

Marches Joint Committee

TERMS OF REFERENCE

14 February 2024

1. Background

- 1.1 On the 4th August 2023 Government announced its decision to cease supporting LEP's by the end of March 2024 and to support Local authorities in taking those responsibilities on thereafter.
- 1.2 From April 2024, government will support local authorities to take on LEPs' functions as set out in the [March 2022 LEP integration guidance](#) and previously supported by annual core funding – namely, business representation, strategic economic planning, and responsibility for the delivery of government programmes where directed.
- 1.3 Government have stated it will provide revenue funding to local and combined authorities in 2024/25 to support them to deliver the functions currently delivered by LEPs. We do not know yet whether that will be through individual allocations or to partnership geographies. Details of this support are expected to be confirmed in due course. Funding beyond 2024/25 will be subject to future Spending Review decisions.
- 1.4 Within the technical guidance issued Government has made it clear that it expects those LEP functions previously carried out under current core funding agreements (business representation, strategic economic planning, and responsibility for delivery of specific government programmes where directed) to now be exercised by local authorities (working in collaboration with other local authorities as appropriate), or in areas where a devolution deal is not yet agreed.
- 1.5 The guidance is clear in that government expects LEP functions as set out in the March 2022 LEP integration guidance and currently required under LEPs' annual core funding agreements (business representation, strategic economic planning, and delivery of government programmes) to be exercised by the respective local authorities. Wherever possible, government expects local authorities to work together to deliver LEP functions within geographies (whole county geographies or functional economic areas with a minimum population of 500,000, in line with the geography principles set out in the Levelling Up White Paper). Shropshire, Herefordshire and Telford & Wrekin Councils have agreed that the most effective way to achieve this is through the establishment of a Joint Committee.
- 1.6 Government is encouraging local authorities to create or continue to engage with local business leaders and relevant representative bodies to (a) provide

the view of local businesses as part of regional decision making and (b) work with local leaders to create a broad economic strategy for the area.

2. Joint Committee Terms of Reference

- 2.1 The above guidance and any subsequent guidance from government will inform the operation and discharge of the roles and responsibilities of the Joint Committee established to manage the effective transition of functions from the Marches LEP.

Key Functions

- 2.2 The key functions of the Marches Enterprise Partnership Joint Committee are:

Transferred Projects & Programmes

- (a) Set, monitor and review the programme for transfer of LEP responsibilities and existing programmes of activity across the Marches LEP area.
- (b) Agree the allocation of LEP revenue and capital spend previously under the control of the LEP Board and relating to the delivery of the LEP Economic Plan and individual councils economic plans/strategies.
- (c) Ongoing oversight, monitoring and review of ongoing grants, assets, programmes, or initiatives until such time as they cease or are transferred.

New Projects & Programmes

- (d) Set, monitor and review new projects and programmes of economic responsibility delegated to the Joint Committee by the respective executives/cabinets of each council.
- (e) Agree the allocation of revenue and capital spend relating to the delivery of the new projects and programmes of economic responsibility.

in each case in respect to 2.2(d) and 2.2 (e) the use of such functions of the Joint Committee shall be strictly in accordance with the terms of the delegation from each executive/cabinet of a council.

Other functions

- (f) Keep under review, influence, and align government and public investment in order to boost economic growth across the geography of the three councils.

(g) Provide an annual report on the activities of the Joint Committee to the respective three partner councils.

(h) Agree lead or accountable body status for any particular issue as necessary.

(i) Review and only when all three Leaders or nominated lead portfolio holders are present at the meeting to amend the Terms of Reference of the Joint Committee.

Governance

- 2.3 The Joint Committee will comprise of one nominated elected representative from each local authority, this will either be the Leader or nominated lead portfolio holder. Each representative shall take it in turn to chair the meeting of the Joint Committee.
- 2.4 The quorum for the meeting shall be at least one nominated elected representative from each local authority.
- 2.5 It will operate on a one member, one vote principle, requiring a unanimous vote in making decisions. There shall not be a chairperson's casting vote.
- 2.6 The Joint Committee shall discharge its delegated powers within the respective budgetary and policy frameworks set by each of the constituent Councils.
- 2.7 The frequency of meetings shall be determined by the need to make decisions. This is expected to be more frequent in the first full year, but reducing as workload diminishes, funding programmes are fully closed and assets/liabilities discharged.
- 2.8 To support this approach the Joint Committee will be supported by a group of senior officers from each council, who will also receive delegations from the Joint Committee to discharge operational matters and those at a level not requiring committee approval.
- 2.9 A Joint Committee Member appointed in accordance with 2.3 shall nevertheless cease to be a Joint Committee Member when he or she ceases to be an Elected Member of the executive of the local authority by whom he or she is appointed.
- 2.10 Appointments should be notified formally in writing to the Democratic Services of Herefordshire by the nominated officer of each local authority

