

December 2019



# **European Structural and Investment Funds Growth Programme for England (2014-2020)**

## **Terms of Reference for the Growth Programme Board (Programme Monitoring Committee)**

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for the  
Growth Programme Board  
(*Programme Monitoring Committee*)  
(European Structural and Investment Funds 2014 -2020)**

**Introduction**

1. These terms of reference and the membership requirements set out below apply to the European Structural and Investment (ESI) Funds Growth Programme Board (GPB) as the formal Programme Monitoring Committee (the 'PMC').
2. Following the adoption by the European Commission of the UK Partnership Agreement and the Operational Programmes for the European Regional Development Fund and European Social Fund, the ESI Funds Growth Programme Board will assume the formal PMC role within three months of the relevant Operational Programmes being agreed. The PMC will continue to be known as the Growth Programme Board (GPB) in England.
3. There will be a separate Programme Monitoring Committee for the European Agricultural Fund for Rural Development Programme (EAFRD). This will remain responsible for the entirety of the EAFRD in England, including that part delivered via the Growth Programme. This reflects the primary focus of EAFRD on the environment, land-based activities and the farming and forestry sector. The ERDF and ESF Programme Monitoring Committee will advise the EAFRD Programme Monitoring Committee on Growth Programme aspects of the Rural Development Programme. The Chair and another member of the GPB (the ERDF and ESF Programme Monitoring Committee) will be a member of the EAFRD Programme Monitoring Committee.
4. There will also be a separate Programme Monitoring Committee for the European Maritime and Fisheries Fund (EMFF). This will remain responsible for the entirety of the EMFF across the whole of the UK, and reflects the primary focus of EMFF on the fisheries and aquaculture sectors. The specific regulations for EMFF apply. The GPB will work with and advise the EMFF PMC on Growth Programme aspects of the EMFF Programme in England.
5. The terms of reference below reflect the role of the GPB as the PMC for ERDF and ESF and as an advisor across the Growth programme including the elements of the EAFRD and EMFF as described above, as well as in its strategic capacity to consider alignment of funds with complementary growth measures at national and local level.
6. The terms of reference are in accordance with the relevant Articles within the European Commission's Common Provision Regulations (CPR) (EU) No 1303/2013 for the European Programmes. The specific regulations for ERDF and ESF also apply. These are known henceforth as the Regulations and should be referred to alongside this document.

## Role and Functions of the Growth Programme Board

As prescribed by the Regulations:

7. The GPB (as PMC) shall be called upon to approve some aspects of ERDF and ESF programmes as set out below and/or in the Regulations.
8. The role of the GPB shall otherwise be to review, examine, and give an opinion on the implementation of the ERDF and ESF programmes, and monitor the progress that is made towards achieving their objectives over the course of the programme period. (*Article 49 CPR Regulation*)

Also:

9. The GPB will be responsible for monitoring the operational aspects of these programmes and will monitor the delivery of programme results and output targets at a national level, balancing risks and trends with the need to ensure outcomes, results and targets are met and making recommendations for improvements and change to the relevant Managing Authorities.

### Regulatory Roles, for the ERDF and ESF programmes.

10. The functions of a monitoring committee are set out in the Regulations in detail. The main elements are referred to below.

### *Approval*

11. The GPB (as monitoring committee) shall examine and *approve*:
  - the methodology and criteria used for selection of operations. (*CPR Article 110*)
  - the annual and final implementation reports. (*CPR Article 110*)
  - the evaluation plan for the operational programme and any amendment of the plan. (*CPR Article 110; and CPR Articles 56 and 114 set out more detail on the evaluation plan and process, including where evaluations shall be examined by the monitoring committee*).
  - the communication strategy for the operational programme and any amendment of the strategy. (*CPR Article 110; and Article 116 sets out more detail on the requirements for the communication strategy*)
  - any proposal by the Managing Authorities for any amendment to the operational programme. (*CPR Article 110*)

and:

- In cases where a proposed operation to be supported by ESI Funds falls outside a programme area, the GPB will be asked to give its agreement to the operation, or types of operations, concerned. *(CPR Article 70)*

