

## **NORTH EAST ENGLAND 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 North East England Competitiveness Programme 2007-13.
- 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 North East England 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 is 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 Secretariat on appropriate risk management and mitigation strategies and action
- i) Consider and approve criteria for selecting ERDF projects/operations Operational Programme 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, environmental sustainability and spatial cohesion.
- 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 North East England LMC is in accordance with the partnership principle established by Article 11 of EC Regulation 1083/2006 and advice from DCLG as the Managing Authority., LMC arrangements are:
- **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 - select as appropriate] balance of the [insert programme area] 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 North East England LMC is 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.
- [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.

In line with key principles identified by Partners the LMC membership numbers are determined on the basis of achieving streamlined decision making/delivery, greater efficiency/reduced bureaucracy and a strategically focussed LMC.

2.5 The Membership of the LMC will be published on the DCLG ERDF programme website

### **LMC Membership**

Sector	Role	Organisation	LMC membership
Managing Authority	Chair	DCLG	1
EU Commission	Advisory	DG Regio (NE Desk Officer)	1
Local Authority	Member	Elected Members nominations agreed through ANEC, ensuring appropriate level of local and democratic accountability	4
Local Authority	Participating observer	Senior Local Authority Officers	4
Private Sector	Member	Regional nomination identified through NBF PEG Private Sector Representative	2
Local Enterprise Partnerships	Member	LEPs to nominate appropriate representative	2
TUC	Member	Regional TUC (Regional Secretary)	1
HE	Member	U4NE nominated representative	1
FE	Member	Senior nomination drawn from FE sector (nominated by AOC)	1
Voluntary	Member	VCS representative nominated by VONNE	1
Environment /sustainability	Member	Natural England	1
RDPE	Observer	Ensuring appropriate linkages with RDPE	1
Homes and Communities Agency	Member	Ensuring appropriate linkages with regeneration policy, investment and legacy RDA assets	1
BIS local	Observer	Acknowledges the BIS related focus of Programme. Ensures appropriate linkages with BIS national and local policy	1

LMC Deputy Chair to be nominated from the agreed representation.

### 3. Sub- Committees or Sub-groups to the LMC

3.1 The LMC may at any time set up such sub-committees and/or standing or ad hoc working groups or other groups as it thinks appropriate.

LMC will agree the sub group with responsibility for the detailed consideration of the initial assessment of projects/endorsement of appraisal recommendations

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 normally be agreed by the LMC; however for expediency interim sub group arrangements may be initiated by the Secretariat and reported to LMC where operational needs dictate.

### 4. Working Arrangements

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

- LMC will be chaired by DCLG at Director level
- A Deputy Chair will be identified and appointed in accordance with locally determined arrangements and will chair agree locally specific agenda items.
- The ERDF Secretariat 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 **2 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 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 5 working days before 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;
- **40% of members** (or their agreed delegates) will need to be present for a meeting to be considered quorate. [This must include representatives of the Managing Authority, in the form of the LMC Chair or Head of ERDF Programme Area Team];
- Where it is necessary / appropriate to conduct business via **written procedures**, **members will be given 5 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 its operations in 12 months following its first meeting, and thereafter as appropriate to ensure it remains fit for purpose

#### **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. Secretariat: Key Roles and Responsibilities**

5.1 The Secretariat will provide administrative support for the governance arrangements established to oversee programme implementation. Its responsibilities will include:

- Effectively managing LMC and sub-LMC governance arrangements including coordination of agendas, papers and 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.



### North East LMC Membership

<b>Role</b>	<b>Name</b>	<b>Organisation</b>	<b>Sector</b>
Chair	David Rossington	DCLG	Managing Authority
Member	Cllr Neil Foster	Durham County Council	Durham Local Authority
	Cllr Tom Brechany	Northumberland County Council	Northumberland Local Authority
	Cllr Bob Cook	Tees Valley Unlimited	Tees Valley Local Authority
	Cllr Mel Speding	Sunderland City Council	Tyne and Wear Local Authority
	Alastair Thomson	Northern Business Forum	Private Sector
	Neil Warwick	Dickinson Dees	Private Sector
	Jeremy Middleton	Middleton Enterprises Ltd	North East Local Enterprise Partnerships
	Alastair MacColl	Business and Enterprise North East	Tees Valley Local Enterprise Partnerships
	Kevin Rowan	Regional TUC (Regional Secretary)	TUC
	Shirley Atkinson	Sunderland University	HE
	Colleen Peters	New College Durham	FE
	Jo Curry	VONNE	Voluntary
	Adele Rowe	Natural England	Environment /sustainability
	Anne Mulroy	Homes and Communities Agency	Homes and Communities Agency
Advisory	Ieva Zalite	DG Regio (NE Desk Officer)	EU Commission
Participating Observer	Catherine Pearson	Durham County Council	Durham Local Authority
	Heather Smith	Northumberland County Council	Northumberland Local Authority
	Linda Edworthy	Tees Valley Unlimited	Tees Valley Local Authority
	Paul Wilson	Sunderland City Council	Tyne and Wear Local Authority
Observer	Victoria Catesby	RDPE	RDPE
	Tom Smyth	BIS	BIS local

## **NORTH EAST ENGLAND COMPETITIVENESS PROGRAMME 2007-13 TERMS OF REFERENCE, MEMBERSHIP AND ROLE PROGRAMME EXECUTIVE GROUP**

### **1. Introduction**

In accordance with Article 11 of the EC Regulation 1083/2006, the Programme Executive Group is established to support the Local Management Committee (LMC) in day to day management of the Programme and the ERDF Delivery Plan.

