

D2N2 Investment Board Cover Sheet – 30th July 2019

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Meeting and Date	Investment Board 30 th July 2019		
Subject	D2N2 Investment Board – Terms of reference		
Author	T Goshawk	Total no of sheets	6

Papers are provided for:	Approval <input type="checkbox"/>	Discussion <input type="checkbox"/>	Information <input checked="" type="checkbox"/>
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Summary and Recommendation(s)
<p>This paper sets out the Terms of Reference for the D2N2 Investment Board</p>

D2N2 INVESTMENT BOARD

30th July 2019

D2N2 Investment Board – Terms of Reference

Purpose

To oversee on behalf of the D2N2 LEP Board (“the LEP Board”) the management of all funding pots delegated to the LEP, including the Local Growth Fund, Growing Places Fund, Enterprise Zone Business Rates Uplift reallocation or any other relevant funding streams across the administrative areas of Derby, Derbyshire, Nottingham and Nottinghamshire.

The Investment Board is responsible for:

Approving investments from D2N2s various funding streams on behalf of the D2N2 LEP Board that will invest in projects and programmes that will contribute to the delivery of the objectives of the D2N2 Strategic Economic Plan and emerging Local Industrial Strategy;

The Investment Board shall:

- take decisions on behalf of the D2N2 LEP Board for:
 - individual scheme approval
 - Release of funding, including scrutiny of individual scheme business cases.
- Monitor progress of scheme delivery and spend.
- Oversee the overall delivery of all funding programmes ensuring financial and output targets are monitored
- Recommend to the LEP Board a programme to respond to changed circumstance (scheme slippage, scheme alteration, cost increases etc).

Membership

The membership of the board is as follows:

Voting members	Observers
<ul style="list-style-type: none"> Derby City Council Derbyshire County Council Nottingham City Council Nottinghamshire County Council Derbyshire district and borough councils <p>(Two District members)</p> <ul style="list-style-type: none"> Nottinghamshire district and borough councils (Two District members) 3 Private sector members of the Derby, Derbyshire, Nottingham and Nottinghamshire Local Enterprise Partnership (Chair plus 2 other private sector representatives) Social Inclusion representative (one member) 	<ul style="list-style-type: none"> Highways England Network Rail Homes England Department For Transport Department for Business, Energy and Industrial Strategy
Principal Advisors to the Board (non-voting): D2N2 Chief Executive, Capital Projects Manager, Section 151 officer plus Accountable Body Lead Officers	
Chair and Deputy Chair – The Board will be chaired by the D2N2 Chair, with the Deputy Chair to be appointed from one of the local authority board members	

The Board, as set out above, comprises twelve voting members. The Board may co-opt additional members to represent other sectors; such co-opted members will not have voting rights. Conditions of appointment are:

- i. Local Authorities (upper tier/unitary): membership rests with the position which the member holds within the authority rather than with the individual, so councillors will be replaced if they change

office. It is for each authority to determine which post holders are to act as its representatives.

- ii. District and Borough authorities within Derbyshire and Nottinghamshire: it is for the district and borough authorities to determine their own arrangements for selecting representatives, who are expected to sit for a minimum term of one year and a maximum of three years. It is also for the constituent authorities to determine how their joint interests should be represented and how those districts and boroughs not directly represented should be engaged in the decision-making process.
- iii. D2N2 LEP: representatives are expected to sit for a minimum term of one year and a maximum of three years.
- iv. Any co-opted member - would be reviewed annually by the Board with a maximum term of three years.
- v. Each member will be required to participate in decision-making in the best interests of the Board whether or not these are consistent with those of their own organisation.
- vi. No substitutes will be permitted for nominated board members as per the main D2N2 Board Member.

The Board will review its constitution after six meetings of the Board or every two years, whichever is the sooner.

Conflicts of Interest

Members of the Board are required to declare, on appointment, that they will act in the best interests of the LEP area, not for their organisational or geographic interests.

The rules for declaring personal interests will be those that apply to the council to which the councillor has been elected. A register of Board Members' interests will be maintained and will be available for public inspection and will be updated at the beginning of each financial year.

All Board members are expected to govern themselves by the Nolan Principles and these can be found within the Local Assurance Framework.

Accountable Body

Derbyshire County Council shall be the Accountable Body to the D2N2 LEP which will be responsible for the following:

- Ensuring that decisions are made in line with the LEP Assurance Framework.
- Ensuring that promoters confirm their projects conform with any requirements with regard to equalities, social value, environment, State Aid, procurement etc.;
- Ensuring (through the Section 151 Officer) that the funds are used appropriately;
- Maintaining the official record of Investment Board proceedings and holding copies of all relevant documents relating to any funding streams the Accountable Body is responsible for;
- Ensuring Investment Board decisions at formal meetings are recorded.
- Responsibility for the decisions of the Investment Board in approving projects (for example if subject to challenge);
- Ensuring there are arrangements for local audit of funding allocated by the Investment Board at least equivalent to those in place for Local Authority expenditure.

The Director of Finance, Derbyshire County Council (S151 officer) will ensure that all funds are administered in accordance with the Assurance Framework.

Audit and Scrutiny

The Board undertakes to seek and to act upon the findings of an internal audit of its activity on at least an annual basis. The findings of each audit will be considered by a Board meeting, and any remedial action required recorded within the minutes of that meeting.

The aim of each audit will be to verify that the Board is operating effectively within the terms of its agreed Assurance Framework.

The effectiveness of the Board and its governance, delivery and monitoring processes will be overseen by the incumbent Accountable Bodies Scrutiny

committee who will provide an independent review to ensure that the Investment Board works in line with the Local Assurance Framework.

Approvals process for project applications:

The Board has adopted an approvals process in respect of project applications as set out in the Local Assurance Framework

Support and Administration

Derbyshire County Council will provide support arrangements for secretariat and administrative services, specified in its Service Level Agreement with the LEP.

The Board has the authority to form task and finish groups when required, which may comprise Board members and/or supporting officers.

Working Arrangements, Transparency and Local Engagement

There will be at least four meetings each year and thereafter to meet the business needs. Specifically the Board will meet:

- (a) to determine the initial decision on the composition of the scheme programme;
- (b) To make individual scheme investment decisions.

The meetings will be chaired by the D2N2 Chair.

Meetings will be deemed quorate when a minimum of five voting members are in attendance. Each voting member carries a vote of equal weight. Where the voting members present are equally divided the chair will carry a casting vote. Where the elected chair is not present the Deputy-chair will exercise this function. No business requiring voting shall take place without either the chair or Deputy-chair being present.

The Investment Board will publish agendas and minutes. Materials will be hosted on the Derbyshire County Council website but each member organisation will provide a direct link to this from its own.

It is for individual member organisations to ensure that any schemes submitted to the Board for funding have been subject to the appropriate procedures to provide the public and stakeholders with the opportunity for input before decisions are made. The Board will not take responsibility for

dealing with correspondence, petitions, lobbying, consultation etc, all of which are to be handled by the promoter of the scheme in accordance with its own procedures.

FOI and EIR requests will be dealt with in accordance with the relevant legislation.

The Board will use Derbyshire County Council's complaints procedure.