- 2.11 A substitute member shall only be entitled to attend, speak and vote as if an ordinary member of the Joint Committee where, at least one clear working day prior to the date of the meeting, notice has been given to the Democratic Services of Herefordshire that:
- (i) it is impracticable for the named ordinary member of the Joint Committee to attend a specified meeting;
 - (ii) the named substitute member will attend in place of the named ordinary member; and
 - (iii) the named substitute member is also a member of the executive and their local authority.

Overview & Scrutiny

- 2.12 Executive decisions made by the Joint Committee are subject to scrutiny by the constituent Councils' relevant Overview and Scrutiny Committee.
- 2.13 This includes the provisions for 'call in' and the right for an Overview and Scrutiny Committee under the Local Government Act 2000 to request that an Executive Decision made but not implemented be reconsidered by the decision-taker.
- 2.14 The processes and procedures for the exercise by the relevant Overview and Scrutiny Committee of their 'call-in' function shall be in accordance with the Constitutions of the relevant Council depending on which authority delegated the executive decision in question.
- 2.15 Each Council will notify the Democratic Services of the other Councils if a matter is called in.
- 2.16 Where no notification under 2.12 has been provided, then the decision of the joint committee shall be implemented on the sixth working day of the decision being made (not included the date of the decision).
- 2.17 The decision of the Joint Committee shall not be implemented by any Council until any 'call in' process has completed.

Democratic processes

- 2.18 Each Council will comply with its requirements in relation to publicity, agendas, access to information, decision making notifications and forward plans and will assist each other to ensure that democratic requirements and processes of each Council are adhered to.
- 2.19 Democratic support and hosting of the Joint Committee shall be performed by Herefordshire Council who shall provide electronic copies of all documentation provided to each Council's Democratic Services on publication.
- 2.20 Member and public questions and rights to address the Committee shall be in accordance with Herefordshire's adopted processes.
- 2.21 The Joint Committee shall have the delegated authority to change its processes to facilitate public transparency, engagement and more efficient discharge of functions.

2.22 Herefordshire Democratic Services shall be responsible for the production and compilation of the Joint Committee's agenda and minutes and shall provide services to the Committee

Aims of Joint Committee

2.23 During the transition phase the following workstreams of activity are to be established:

- i. Contracts & Programmes
- ii. Functions
- iii. Finance
- iv. People
- v. Data & information
- vi. Legal

2.24 These officer led workstreams will provide focused joint working forums to understand, plan and develop delivery plans and transfer arrangements. They will report to the Officer Board consisting of senior office representatives from each council, which will then act or report as necessary to the Joint Committee.

2.25 Each workstreams role is to:

- Share evidence to identify and agree the key objectives and shared agenda.
- Prioritise delivery of measures over the short, medium and long term.
- Develop programmes that help support a smooth transition from the LEP to the Joint Committee.
- Work as a collective to accelerate delivery and maximise investment and funding
- Work in tandem with the other workstreams to share delivery opportunities, innovation and learning.
- Sharing thinking and learning with the Senior Officers Board

2.26 Each workstream thematic group will be led by a different partner local authority to support the joint approach and shared ownership.

Member Code of Conduct and Interests

2.27 Members are bound by the Code of Conduct and requirements in respect to interests of their appointing Council.

2.28 Members shall disclose any dispensation in respect to their interests granted by their appointing Council

Term of the Joint Committee

- 2.29 A Council may give notice at any time to the other Councils to end the delegation of authority and decision making by the Joint Committee.
- 2.30 Subject to clause 3.1, any Member Authority may withdraw from membership by at least 30 days written notice in writing to that effect to Herefordshire Democratic Services

3. Funding of the Joint Committee

- 3.1 The Member Authorities shall defray the expenses of the Joint Committee in equal shares or such other share of costs as may be unanimously agreed between the Members from time to time provided special responsibility and attendance allowances and travel and subsistence costs relating to the attendance at meetings shall be borne by each Member Authority directly in respect of their own Joint Committee Members.
- 3.2 Contracts entered into in the name of the Joint Committee shall be the joint and several liability of all Member Authorities but where tenders or contracts are sought or entered into in the name of a requisitioning authority or body then the liability therefor shall be that of the requisitioning authority or body only.