### **2. Membership of PEG**

The Programme Executive Group will consist of 11 members and draw senior representation from:

Deputy Chair of the LMC (Chair)	(1)
Local Enterprise Partnerships	(2)
Local Authorities	(4)
Higher Education Sector	(1)
VCS	(1)
Private Sector	(2)

Programme Executive Group Members may represent only one of these constituent groups.

Programme Executive Group Members should ensure they have appropriate mechanisms in place to garner views from and cascade information to their constituent groups.

Programme Executive Group Members may be representatives or delegates of their constituency, but must be empowered to make decisions on their behalf.

Substitutes for designated members will be acceptable with the prior agreement of the Chair or Head of the North East ERDF Secretariat.

### **3. Terms of Reference and Role**

- To undertake tasks as delegated by LMC.
- To manage programme funds effectively and supervise any technical matters relating to the management of the programme including:
  - ~ the agreement of commissioning specifications
  - ~ the selection of projects for inclusion in the Programme;
  - ~ the endorsement of the approval of ERDF funding.
- To regularly receive reports on the performance of the programme, achievement of targets, results and impacts, and, where decisions fall within LMC remit, to make recommendations for action.

- To manage risk and resolve issues affecting the delivery of the Programme referring to LMC as appropriate.
- To oversee the development, review and updating of the ERDF Delivery Framework.
- To establish ad hoc groups / expert panels as required for effective management of the programme on behalf of the LMC.
- To consider information for Annual Implementation Reports on behalf of LMC.
- To manage evaluation strategy and commission research on any aspect of the programme on behalf of the LMC.
- To review progress on Cross Cutting themes.
- To oversee the development and implementation of a Communications Strategy for the Programme on behalf of the LMC.
- To ensure the strategic alignment of the ERDF Competitiveness OP with local economic development strategies and programmes.

#### **4. Chair**

The Programme Executive Group will be Chaired by the Deputy Chair of the Local Management Committee.

Should the Chair be unable to attend a meeting any Programme Executive Group member may undertake the role of Chair with the prior agreement of the Programme Executive Group Chair and the Chair of the Local Management Committee, or the Head of the ERDF Secretariat in their absence.

Should the Chair be required to absent themselves from the meeting due to a conflict of interest (section 7 refers) any Programme Executive Group member may take the Chair with the agreement of those members present.

The Chair will ensure that Programme Executive Group members abide by the principal of impartiality and contribute to the Group's work in a non-partisan way.

#### **5. Quorum**

The Programme Executive Group will be deemed to be quorate if 4 members (including the Chair) are present.

Should the Programme Executive Group be inquorate but the exigencies of programme management require decisions, those in attendance may continue with the meeting and make provisional decisions. These provisional decisions will then circulated to all members for endorsement, members will have 48 hours (excluding week ends and public holidays) in which to respond.

#### **6. Decision Making**

The Programme Executive Group's decisions will be made by consensus. Should the Group be unable to reach a consensus, decisions will be escalated to the Local Management Committee.



Appeals against decisions of the Programme Executive Group will be initially referred back to Programme Executive Group and then escalated to the Local Management Group if necessary.

## **7. Conflicts of Interest**

Programme Executive Group Members will complete an annual declaration of interests form which will be lodged with the North East ERDF Secretariat.

In contributing to the work of the Programme Executive Group, members must abide by the principle of impartiality and operate in an entirely non-partisan fashion.

In circumstances where the Programme Executive Group is discussing the selection or approval of projects:

- ~ Where members have a direct interest in the project e.g. the organisation by which they are employed is the applicant, they will declare an interest and absent themselves from the meeting.
- ~ Where members have an indirect interest e.g. the applicant is a constituent, this will be noted and the member may remain in the meeting and contribute to decision making.
- ~ Where an Agenda item involves multiple projects and would result in so many members absenting themselves that it would be no longer practical to continue with the meeting, the Chair may allow members to remain in the meeting and continue as normal, having noted the interests.

In order to ensure all constituencies are represented as fully as possible substitutes may be used for all or part of a Programme Executive Group meeting, with the prior agreement of the Chair or Head of the North East ERDF Secretariat.

## **8. Secretariat**

The secretariat for the Programme Executive Group will be provided by the North East ERDF Secretariat team of DCLG.

Agendas and papers will be sent out electronically at least 5 working days before meetings.

Minutes will be drafted and issued 5 working days following meetings of PEG.

Minutes will be signed by the Chair.

### **Accountability**

The Programme Executive Group will be accountable to the LMC.

## **9. Frequency of meetings**

The Programme Executive Group will meet monthly or more frequently if necessary. In exceptional circumstances and with the agreement of the Chair the group may meet virtually.