions are required to confirm that they will have regard to the following principles – selflessness, integrity, objectivity, accountability, openness, honesty and leadership in their conduct at all times and that they will comply with the Combined Authority's Code of Conduct for Officers and Gifts and Hospitality Policy. They are also required to declare specified interests on a register. The register of the Chief Executive Officer shall be published on the LEP web-site.
- 6.3 The Head of Legal and Governance Services keeps a record of any notice of a pecuniary interest in a contract given by an officer¹¹.
- 6.4 Any other officer from another local authority advising the LEP must comply with the Officers' Code of Conduct adopted by their local authority.
- 6.5 All officers advising the LEP Board should be mindful of any potential conflicts of interest which may arise from their personal position, or their professional position (that is, arising out of the interests of any constituent local authority in a matter). They should exclude themselves from advising on any matter where their personal or professional interests are such that their integrity or objectivity may be questioned. The Conflicts of Interest Policy applies to any officer of the Combined Authority and any officer of a local authority who advise the Combined Authority or the LEP.

⁹ Any absence prior to 31 March 2020 shall not be taken into account for the purposes of this provision.

¹⁰ The Combined Authority's governance arrangements will apply to any such appointment.

¹¹ Under S117 Local Government Act 1972 – see further the Combined Authority Procedure Standing Orders.

- 6.6 The Managing Director of the West Yorkshire Combined Authority is the **Chief Executive Officer** of the LEP.
- 6.7 The role of the Combined Authority's Section 73 **Chief Finance Officer**¹² who is responsible for the proper administration of the Combined Authority's financial affairs, extends to the financial affairs of the LEP. The Section 73 Chief Finance Officer also has a role in relation to instilling good and proportionate LEP governance. The responsibilities of the Section 73 Chief Finance Officer are set out in detail in Appendix 2 of the Assurance Framework.

7. Members of the LEP Board - conduct

- 7.1 Every member of the LEP Board¹³ must comply with the LEP Board Members' Code of Conduct.
- 7.2 The register of interests required under the LEP Board Members' Code of Conduct will be published on the Combined Authority's website.
- 7.3 Any declarations of interest made by a member of the LEP Board at a meeting and any action taken, (such as leaving the room, or not taking part), will be recorded in the minutes for that meeting.
- 7.4 Any declaration of a conflict of interest by the Chair of the LEP precluding the Chair of the LEP from making an urgent decision on behalf of the LEP shall be recorded in the record of the decision reported to LEP Board.
- 7.5 Any alleged breach of the LEP Board Members' Code of Conduct will be dealt with under the procedure annexed to the Code.
- 7.6 The Conflicts of Interest Policy and Protocol apply to every member of the LEP Board.

8. LEP Board Groups

- 8.1 The LEP Board may at any time appoint an advisory group (in relation to a particular on-going issue or theme), or a working group (in relation to a time-limited task) for the purpose of providing advice to the LEP Board.
- 8.2 The LEP Board may appoint as a member of an advisory group or working group, any private sector representative or other persons who are not members of the LEP Board.

¹² Appointed under Section 73 Local Government Act 1985. This role is carried out by the Combined Authority's Director of Corporate Services.

¹³ For the avoidance of doubt, this provision extends to any co-optee appointed to the LEP Board.

- 8.3 The membership of any group or working group appointed by the LEP Board must include a member of the LEP Board who will report back to the LEP Board on any recommendations made by the group.
- 8.4 The LEP Board shall determine the procedure for any group or working group; in the absence of any such determination the procedure shall be determined by the group or working group itself.

9. LEP Board meetings

- 9.1 All meetings of the LEP Board will be held in accordance with the LEP Board Procedure Rules approved by the LEP Board from time to time.

10. Urgent decisions of the LEP

- 10.1 In exceptional circumstances where it is not practicable for the Chair of the LEP to call an additional meeting of the LEP Board to consider an urgent matter, the Chair of the LEP may, in consultation with the Combined Authority's Managing Director make an urgent decision on behalf of the LEP, provided that the Chair of the LEP does not have a conflict of interest in the matter.
- 10.2 No substantive decision may be taken by the Chair of the LEP under 10.1 without a written report.
- 10.3 Any such decision shall be reported to the next meeting of the LEP Board, and recorded and published in the minutes for that meeting.
- 10.4 The Deputy Chair of the LEP may exercise the power of the Chair of the LEP to make any urgent decision if the Chair of the LEP is unable to act due to absence, illness or a conflict of interest.

11. Scrutiny arrangements¹⁴

- 11.1 The Combined Authority's Overview and Scrutiny Committee may make a report or recommendations on any matter considered by the LEP or relating to LEP governance. It may also review or scrutinise any Combined Authority decision in its role as accountable body for the LEP. The Combined Authority's Scrutiny Officer shall facilitate the Committee to carry out appropriate scrutiny of LEP Board decision-making and LEP achievements.
- 11.2 The LEP may seek input from the Combined Authority's Overview and Scrutiny Committee on any issue relating to policy and strategy development or otherwise¹⁵.

¹⁴ These scrutiny arrangements are agreed by the LEP and the Combined Authority as its Accountable Body.

¹⁵ This will be by way of a request put forward to the Combined Authority's Scrutiny Officer, in the first instance.

11.3 Any member of the LEP Board may be asked to attend, or otherwise contribute to, a meeting of the Combined Authority's Overview and Scrutiny Committee, or any meeting of any Overview and Scrutiny Committee appointed by any local authority in the Leeds City Region.

12. Lobbying

12.1 The LEP will not incur public expenditure in retaining the services of lobbyists to influence public officials, Members of Parliament, political parties of the Government to take a particular view on any issue.

13. Complaints and Whistleblowing

13.1 Any complaint received about the LEP will be dealt with under either

- the Combined Authority's Complaints Policy, or
- the LEP's Confidential Complaints Procedure.

13.2 Any complaint about an individual member of the LEP Board alleging a breach of the LEP Board Members' Code of Conduct will be dealt with in accordance with paragraph 7 above.

13.3 Any whistleblowing concerns raised about the LEP will be dealt with under the LEP's Whistleblowing Policy. This is published on the LEP's web-site.

13.4 Each of these procedures or policies shall be published on the Combined Authority web-site and accessible from the LEP web-site.

13.5 The Head of Legal and Governance Services shall determine the appropriate procedure for any concern, complaint or allegation received.

14. Remuneration

14.1 No remuneration or expenses shall be payable to any member of the LEP Board, except in accordance with a published scheme approved from time to time by the LEP Board.

15. Amendments to LEP constitutional or governance documents

15.1 The Combined Authority's Head of Legal and Governance Services, in consultation with the Chair of the LEP, is authorised to make any changes to any constitutional or governance documents which are required:

- as a result of any government guidance, legislative change or decisions

- of the LEP Board, or
- to enable the documents to be kept up to date, or
- for the purposes of clarification only.

16. Publication of constitution and other governance documents

- 16.1 This Constitution and other governance documents approved by the LEP Board shall be published on the Combined Authority web-site and accessible from the LEP web-site.