
Report to: Roger Marsh, Chair of Leeds City Region Enterprise Partnership

Date: 26 February 2018

Subject: **Revised Constitutional Arrangements**

Author(s): Caroline Allen Head of Legal & Governance Services

Director: Angela Taylor, Director of Resources

1 Purpose of this report

- 1.1 The purpose of this report is to seek an urgent decision of the LEP Chair in relation to governance proposals pursuant to paragraph 10 of the Constitution and further to consult with the LEP Chair prior to taking an officer delegated decision in relation to a number of minor technical changes to some of the governance documents pursuant to paragraph 15 of the Constitution.

2 Information

Background

- 2.1 On 16 January 2018 the LEP Board approved a revised constitution and suite of governance documents. Since that time there have been subsequent discussions between Combined Authority officers and officers of the Cities and Local Growth Unit to ensure that these governance documents are compliant both with the final Best Practice Guidance which they issued in January and further clarification that has since been provided by them.
- 2.2 As a result of these officer discussions, a number of minor technical amendments are required to a limited number of the documents. The Head of Legal & Governance Services, in consultation with the LEP Chair, is authorised¹ to make any changes to any of the 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

¹ Reference - Paragraph 15 of the Constitution

- 2.3 It is considered that the amendments proposed fall within the terms of the delegated authority and therefore the Head of Legal & Governance proposes to exercise that authority subject to any comments from the Chair of the LEP Board.
- 2.4 Further consequential changes are also required which fall outside the authority of the Head of Legal & Governance Services and which would normally be reported to the next LEP Board for approval. However, the Director of Resources as the S73 Officer is required to write to the Ministry of Housing, Communities and Local Government Permanent Secretary by 28 February confirming compliance of the Local Assurance Framework with the National LEP Assurance Framework and that the Best Practice Guidance has been implemented. In order to meet this deadline, it is necessary for an urgent decision to be taken in advance of the next LEP Board meeting on 26 March.
- 2.5 In accordance with the LEP Board's constitution, in exceptional circumstances the LEP Chair may, in consultation with the Combined Authority's Managing Director make an urgent decision on behalf of the LEP, provided that the LEP Chair does not have a conflict of interest in the matter². This report therefore requests the LEP Chair to exercise his authority to approve a new Whistleblowing Policy and a revised Members' Code of Conduct.

Minor technical amendments

- 2.6 The Head of Legal & Governance Services proposes to make minor amendments to the LEP governance documents as set out in the table at **Appendix 1** subject to any comments from the LEP Chair.

LEP Whistleblowing Policy

- 2.7 At the time of reporting to LEP Board in January, it was intended to extend the Combined Authority's existing Whistleblowing Policy to incorporate dealing with concerns about the LEP. However, on review of the Best Practice Guidance, it was considered that a separate procedure following the wording of the example procedure provided in the guidance³ would more clearly demonstrate compliance. A copy of the proposed procedure is attached as **Appendix 2** which has been prepared by the Combined Authority's internal audit manager. The form of this is different to the current whistleblowing policy for the Combined Authority due to reliance on the Best Practice model, however substantively it follows the same process but is tailored specifically to concerns raised in relation to the LEP. This is recommended to the LEP Chair for approval as an urgent decision in order to meet the government's deadline.

² Reference – paragraph 10 of the Constitution

³ subject to some minor additional references for clarity to the Combined Authority as the accountable body for the LEP

LEP Board Members' Code of Conduct

2.8 The LEP Members' Code of Conduct approved on 16 January has required further revisions to accurately reflect the Best Practice Guidance proforma for the Register of Interests that must be adopted without alteration. The most significant changes are in relation to the definitions of disclosable interests over which the LEP has been advised that it has no discretion and therefore the definitions from the Best Practice Guidance have been adopted. The additional safeguards that the Code previously contained however in respect of the following have been retained:

- Disclosure of close connections (personal interests)
- Applying for economic loans or grants
- Contracting for work or services with the LEP
- Canvassing for appointments

2.9 The proposed revised Code is attached as **Appendix 3** and is recommended to the LEP Chair for approval as an urgent decision in order to meet the government's deadline.

3 Financial Implications

3.1 There are no financial implications directly arising from this report.

4 Legal Implications

4.1 There are no legal implications directly arising from this report. The Chair of the LEP Board has the authority pursuant to paragraph 10.1 of the Constitution to take an urgent decision on behalf of the LEP in consultation with the Combined Authority's Managing Director where it is not practicable to call an additional meeting and the LEP Chair does not have a conflict of interest.

4.2 Any such decision is to be reported to the next LEP Board and recorded and published in the minutes for that meeting.

5 External Consultees

5.1 No external consultations have been undertaken.

6 Recommendations

6.1 That the LEP Chair provides any comments on the proposed minor amendments to the governance documents as set out in **Appendix 1**

6.2 That the LEP Chair approves the Whistleblowing Policy as set out in **Appendix 2** as an urgent decision in order to comply with the Best Practice Guidance prior to the deadline of 28 February

6.3 That the LEP Chair approves the revisions to the Members' Code of Conduct as set out in **Appendix 3** as an urgent decision in order to comply with the Best Practice Guidance prior to the deadline of 28 February

7 Background Documents

None.

8 Appendices

Appendix 1 – Table of Minor Amendments to the Governance Documents

Appendix 2 – Proposed Whistleblowing Policy

Appendix 3 – Proposed Members' Code

6	Recommendations	Decision
6.1	That the LEP Chair provides any comments on the proposed minor amendments to the governance documents as set out in Appendix 1	Approved / Not approved
6.2	That the LEP Chair approves the Whistleblowing Policy as set out in Appendix 2 as an urgent decision in order to comply with the Best Practice Guidance prior to the deadline of 28 February	Approved / Not approved
6.3	That the LEP Chair approves the revisions to the Members' Code of Conduct as set out in Appendix 3 as an urgent decision in order to comply with the Best Practice Guidance prior to the deadline of 28 February	Approved / Not approved
	<p>Signed:</p> <p>LEP Chair, Roger Marsh OBE</p>	<p>Dated:</p>