

<b>Marches Enterprise Joint Committee</b>	
<b>Meeting date:</b>	<b>21 February 2018</b>
<b>Title of report:</b>	<b>Local Enterprise Partnership (LEP) Governance</b>
<b>Report by:</b>	<b>Marches LEP Programme Manager</b>

## **Classification**

Open

## **Decision type**

This is not a key decision.

## **Purpose and summary**

The Marches Enterprise Joint Committee approve adopting the national 'Register of Interests' template, 'Confidential Reporting' procedure and 'Whistleblowing' policy all based on examples set out within HM Governments 'Best Practice Guidance' paper (January 2018). Whilst noting the current position relating to the implementation of the existing 'Code of Conduct' policy and publication of LEP Board meeting and agenda items.

The adoption and implementation of the outlined recommendations forms part of a wider Government review on strengthening Local Enterprise Partnerships role in driving economic growth, ensuring a minimum standard of robust corporate governance is met.

The documents are required to be adopted and uploaded onto the Marches Local Enterprise Partnerships website by 28 February 2018.

## **Recommendation(s)**

**THAT:**

- (a) the 'Confidential Reporting Procedure' at appendix 1 and 'Whistleblowing Policy' at appendix 2 be adopted with immediate effect;**
- (b) the national template for 'Registers of Interest' at appendix 3 be adopted for implementation with immediate effect;**
- (c) the existing Marches LEP Code of Conduct be amended to reflect its application to LEP staff; and**
- (d) authority be delegated to the LEP director in consultation with the LEP Board to implement, if required, the publication of LEP Board agendas, meeting papers and decisions.**

## Alternative Options

1. It is open to the committee to adopt alternative policies and procedures to the templates provided. In doing so regard must be had to ensuring compliance with the requirements of the Government's assurance framework and guidance for LEPs.
2. The requirements of the guidance regarding publication of boards making decisions about public money could be applied to the Marches LEP Board in the interests of transparency.

## Key considerations

3. In October 2017, the then Department for Communities and Local Government (DCLG) published a Review of Local Enterprise Partnerships Governance and Transparency led by Mary Ney, Non-Executive Director of the DCLG Board. The purpose of the review was to gain assurance that LEP's were fully implementing existing requirements for appropriate governance and transparency, and to make recommendations to secure improvement.
4. Following publication of the review the Government accepted all recommendations and subsequently published "[Local Enterprise Partnership governance and transparency: Best practice guidance](#)" (Live link). This guidance provides a mixture of good practice examples which LEP's may adopt, and some specific standards and guidance which LEP's must follow. Compliance with the required standards and guidance will be monitored by Area Leads from the Cities and Local Growth Unit.
5. The guidance relates to policies and procedures covering the following areas:
  1. Publication of meeting and agenda items.
  2. Confidential reporting procedures for third parties and the public.
  3. Whistleblowing Policy
  4. Code of Conduct.
  5. Registers of interests.
6. All the required policies and procedures should be in place by 28 February 2018 - ensuring all documents are uploaded and 'easily accessible' within the Marches LEP website.
7. The Marches LEP has not previously adopted either a Whistleblowing or Confidential Reporting Policy. The LEP maintains a register of interests and its Code of Conduct was revised in December 2017; the code currently applies to board members, co-optees and advisors.
8. The LEP team, in consultation with the partner councils' monitoring officers, have reviewed the guidance and to ensure full compliance recommend that:
  - the 'Confidential Reporting Procedure' and 'Whistleblowing Policy' provided in the guidance and as at appendices 1 and 2 be adopted;
  - the national Register of Interests template as set out in appendix 3 be adopted to replace the existing register of interests with effect from 1 March 2018.
  - The existing Marches LEP Code of Code be maintained but its applicability be amended to extend to all LEP employees as well as board and committee members, co-optees and advisors. This ensures that the existing requirements of

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Further information on the subject of this report is available from  
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the accountability framework are met. All existing and new staff, advisors and board members will be asked to provide written confirmation that they will uphold the code.

9. The guidance requires LEPs to publish relevant information (i.e. meeting agendas, minutes and declarations of interest) in line with the statutory requirements applicable to councils where decisions are being made involving public money. Currently all decisions are taken either by the Marches Enterprise Joint Committee, or under delegation from the committee to the Director. These decisions are informed by the views and recommendations of the board and its committees. The Marches Enterprise Joint Committee fully complies with the publication requirements in the guidance. Decisions taken by the director under delegation are similarly required to follow the publication requirements.
10. Whilst not a formal decision-making body, the minutes of LEP board meetings are published in the interests of transparency.
11. In light of the arrangements that are in place, confirmation has been sought from the Ministry for Housing, Communities and Local Government that the requirements of the guidance have been met. It is therefore not currently recommended that any changes to these arrangements are necessary. However, in case changes are required a delegation is provided to the Director to implement the guidance if required.

## **Community impact**

12. Corporate governance is the term used to describe the systems, processes, culture and values an organisation adopts to help it achieve its aims effectively and in a timely, open, and accountable way. Good corporate governance encourages better informed longer-term decision making using resources efficiently, and being open to scrutiny with a view to improving performance and managing risk. The recommendations ensure that policies and procedures are in place to support this aim.

## **Equality duty**

13. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:  
  
A public authority must, in the exercise of its functions, have due regard to the need to –
  - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

## **Resource implications**

14. These are unknown, should the Government decide that LEP Board meeting and agenda papers should be published in accordance with Local Government Act 1972, then additional resources may be required to support this process.

## **Legal implications**

15. Implementing these recommendations ensures that the Marches LEP complies with the HM Government, LE Governance & Transparency, Best Practice Guidance, January 2018.

## **Risk management**

16. All LEPs are required to ensure they have robust corporate governance policies and procedures in place. These standards will be monitored by Government Officials ensuring compliance as part of a wider review on LEP performance. None compliance will pose a significant risk and have negative impact on the LEP and any grant it receives.

## **Consultation**

17. The Marches LEP Board considered the proposals at its meeting of 30 January 2018 and supported the recommendations set out in this report.

## **Appendices**

Appendix 1 – Confidential Reporting Procedure

Appendix 2 – Whistleblowing Policy

Appendix 3 – Register of Interests template

## **Background papers**

None identified