*Examine/observe/opine*

12. The GPB shall examine all issues that affect the performance of the programme, including the conclusions of the performance reviews (which will be conducted by the Managing Authorities). *(CPR Article 49)*
13. The GPB shall be consulted and shall, if it considers it to be appropriate, give an opinion on any amendment of the programme proposed by the managing authority. *(CPR Article 49)*
14. The GPB may make observations to the Managing Authorities regarding the implementation and evaluation of the ERDF or ESF programmes, including actions related to the reduction of the administrative burden on beneficiaries. The GPB shall monitor actions taken as a result of its observations. *(CPR Article 49)*
15. The GPB, in accordance with the remit and functions of the PMC set out in regulations, shall also examine in particular:
  - Any issues that affect the performance of the Operational Programmes for the European Regional Development Fund and European Social Fund. *(CPR Article 110)*
  - Progress made in implementation of the evaluation plan and the follow-up given to findings of evaluations; *(CPR Article 110)*
  - The implementation of the England ERDF and ESIF communication strategy *(CPR Article 110)*
  - The implementation of major projects. *(CPR Article 110)*
  - The implementation of Joint Action Plans. *(CPR Article 110)*
  - Actions undertaken to promote equality between men and women, equal opportunities and non-discrimination, including accessibility for persons with disabilities. *(CPR Article 110)*
  - Actions to promote sustainable development. *(CPR Article 110)*
  - Progress on actions to fulfil the applicable ex ante conditionalities, in those cases where they were not fulfilled at the date of the submission of the Partnership Agreement and Operational Programmes. *(CPR Article 110)*
  - Financial Instruments. *(CPR Article 110; and Article 38)*
16. The GPB will fulfil these and any other functions as appropriate in accordance with the Regulations.

Additional (England) Advisory Roles:

17. The GPB will:

- consider and give its opinion to the relevant Managing Authorities to assist their own consideration of the alignment of the ESI Fund Programmes with aspects of relevant national policy, including the Growth Deals process and other initiatives that promote the devolution of economic competencies and finances to localities.
- consider and give its opinion to Managing Authorities to assist their own consideration of the strategic alignment of the ESI Fund programmes with other complementary EU Programmes, such as Horizon 2020.
- consider any changes to the socio-economic conditions in England and give their opinion on implications for the ESI Fund programmes to Managing Authorities.

18. The GPB will fulfil these non-regulatory, strategic functions for the ERDF and ESF programmes, working closely with the EAFRD and EMFF PMCs to help ensure these programmes are aligned wherever possible and that issues are considered and applied across the European Growth Programme rather than in isolation.

19. The rationale for the GPB's role in this context is the Managing Authorities' desire to: promote alignment of the European Growth Programme with aspects of relevant national policy, including the Growth Deals process and other initiatives that promote the devolution of economic competencies and finances to localities; and early stage influence national economic growth policies to 'design in' alignment with the European Growth Programme. The GPB will also seek to help the Managing Authorities ensure strategic alignment with other complementary EU Programmes, such as Horizon 2020. While the GPB's views on these issues will be taken into account by the Managing Authorities, they are not bound to act on any such views or opinions.

Other:

20. *Existing PMCs (Local Monitoring Committees) for the 2007-2013 Operational Programmes will remain responsible for those Operational Programmes until they are closed.*

**The Role of the Managing Authorities**

21. The Ministry of Housing, Communities and Local Government (MHCLG), as Managing Authority for ERDF, and the Department for Work and Pensions (DWP), as Managing Authority for ESF, are accountable for their respective ESI Funds.

22. The Managing Authorities shall support and facilitate the work of the GPB in its role within the Growth Programme by providing it with the information that it will require to carry out its core tasks; in particular:

- Providing the GPB with data relating to the progress of the Operational Programme towards achieving its objectives, along with financial data and data relation to indicators and milestones (*CPR Article 125*)
- Ensuring that the GPB has access to the appropriate financial data, common and programme specific indicators (including changes in the value of result indicators and progress towards quantified target values) and the milestones defined in the Performance Framework (*CPR Article 21(1)*) and, where relevant, the results of qualitative analyses. (*Article 49*)
- Drawing up annual and final implementation reports referred to in CPR Article 50 for approval by the GPB. (*Article 125*)

