

EAST MIDLANDS ERDF COMPETITIVENESS PROGRAMME (2007-2013)

LOCAL MANAGEMENT COMMITTEE (LMC)

TERMS OF REFERENCE, MEMBERSHIP AND WORKING ARRANGEMENTS

1. Role of the Local Management Committee

- 1.1 The LMC is established in accordance with Article 63 of Council Regulation (EC) No. 1083/2006. It will discharge the tasks and responsibilities laid down in Article 65 including:
- Consideration and approval of project selection criteria
 - Reviewing progress towards the achievement of programme targets and Priority Axes objectives through receiving and considering performance implementation data
 - Receiving and considering consistent, up-to-date management information for the programme, as required by the Managing Authority
 - Consideration and approval of Annual and Final Reports
 - Consideration and approval of programme evaluations and resulting Operational Programme amendments
 - Strategic linkages with other Structural Funds, domestic programmes and wider UK economic policy
- 1.2 The LMC is responsible for the strategic leadership of the 2007-13 East Midlands ERDF Competitiveness Programme.
- 1.3 The LMC will:
- a) Draw up and agree its own rules of procedure, which will be publicised and made available on the programme website. This will include procedures to avoid conflicts of interest;
 - b) Develop, monitor and oversee the strategy for the East Midlands 2007-13 ERDF Operational Programme, reviewing the quality and effectiveness of its implementation;
 - c) Periodically review progress made toward achieving the specific objectives of the programme;
 - d) Ensure that financial and non-financial targets are met and redirect the work of the programme as and when required over its lifetime. Examine the results of implementation, particularly the achievement of the targets set for the programme priority axes and the evaluations referred to in Article 48 (3) of the Regulation 1083/2006;

- e) Ensure that local priorities are actively considered and reflected in decision-making processes;
- f) Consider and approve any proposals to amend the contents of the approved OP. Such changes will be in accordance with Article 33 of Regulation 1083/2006 for example to take account of significant socio-economic changes, major changes in priorities to address implementing difficulties and/or in the light of evaluation;
- g) Propose to the Managing Authority any revision or examination of the operational programme likely to make possible the attainment of the Fund's objectives referred to in Article 3 of Regulation 1083 / 2006 or to improve its management, including its financial management;
- h) Receive regular updates regarding risk management of the OP implementation including risk register, advising the ERDF PDT on appropriate risk management and mitigation strategies and action;
- i) Consider and approve criteria for selecting ERDF projects/operations and approve any revision of those criteria according to programme need;
- j) Consider and approve the annual and final implementation reports referred to in Article 67 of Regulation 1083/2006;
- k) Be informed of the annual control report, or of the part of the report referring to the Operational Programme, and of any relevant comments the Commission may make after examining that report or relating to that part of the report;
- l) Establish such sub-committees, working groups or task and finish groups as appropriate to enable the LMC to fulfil its responsibilities and to support the efficient implementation of the OP;
- m) Consider and agree a Communication Plan for the Programme;
- n) Consider and agree a strategy for Technical Assistance;
- o) Consider and Agree an Evaluation Plan for the programme, to cover evaluation activities to be carried out during the programme period;
- p) Monitor impact of Programme activity in terms of cross-cutting themes of equality and environmental sustainability;
- q) Endorse major projects before submission to the European Commission (defined as comprising a series of works, activities or services intended to accomplish an indivisible task of a precise economic or technical nature, having clearly identified goals and whose total costs exceed 50 million Euros);
- r) Consider and develop strategic linkages with other Structural Funds, domestic programmes and wider UK economic policy.

2. Membership

2.1 The membership of the East Midlands 2007-13 ERDF LMC will be drawn up in accordance with the partnership principle established by Article 11 of EC Regulation 1083/2006 and advice from CLG as the Managing Authority. The LMC will be:

- **Efficient and effective** –constituted at a level and size that promotes efficient and effective working. Members may be mandated to represent a wider spread of interests.
- **Locally determined**- membership appropriately reflecting the required spatial, thematic and sectoral balance of the East Midlands Operational Programme.
- **Strategic** – representatives will be senior-level decision-makers with a wide-ranging perspective, will be respected by and consult with the constituents they represent.
- **Representative and compliant** - the LMC will comply with EC regulation regarding membership (Article 11 refers).

2.2 The LMC will be representative of:

- Competent regional, local, urban and other public authorities;
- Economic and social partners;
- Any other appropriate body representing civil society, environmental partners, non-governmental organisations, and bodies responsible for promoting equality of opportunity between women and men.
- Any other specific locally defined need.

2.3 LMC members will represent the sector for which they act as delegates rather than their individual organisations. Members will be required to ensure that appropriate consultation takes place within the sector they represent in advance of and following LMC meetings to ensure that all appropriate partners have the opportunity to contribute to and are informed of the work of the LMC and progress of the programme.

2.4 The LMC will retain the ability to review its membership over the life of the programme taking into account changes to programme area infrastructure and any revisions to the strategic focus of the OP, as well as LMC members' attendance and commitment.

