

# Part 2 - Articles

## Article 10 – The LEP

### Role of the LEP

- 10.1 The LEP is a business-led public private local partnership which brings together the private and public sectors from across the City Region to:
- provide strategic leadership,
  - unlock the region's vast potential by enabling business to grow and develop,
  - stimulate growth that will create jobs and prosperity for everyone who lives, works and does business in the region, and
  - advise on strategy and policy aimed at meeting both the current and future needs for the region's economy.

### The LEP Member

- 10.2 The LEP nominates a representative to the Combined Authority to be appointed as a Combined Authority Member by the Combined Authority (the LEP Member).<sup>1</sup> A Substitute Member is also appointed to act in the absence of the LEP Member. The terms of office and voting rights of the LEP Member are set out in Article 3 (Membership of the Combined Authority).

### LEP Governance

#### *Context*

- 10.3. The LEP Board is not a committee of the Combined Authority, nor is it a sub-committee of any other committee. It is a non-statutory **advisory** board to the Mayor and the Combined Authority.
- 10.4 The LEP Board is not intended to replace or conflict with the Combined Authority's **Overview and Scrutiny Committee**; any matter reviewed by the Local Partnership remains within the remit of the relevant Overview and Scrutiny Committee and the Scrutiny Standing Orders.

#### *Membership*

- 10.5. LEP Board membership must include:
- **private sector representatives**<sup>2</sup> who live or work within West Yorkshire; and

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<sup>1</sup> Schedule 1 of the West Yorkshire Combined Authority Order 2014

<sup>2</sup> 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

- West Yorkshire **local authority representatives**.

- 10.6 At least two-thirds of the members of the LEP Board shall be private sector representatives appointed under paragraph 10.9 below<sup>3</sup>.
- 10.7 The number of LEP Board members shall not exceed 20, excluding any additional member co-opted to the LEP Board in accordance with paragraph 10.19 below.

### *Appointment*

- 10.8 No person may act as a member of the LEP Board<sup>4</sup> 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
  - 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).
- 10.9 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.
- 10.10 The LEP Board will select the private sector representatives in accordance with the Combined Authority's Recruitment and Appointment Procedure for Private Sector Representatives.
- 10.11 The following local authorities shall each appoint a **local authority representative** to the LEP Board<sup>5</sup>:
- City of Bradford Metropolitan District Council
  - Borough Council of Calderdale
  - Kirklees Metropolitan Council
  - Leeds City Council

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Accounts. For this purpose, any Higher Education or Further Education Institution is not classified as a public sector organisation.

<sup>3</sup> any co-optee appointed to the LEP Board is not included as a member of the LEP Board for the purpose of this requirement.

<sup>4</sup> For the avoidance of doubt, this provision extends to any co-optee appointed to the LEP Board.

<sup>5</sup> This is expected, but not required, to be the Leader of the relevant council.

- Council of the City of Wakefield

- 10.12 Each of these local authorities may also appoint a substitute to act in the absence of their appointed representative. The substitute member must be an elected councillor from the same local authority as the member for whom they are substituting.
- 10.13 The West Yorkshire Mayor (the Mayor) will ex-officio be a local authority representative on the LEP Board. The Mayor's substitute will be ex-officio the Mayor's Deputy Mayor.
- 10.14 An officer cannot substitute for any member of the LEP Board.

### *Appointment of Chair and Deputy Chair of the LEP*

- 10.15 The Mayor will appoint:
- a private sector representative as **Chair of the LEP**, and
  - a private sector representative as a **Deputy Chair of the LEP**.
- 10.16 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.
- 10.17 The role of the Chair is to convene the local business community and public sector stakeholders and support the Mayor of West Yorkshire and members of the Combined Authority to understand the challenges and opportunities faced by business through the LEP as the primary business advisory board to the Mayor and the Combined Authority.
- 10.18 The Mayor will select the Chair in accordance with the Combined Authority's Recruitment and Appointment Procedure for Private Sector Representatives. The terms of the appointment will be set out in an appointment letter from the Mayor to the Chair of the LEP.

### *Appointment of co-optees to the LEP Board*

- 10.19 The LEP Board may at any time co-opt up to 5 additional persons with specialist knowledge to the LEP Board, subject to paragraph 10.22 below.

### *Terms of office*

- 10.20 The term of office for each **private sector representative** appointed under paragraph 10.9 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.
- 10.21 The term of office for the **Chair** and **Deputy Chair** will be up to three years, with an optional extension of up to three years possible subject to review. In exceptional circumstances, the Mayor may approve a further extension up to three years.

- 10.22 The term of office for each **co-optee** appointed under paragraph 10.19 will be one year, subject to any exceptional circumstances.
- 10.23 The LEP Board may terminate the membership of any **private sector representative** or **co-optee** at any time.
- 10.24 The term of office for any **local authority representative** appointed by a local authority (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.
- 10.25 Any member of the LEP Board or co-optee may resign at any time by written notification to the LEP Chair.
- 10.26 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 Board before the expiry of the six month period.

### *LEP Board Groups*

- 10.27 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.
- 10.28 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.
- 10.29 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.
- 10.30 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.