## Governance

23. The GPB is a national partnership which will reach views by consensus.
24. Ministers will also have a standing invitation to attend part of the GPB where matters of strategic importance are discussed.
25. The GPB will work closely with the EAFRD and EMFF PMCs to ensure the programmes are aligned wherever possible and that issues are considered and applied across the European Growth Programme rather than in isolation. To facilitate better co-ordination between the Funds, a member of the respective EAFRD and EMFF Managing Authorities will sit on the GPB and vice versa. A member of their Programme Monitoring Committees will also be invited to attend in an advisory capacity, and vice versa.
26. The scope of the GPB covers England only. Opinions and observations communicated by the GPB to the Managing Authorities may also be taken into account by the UK-wide Structural & Investment Funds UK Programme Board. The UK Programme Board (the Managing Authorities in the UK and the Department for Business, Energy & Industrial Strategy (BEIS)) will seek to ensure the implementation of the Partnership Agreement England and in each of the Devolved Administrations in a way which incorporates and supports the decisions of the GPB as the PMC for England.
27. The GPB will be supported by a number of national policy and operational sub-committees, and local sub-committees (LEP area ESI Funds sub-committees) which report directly to the GPB. Local sub-committees, where relevant, may be asked to submit reports to the national sub-committees by the GPB.
28. The GPB may set up such sub-committees and / or standing or ad hoc working groups or other groups as it thinks appropriate. These will have an advisory role to the GPB and/or Managing Authorities as appropriate to their remit.
29. The overarching terms of reference and any membership requirements for the national and local level sub-committees may be reviewed by the GPB in 2019. Membership and terms of reference relating to the specific function of the national level sub-committees as remitted by the GPB will be proposed by that sub-committee (in agreement with its Secretariat where this imposes actions on that Secretariat); these will be provided to and,

where it feels this is necessary, amended by the GPB. The GPB will approve final terms of reference for all its national sub-committees.

30. A list of the national sub-committees will be held by the Secretariat and published as a separate annex A to this document; the annex may be updated separately to these terms of reference where sub-committees change.

### Membership and Composition of the Growth Programme Board

31. Article 48 of the Regulations require that the composition of a PMC (therefore the GPB) be decided by the Member State, provided that it is composed of representatives of the relevant Member State authorities and intermediate bodies, and of representatives of the following partners, as listed under Article 5, i.e.:

- Competent urban and other public authorities
- Economic and social partners; and
- Relevant bodies representing civil society, including environmental partners, non-governmental organisation and bodies responsible for promoting social inclusion, gender equality and non-discrimination

The number of representatives per sector should also be consistent with the good practices and principles in the European Code of Conduct on Partnership.

32. Accordingly, the membership of the GPB shall comprise the following:

<b>Sector/ organisation representing</b>	<b>Nominating body</b>	<b>Number of seats</b>
Chair	Managing Authorities/BEIS	1
Local Enterprise Partnership (LEP) Network and LEP representatives	LEP network	4
Local Government Association (LGA) and local council representatives	LGA	3
Cornwall and the Isles of Scilly (Integrated Territorial Investment related)	Cornwall and the Isles of Scilly	1
Greater London Authority (GLA) and Intermediate Bodies (IBs)	GLA	1
Sustainable Urban Development (SUD) initiative Intermediate Bodies	Core Cities	1
Higher Education Institutions	Universities UK	1
Further Education Institutions	Association of Local Colleges	1
Trades Union Congress (TUC)	TUC	1
Voluntary and Community Organisations	DWP	2 (1 national & 1 local)
Private Sector business	British Chambers of Commerce	1
Small Businesses	Federation of Small Businesses	1
Local Nature Partnerships	Defra	1
Equalities interests	Government Equalities Office	1
Rural and Farming Networks	Defra	1
LEADER & Community Led Local Development	Managing Authorities	1
UK Programme Board and coordination body	BEIS	1

ERDF Managing Authority	MHCLG	3
ESF Managing Authority	DWP	2
EAFRD Managing Authority	Defra	1
EMFF Managing Authority	Defra	1
<b>Advisory members</b>		
Youth Employment Initiative representative*	DWP	1
Member of the EAFRD PMC	EAFRD PMC	1
Member of EMFF PMC	Defra	1
European Commission DG Regio	DG Regio	**
European Commission DG Emploi	DG Emploi	**
European Commission DG Agri	DG Agri	**
[Wider Growth Agenda]	BEIS/ MHCLG joint	1

*Plus the Secretariat (provided by ERDF MA for the GPB)*

*\* The Youth Employment Initiative member will be invited where YEI related matters are discussed*

*\*\* (Each Commission DG will confirm to the MHCLG Secretariat in advance of each meeting of the Growth Programme Board who will represent it).*