2.5 In line with key principles identified by Partners the LMC membership numbers will be determined on the basis of achieving:

- Streamlined decision making / delivery
- Greater efficiency / reduced bureaucracy
- Strategically focussed LMC.

2.6 The Membership of the LMC will be published on the DCLG programme website (www.communities.gov.uk/erdf).

LMC Membership

The following are nominations/appointments received to date for the relevant sectors. All sectors are asked to nominate a deputy in advance who may attend meetings on their behalf if required.

Sector	Role	Organisation	No.
Managing Authority	Chair	Mark Carroll (DCLG)	1
Local Representation	Deputy Chair	Rachel Quinn (One East Midlands)	1
EU Commission	Advisory	DG Regio (Desk Officer)	1
Local Authorities	Members	Cllr Geoff Stevens (Derbyshire Dales District Council) Cllr Jon Collins (Nottingham City Council) Cllr David Bill (Hinckley and Bosworth Borough Council)	3
Local Enterprise Partnerships	Members	Local Enterprise Partnerships (still awaiting final nominations)	3-5
Private Sector	Member	Sue Kirby (Engineering Employers Federation)	1
TUC	Member	Rob Johnston	1
HE	Member	Dan King (Nottingham University)	1
FE	Member	Simon Fenely (East Midlands Further Education Council)	1
Voluntary	Member	TBC	1
Social Enterprise	Member	Roger Moors (SEEM)	1
Environment /sustainability	Member	Jon Baker (Environment Agency)	1
Equality & Diversity Champion	Member	Jay Vyas (Equalities and Human Rights Commission)	1
BIS	Member	Rowena Limb (BIS local representative) Facilitating alignment with RGF and TSB activity	1
DEFRA	Member	Mike Stubbs (Ensuring appropriate linkages and demarcation with RDPE)	1
Head of ERDF Programme delivery Team	Member	Andrew Morgan ensuring local DCLG representation	1
Total participants (Excl ERDF Secretariat)			20-22
Total Members			19-21

3. Sub-groups to the LMC

3.1 The LMC may at any time set up such sub-groups and / or standing or ad hoc working groups or other groups as it thinks appropriate. It is expected that all ERDF Programmes will either have or (following the establishment of LMCs) set up a sub investment group. Such groups will be responsible for the detailed consideration of project applications and will be chaired by the LMC Deputy Chair. The LMC may delegate any of its tasks to a sub-committee and /or group. The Membership of such sub-committees and or groups shall be agreed by the LMC, reflecting the partnership principle set out in Article 11. The terms of reference and rules of regional sub-committees and groups shall be approved by the LMC.

4. Working Arrangements

4.1 The LMC will operate in accordance with the following protocols:

- DCLG will Chair the LMC at Director level
- A Deputy Chair will be identified and appointed in accordance with locally determined arrangements and will chair agreed locally specific agenda items.
- The ERDF Programme Delivery Team (PDT) will support the effective working of the LMC, engaging the Chair and Deputy Chair in the preparation of agendas and papers;
- The LMC Agenda will normally be circulated **3** weeks in advance of meetings. In exceptional circumstances additional items may be added to the agenda after the initial agenda distribution;
- LMC Papers will normally be circulated to members via email **7-10** working days in advance of a meeting. In exceptional circumstances, where deferment to the next LMC meeting could have a detrimental impact on delivery of the programme, (one or more) papers may be distributed less than **7** working days before the meeting;
- In the interests of sustainability, and unless otherwise requested / in exceptional circumstances, hard copies of PMC papers will not be made available at the meeting;
- Decision-making will be by consensus. In the event of no consensus being reached, the Chair will be responsible for brokering an appropriate resolution;
- PMC agendas and minutes of previous meetings will be circulated at the earliest opportunity;
- **8** members (or their agreed delegates) will need to be present for a meeting to be considered quorate. This includes representatives of the Managing Authority;

- Where it is necessary / appropriate to conduct business via written procedures, members will be given **10** working days within which to respond (unless exceptional circumstances require a shorter deadline). A non-response will be taken as approval of the proposal.
- Declaration of interest will be a standing item at the beginning of LMC meetings. Members will be required to declare any interest at the appropriate point in the LMC meeting.
- The LMC will operate according to the Nolan rules of conduct for those holding public office/engaged in public business.
- The LMC will review how it is operating in April 2012.

4.2 Frequency of Meetings

The LMC will meet at least twice a year but normally no more than four times a year. Notice of meetings will normally be given at least 15 working days in advance.

5. Programme Delivery Team (PDT) : Key Roles and Responsibilities

5.1 The Programme Delivery Team (PDT) will provide administrative support for the governance arrangements established to oversee programme implementation. Its responsibilities will include:

- Support for LMC and sub-LMC governance arrangements e.g. coordination of agendas and papers, drafting of minutes.
- Liaison with LMC and LMC-sub group members at local, national and EU level
- Providing technical advice on eligibility and compliance issues, to LMC and sub groups as required.
- Coordination of Annual Implementation Reports for presentation /consideration by LMC and submission to EU.