### *Meeting Arrangements*

- 10.31 The **Chair of the LEP if present shall preside** at any meeting of the LEP Board, or in their absence, or where they cannot participate due to a conflict of interest, the Deputy Chair of the LEP shall preside. If neither are present, or both are conflicted, the meeting will elect a chair to preside for that meeting.
- 10.32 The LEP Board will **meet at least once a year** on dates agreed by the LEP Board, and the dates will be published on the Combined Authority's website as soon as reasonably practicable.
- 10.33 On an **annual basis** the LEP Board will:
- In respect of membership:

- Nominate a member of the LEP Board to the Combined Authority<sup>6</sup>
- note the **local authority representatives** and substitutes appointed to the LEP Board appoint (or confirm the continuing LEP Board membership of) **private sector representatives**
- appoint any **co-optees** to the LEP Board

10.34 Every meeting of the LEP Board will:

- receive **declaration of interests** from members of the LEP Board
- approve the **minutes** of the last LEP Board
- consider **any other business** set out in the agenda for the meeting.

#### *Public access to agenda and reports*

10.35 Where practicable, at least 3 clear days before a meeting of the LEP Board, a copy of the agenda and reports<sup>7</sup> will be made available for inspection by the public at the Combined Authority offices and published on the Combined Authority website.

#### *Quorum*

10.36 No business may be transacted at a meeting of the LEP Board, unless at least 4 members of the LEP Board (or their substitutes) are present, including one local authority representative and one private sector representative.

#### *Confidential Information and Public access to meetings*

10.37 Members of the LEP Board may from time to time receive information which is treated as confidential. **It is imperative that such information is not disclosed** to parties outside the Board and to do so may lead to the removal of the member from the LEP Board.

10.38 Formal meetings of the LEP Board shall be open to the public except to the extent that the public are excluded (during the whole or part of the proceedings) to prevent the likely disclosure of confidential information

10.39 The public **must** be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that the following confidential information would be disclosed:

- information given to the LEP Board or the Combined Authority by a Government department on terms which forbid its public disclosure, or
- information the public disclosure of which is prohibited by or under an Act or Court Order.

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<sup>6</sup> To date, in practice this has been the Chair of the LEP Board, but there is no requirement for this to be the case

<sup>7</sup> With the exception of such reports and agenda items that contain confidential information.

10.40 The public **may** be excluded from a meeting during an item whenever it is likely in view of the nature of the business or the nature of the proceedings that the following confidential information would be disclosed:

- information the public disclosure of which would, or would be likely to, inhibit the free and frank provision of advice, the free and frank exchange of views for the purposes of deliberation, and/or would be likely to otherwise prejudice the effective conduct of public affairs

### *Voting*

10.41 The LEP Board shall operate on a consensus model, wherever possible. Where a consensus is not achieved, a matter shall be carried by a majority of votes of the members of the LEP Board present and voting.

### *Minutes*

10.42 Minutes of a meeting of the LEP Board will record:

- the names of all members of the LEP Board (or their substitute) present at the meeting,
- any declarations of interests made at the meeting, and
- any decision or recommendation made by the LEP Board

10.43 Minutes of a meeting of the LEP Board will be published on the Combined Authority's website following the meeting.

### *Code of Conduct and Conflicts of Interest*

10.44 Any member of the LEP Board to whom the Combined Authority's **Members' Code of Conduct** applies (by virtue of their membership on the Combined Authority, their role as a voting member on a committee or otherwise) will be subject to the Code of Conduct when they are attending the LEP Board and/or undertaking activities as a LEP Board member.

10.45 Any member of the LEP Board who is **not subject to the Members' Code of Conduct is still required to act in line with the Nolan Principles** of public life which are selflessness, integrity, objectivity, accountability, openness, honesty and leadership and **is expected** to meet the standards of the Members Code of Conduct as a matter of good governance.

10.46 All LEP Board members should treat meetings of the Board as if they are a formal committee meeting **for the purposes of disclosing interests and not participating where a member has an interest in any matter**. This approach helps members avoid breaching the principles of conduct set out in the Code relating to selflessness, and honesty and integrity.

10.47 Any declaration or non-participation by any member of the LEP Board should be recorded in the minutes for the meeting of the Board.

10.48 All members of the LEP Board are also subject to the Combined Authority's Conflicts of Interest Policy and Protocol: Loans or grants to businesses.

## The Assurance Framework

- 10.49 The Combined Authority and the LEP have agreed a joint Assurance Framework, which sets out the arrangements that the Combined Authority and the LEP have in place to ensure that public money is managed effectively. It explains how the Combined Authority and the LEP identify, appraise and evaluate schemes to achieve value for money.
- 10.50 The focus of the Assurance Framework is to ensure that necessary practices and standards are implemented to provide the Government, Combined Authority, the LEP and local partners with assurance that decisions over funding (and the means by which these decisions are implemented) are proper, transparent and deliver value for money.
- 10.11 The Assurance Framework also sets out the respective roles and responsibilities of the Combined Authority and the LEP, including how the formal accountability relationship between the Combined Authority and the LEP works.

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