

<b>Marches enterprise joint committee</b>	
<b>Meeting date:</b>	<b>11 October 2016</b>
<b>Title of report:</b>	<b>Local enterprise partnership (LEP) scheme of delegation</b>

## **Classification**

**Open**

## **Key decision**

This is not a key decision.

## **Purpose**

To agree a scheme of delegation as part of the LEP assurance and accountability framework.

## **Recommendation**

**THAT: the schemes of delegation in appendix 1 and 2 be approved.**

## **Summary**

- 1 The three councils agreed in 2014 to establish an executive joint committee so that decisions could be made in a single place rather than separately by each council.
- 2 The LEP's Accountability and Assurance Framework sets out in a single assurance framework, the key practices and standards of the LEP in managing growth in the Marches, in decision-making around agreed priorities and in ensuring decisions over funding are proper and value for money is achieved. The decisions which the committee can make are set out in appendix one of this document.
- 3 The Marches LEP is an informal, business sector led public / private partnership. The work of the LEP is directed by a board which provides the strategic lead and is responsible for setting the overall strategy for growth. As an informal partnership the LEP has no legal entity and cannot in itself make decisions. The board makes recommendations to the joint committee.
- 4 With a view to ensuring unnecessary bureaucracy, potential delay to decision making and duplicating processes are reduced, two documents have been created which enables the LEP director to make decisions in certain circumstances as permitted by law and in accordance with each local authority's constitutions.

- 5 The documents (known as a scheme of delegation) enable the LEP director, following consultation, to make non key executive decisions without the need to involve the joint committee. A non-key decision is a decision which is below £500k, or which does not have significant community impact. Any key decision would be a decision of the committee, subject to urgency provisions. It remains open to the committee, when approving a grant scheme or project, to make further specific delegations above this limit to the director.
- 6 The scheme of delegation clearly identifies what decisions remain the responsibility of the joint committee and what decisions are for the LEP director and who the director should consult with.
- 7 The document enables the LEP director, within the agreed allocation of revenue and capital spend set by the joint committee and following the required consultations to
  - allocate LEP revenue and capital spend relating to the delivery of the LEP Economic Plan up to £500k
  - agree capital expenditure programmes up to £500k
  - agree Major Transport Scheme funding allocation up to £500k
  - provide an annual report to the three partner councils
- 8 There is also provision where circumstances are urgent and cannot be reasonably deferred which enables the financial limit on these delegations to increase to £5m.
- 9 The requirements for notices given of a decision date and for decisions to be published still apply.
- 10 The openness and transparency of decision making is not affected by adoption of these schemes.

## **Alternative options**

11. To not adopt a scheme of delegation. This is not recommended because it would not lead to timely and efficient decision-making.

## **Financial implications**

12. None.

## **Legal implications**

13. Under S101(5) of the Local Government Act 1972 an authorities functions can be discharged by a joint committee in accordance with s.9EB of the Local Government Act 2000. Those functions can then be further delegated in accordance with the Reg 11(8) Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012 to an officer of one of the authorities concerned.
14. The access to information requirements of the Local Government Act 2000 as amended and compliance with The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 will continued to be complied with.

## **Risks, opportunities and impacts**

15. If the scheme of delegation is not approved there is a risk that all decisions will

require meetings of the committee to effect adding time and bureaucracy which increases costs and may result in access to grant funding being delayed.

16. The scheme of delegation sets out transparently the circumstances in which delegated authority may be exercised and makes clear that the requirements of the regulations for both executive decision making and access to information must still be met ensuring risks of a lack of transparency are mitigated.

## **Consultation**

17. The LEP board considered the scheme of delegation at its meeting of 20 September 2016 and recommended it to the committee for approval. The board asked that the Scheme of Delegation be included within the published LEP Assurance Framework on the LEP website. The board explored and were content with the arrangements for consultation on decisions delegated to the LEP Director.

## **Additional information**

18. None

## **Appendices**

Appendix 1 – Marches Local Enterprise Partnership Scheme of Delegation.

Appendix 2 - Marches Local Enterprise Partnership Scheme of Delegation – Remit by LEP Board, Sub-Groups and Officers.

## **Background papers**

- None identified.