

Chapter 8 – Business Board

Part 1 – Functions and Membership

1. Governance

- 1.1. The Business Board is a non-statutory body which is the Local Enterprise Partnership for its area.
- 1.2. It is independent of the Combined Authority operating as a private-public sector partnership, focusing on the key business sectors to provide strategic leadership and drive growth in the Cambridgeshire and Peterborough and wider Local Enterprise area.
- 1.3. Between 1 April and September 2018 the Business Board will recruit and appoint its membership and appoint a private sector Chair.

2. Functions

- 2.1. Local Enterprise Partnerships have a vital leadership role to play, and are responsible for developing and maintaining the Strategic Economic Plan, which should provide the basis for investment decisions for the accountable decision-making authority. Local Enterprise Partnerships already fulfil an integral role in allocating Local Growth Fund spend, which HM Government expects to continue for future awards, alongside their continued responsibility for delivery of existing projects.
- 2.2. The Business Board will be the custodians of the Local Industrial Strategy and will work in accordance with those supporting strategies and plans to the Local Industrial Strategy including place based strategies and the skills strategy.
- 2.3. The Local Industrial Strategy will underpin the development of a single framework of policies which frame the decision making of the Combined Authority and the Business Board, such as the Skills Strategy, the Housing Strategy and the Assurance Framework.
- 2.4. In accordance with the Single Pot Assurance Framework National Guidance, the Business Board and the Combined Authority Board as the accountable decision making body will work to agree a single local assurance framework, and submit it to DCLG for approval. The Assurance Framework will be reviewed annually.
- 2.5. The interim terms of reference from May to September 2018 are set out in Appendix 1 . The terms of reference will be agreed at the Business Board's official launch in September 2018

3. The Business Board's accountable body

- 3.1. Cambridgeshire and Peterborough Combined Authority ('the Combined Authority') is the accountable body for funding allocated to the Business Board; that is, the Combined Authority is responsible to Government for complying with any conditions or requirements attached to any such funding.

4. Membership

- 4.1. The Business Board membership is currently under consideration and is proposed as follows:

Public Sector Representatives

- 4.2. The Mayor and the Portfolio for Economic Growth of the Combined Authority shall be a member of the Business Board by virtue of their office. The Combined Authority may appoint at least one Substitute Member to act in their absence.

Private Sector Representatives

- 4.3. The private sector membership is subject to consultation with the public and private sector members of the current Combined Authority and former LEP geography. Up to eight business representatives are proposed – one member will be appointed specifically to represent the interests of the SME sector and one member will represent the education sector).
- 4.4. The majority of Business Board members shall be private sector representatives.

Requirements for Private Sector Representatives

- 4.5. The Private Sector Board members must not:
- be a member, officer of the Combined Authority, or a County Council, Unitary Council, District tier Council within the area served by the Business Board, or otherwise employed under the direction of a local authority;
 - be a non-executive director or officer of an NHS Trust;
 - be subject to a bankruptcy restriction order or interim order;
 - be subject to a sexual risk order or be on the sexual offenders register;
 - be subject to a civil injunction or criminal behaviour order;
 - be disqualified from acting as a director, a charter trustee or charity trustee
 - within 5 years before the date of submission of application, have been a director or person of significant control of a company subject to a creditors compulsory liquidation
 - within 5 years before the date of submission of application, have been convicted of any offence and have had passed on them a sentence of

imprisonment, whether suspended or not, for a period of not less than 3 months without the option of a fine

- 4.6. Members should not have made substantial personal contributions to any recognised political party, and must not serve as an officer in any recognised political party.
- 4.7. Members must live in the area served by the Business Board, and / or be employed by, or have a substantial interest (by virtue of ownership / control) in businesses in the area served by the Business Board
- 4.8. The Business Board shall appoint the **private sector representatives** to the Business Board. Each private sector representative on the Business Board is appointed in their individual capacity, and not as a representative of their employer or any other organisation. No substitute members will be appointed for private sector representatives.
- 4.9. The Business Board will select the private sector representatives in accordance with the Business Board's diversity statement and through an open, transparent and non- discriminatory competition which assesses each candidate on merit. This may include an interview process conducted by a Business Board appointments panel, to include the Business Board Chair.
- 4.10. Within the period of 28 days of the appointment being made to the Business Board, the Business Board shall publish a notice on its website which:
 - (a) states that it has made an appointment;
 - (b) identifies each Business Board member who has been appointed and any Substitute Members; and
 - (c) specifies the term of office of those appointed.
- 4.11. The term of office shall be **private sector representatives** will normally be a maximum of 3 years, and subject to a maximum of three consecutive terms. unless:
 - (a) they cease to qualify to be a member of the Business Board;
 - (b) they resign from their membership and communicate this in writing to the Legal Counsel and Monitoring Officer; or
 - (c) the Business Board terminates the membership of any private sector representative which it may do at any time.
- 4.12. The term of office of **public sector** members and substitute members appointed by the Combined Authority is at their discretion; the Combined Authority Board may terminate their appointment or appoint a representative at

any time, to be of effect on receipt of a notice by the Combined Authority's Legal Counsel and Monitoring Officer.