33. The GPB, in reaching any view or making any observations, will also have due regard to the Public Sector Equality Duty, taking account of the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations between people with and without a protected characteristic.
34. Members need to be clear about who they are representing and how. All partners selected should be representative of their sector and/or relevant stakeholders and able to demonstrate accountability to their constituencies.
35. The membership recruitment process will be led by the Managing Authorities via the representative organisations, who should have regard to the good practices and principles in the European Code of Conduct on Partnership, and should encourage the nomination of a diversity of representatives reflective of the cultural, ethnic, age and gender mix of its constituents as appropriate. Any selection processes should be open, fair and transparent and the process should be shared with the Secretariat for GPB records.
36. Membership will be for a three year term, with the option for a member to be reappointed if the members' nominating body supports it and it can be demonstrated the selection process was adhered to. The GPB may initiate a review of its membership in 2019, to ensure its composition of skills remain relevant to the Programme. Where members leave before that time, representatives will be sought again from the sector/organisation they are representing. Membership will also be refreshed as needed to reflect any changes in relevant EU and national regulations (and policy). As per EU Regulations, the final decisions on membership will be for the Managing Authorities.
37. All Members should:
  - Be regarded as representatives of their sector and its constituents so that their prime individual responsibility is the good governance of the ESI Funds Growth Programme
  - Be empowered to speak on behalf of their sector and its constituents, providing the agreed position of their sector and its constituents in relation to issues discussed at meetings



- Have an understanding of the regulatory context
- Understand and have knowledge of the strategy and objectives set out in the national Operational Programmes;
- Be familiar with ESIF including Cross Cutting Themes and the outputs and results sought
- Work collectively to identify solutions or innovative ways to deliver Programme aims within EU Regulations
- Understand the strategic context for decisions taken and be able to take part in discussions
- Offer analytical input to the issues under discussion
- Access a wider network for advice on specific issues.

38. The organisation that the member represents shall be responsible for reimbursing any reasonable expenses incurred in attending meetings of the GPB by that member.

### **Rules of Procedure**

39. The GPB will be chaired by the ERDF Managing Authority.

40. The GPB shall meet quarterly, with meeting dates normally agreed a year in advance; (extraordinary meetings may be called on an ad hoc basis by the Chair(s) to tackle critical issues arising).

41. The ERDF Managing Authority will provide the secretariat for the GPB, managing dates, venues, minute taking, recording decisions and collating and circulating papers, working closely and in full co-operation with the other Managing Authorities, the Committee and the Chair(s).

42. Agendas will be agreed by the Chair. Members may propose agenda items via the Secretariat which will be duly considered by the Chair, whose decision on what to include in the agenda shall be final.

43. Papers for the regular quarterly GPB meetings should be circulated 10 working days prior to the meeting. Papers may be circulated later at the Chair's discretion where appropriate (such as where matters need to be dealt with urgently or changes will occur within those 10 days).

44. The Chair may, where necessary, circulate papers or proposals to members via the Secretariat for agreement by written procedures, with 10 working days allowed for comment, unless exceptional circumstances dictate otherwise. Nil responses will be taken as endorsement. It should be assumed that such comments will be considered unless members are advised otherwise.

45. Members unable to attend are not permitted to send a substitute unless a suitably qualified substitute has been agreed in advance by the Chair; it is suggested that all members should nominate a deputy for this purpose. Members who cannot attend may either write to the Chair through the Secretariat prior to the meeting expressing views to be taken into account, or mandate their deputy to give views on their behalf.

46. Meetings may proceed without a quorum of members present (defined below) but in those circumstances in-principle decisions will be made for ratification at the next quorate meeting or considered by written procedure. For these purposes a quorum is considered to be not less than 60% of the total number of full members (or their deputies) and representing an adequate representation of the scope of members' interests. It is for the Chair to be satisfied as to the representative nature of the quorum and their decision on this issue shall be final.
47. By agreement with the Chair it is possible to invite expert guidance to specific meetings to assist consideration of a specialist proposal. National level sub-committees will be expected to provide advice, support and reports as directed by the GPB.
48. GPB decisions on the appropriate views or observations to be communicated to the Managing Authorities or any nominated committee of any Managing Authority will be made by consensus using a consistent and transparent process; by exception dissent from a majority decision will be recorded in the minutes.
49. All meetings and decisions will be minuted. Minutes will normally be circulated no later than 10 working days after a meeting for approval by members (with a nil response taken as endorsement). Minutes will be agreed by the GPB at the relevant subsequent GPB meeting as confirmation of a true record of the meeting to which they refer. Any disagreement will be noted.
50. Agreed minutes and relevant documents will be published on a publicly accessible site or location, alongside a publicly available, fair and transparent process for dealing with complaints. In line with normal government procedures, material which is not yet in the public domain and/or which is outwith normal Growth Programme Board business will be marked appropriately and will be treated on a case-by-case basis in terms of their suitability for public release.
51. The GPB may initiate a review of its Terms of Reference in 2019, in order to ensure its representative nature and to secure its effectiveness.

## **Principles of Engagement**

52. The Chair and Secretariat will ensure members are aware of their obligations relating to data protection, confidentiality and conflict of interest and take appropriate action in the case of any breaches of those obligations.
53. Members will be required to complete a register of relevant interests (including pecuniary and non-pecuniary, personal or other interests, and declaring any gifts or hospitality received in their capacity as member) and any changes in such interests that occur whilst they are members of the GPB. Members will also be required to declare an interest in any agenda items where an approval, view or opinion is required and may cause a direct material impact, financial or otherwise, negatively or positively, either personally or to the organisation or institution they are representing or where such approval, view or opinion may be regarded as tainted by the participation of that member. In such circumstances it will be a matter for the Chair to decide if the member can attend and/or contribute to the discussion, but members may also choose to absent themselves for the duration of that discussion to avoid actual or any appearance of undue influence. Conflicts of interest

should be identified to the Chair and minuted. Where there are no interests declared, the minutes will also record this. At least once in every 12-month period, and on other occasions at the discretion of the Chair, all members must review the information relating to him or her contained in the register of interests and declare that the information is correct or make a further declaration if necessary.

54. Members must also report any suspicions of fraud or malpractice to the Chair, who will refer the matter to the relevant Managing or public Authority.
55. Members must be able to attend regularly and be able to devote necessary time to any preparatory work. Members missing three meetings in a row may be asked to step down by the Managing Authority in its role as Secretariat after consultation with the Chair (who may take account of any extenuating circumstances in individual cases).
56. Recommendations of the GPB in relation to individual LEP areas and programme activities remain confidential until such time as the Managing Authority Secretariat informs members they can be made public.
57. Managing Authorities and both the LEP network and LGA will be allowed one observer to the meeting to help facilitate appropriate communications with their wider networks. Observers are bound by the provisions on confidentiality and data protection as if they were members. Other members wishing to be accompanied by one observer will need to agree their attendance with the Secretariat beforehand; the Secretariat will endeavour to allow observers on an equitable basis, dependent on space available. Observers should be performing a role outside that of the Secretariat and should not participate directly in the discussions; they may be asked to leave if they do so.
58. Relevant officials and visiting leads may be invited to meetings in order to facilitate discussion on specific papers and items.

## **Annex A to GPB Terms of Reference**

### **List of National Level Sub-Committees** *(current as at 02/03/17)*

#### Policy Sub-Committees:

- (i) Smart Specialisation (innovation)
- (ii) Small and Medium Sized Enterprise Competitiveness (including ICT and Financial Instruments)
- (iii) Sustainable Growth and Development (including low carbon, climate change, the environment and sustainable transport)
- (iv) Employment, Skills and Social Inclusion (including the impact of CLLD and Co-financing organisations)
- (v) Sustainable Urban Development

#### Operational Sub-Committees:

- (i) Performance and Dispute Resolution
- (ii) Evaluation
- (iii) Equal Opportunities
- (iv) Communications

## Annex B to GPB Terms of Reference

### List of Local Enterprise Partnership (LEP) Area European Structural and Investment (ESI) Fund Sub-Committees *(current as at 02/03/17)*

1. Black Country
2. Buckinghamshire Thames Valley
3. Cheshire and Warrington
4. Coast to Capital
5. Cornwall and the Isles of Scilly
6. Coventry and Warwickshire
7. Cumbria
8. D2N2
9. Dorset
10. Enterprise M3
11. GFirst
12. Greater Birmingham and Solihull
13. Greater Cambridge Greater Peterborough
14. Greater Manchester
15. Heart of the South West
16. Hertfordshire
17. Humber
18. Lancashire
19. Leeds City Region
20. Leicestershire
21. Lincolnshire
22. Liverpool City Region
23. London
24. The Marches
25. New Anglia
26. North East
27. Oxfordshire
28. Sheffield City Region
29. Solent
30. South East
31. South East Midlands
32. Stoke and Staffordshire
33. Swindon and Wiltshire
34. Thames Valley Berkshire
35. Tees Valley
36. West of England
37. Worcestershire
38. York, North Yorkshire and East Riding