5. Chair and Vice-Chair of Business Board (From September 2018)

- 5.1. The Business Board will appoint a private sector representative as Chair and Vice Chair.
- 5.2. The Chair and Vice Chair shall be appointed following an open, transparent and non-discriminatory recruitment process which assesses each candidate on merit carried out in accordance with the Business Board's diversity statement. This will include an interview process conducted by a Business Board's appointments panel.
- 5.3. The terms of the appointment will be set out in an appointment letter from the Combined Authority to the Chair and Vice Chair. A person ceases to be Chair or Deputy Chair if they cease to be a Business Board member.
- 5.4. The Chair will be a voting member of the Combined Authority Board. The Vice Chair will be a non-voting member of the Combined Authority Board except when substituting for the Chair

6. Working Groups

- 6.1. The Committee may appoint informal non-decision making working groups.

7. Code of Conduct and Register of Interests

- 7.1. Every Business Board member must sign and comply with the Business Board member code of conduct.
- 7.2. Each Business Board member must complete and keep up to date a register of interest form required under the code of conduct. The register of interest form will be published on the Combined Authority's website within 28 days from the date of the appointment.
- 7.3. Any declarations of interest made by a Business Board member at a meeting and any action taken, (such as leaving the room, or not taking part), will be recorded in the minutes for that meeting. The member should update their register of interest form within 7 days of the meeting if a new interest has been declared.
- 7.4. Any alleged breach of the Business Board member code of conduct will be dealt with under the Combined Authority's Member Complaints Procedure.

8. Scrutiny Arrangements

- 8.1. The Combined Authority's Overview and Scrutiny Committee may review or scrutinise any Combined Authority decision in its role as accountable body for the Business Board. The Combined Authority's Scrutiny Officer shall ensure that this includes appropriate scrutiny of Business Board decision-making and achievements.
- 8.2. Any Business Board member may be asked to attend, or otherwise contribute to, a meeting of the Combined Authority's Overview and Scrutiny Committee.
- 8.3. The Combined Authority's Audit and Governance Committees will also review the local assurance framework and how the local assurance frameworks are operating in practice.

9. Complaints and Whistleblowing

- 9.1. Any complaint received about the Business Board will be dealt with under either the Combined Authority and Business Board's Complaints or Confidential Complaints Policy.
- 9.2. Any complaint about an individual Business Board member alleging a breach of the Code of Conduct will be dealt with in accordance with paragraph 7 above.
- 9.3. Any whistleblowing concerns raised about the Business Board will be dealt with under the Combined Authority and Business Board's Whistleblowing Policy.
- 9.4. Each of these procedures or policies shall be published on the Combined Authority web-site and accessible from the Business Board's web-site.

10. Remuneration

- 10.1. Allowances or expenses shall be payable to any Business Board member, in accordance with a scheme approved from time to time by the Combined Authority.

11. Amendments to the Constitutional

- 11.1. The Business Board will recommend any proposed changes to the Constitution to the Combined Authority.
- 11.2. The Combined Authority's Legal Counsel and Monitoring Officer is authorised to make any changes to any constitutional or governance documents which are required:
 - (a) as a result of any government guidance, legislative change or decisions of the Business Board, or
 - (b) to enable the documents to be kept up to date, or
 - (c) for the purposes of clarification only.

12. Publication of constitution and other governance documents

13. This constitution and other governance documents shall be published on the Combined Authority website and accessible from the Business Board website.

Part 2 – Procedure Rules

1. Meetings

- 1.1. The Business Board shall have at least two public meetings a year to include its Annual General Meeting
- 1.2. An extraordinary meeting of the Business Board may be called by:
 - (a) the Chair of the Business Board; or
 - (b) any two Members of the Committee;
 - (c) the Chief Executive.

2. Attendance of the public at meetings

- 1.1. With the exception of 1.1 above, meetings of the Business Board shall not be open to the public unless determined otherwise by the Chair. The Business Board is an advisory board and all decisions are ratified by the Combined Authority. Combined Authority rules are open to the public in accordance with the Transparency rules in [chapter 6](#) of the Combined Authority constitution.
- 1.2. The public may have access to agenda, reports and minutes of public and private meetings except where they disclose exempt or confidential information in accordance with the Transparency rules in [chapter 6](#) of the Combined Authority constitution.

3. Quorum

- 3.1. No business is to be transacted at a meeting of the Business Board unless at least two-thirds of the total number of Members of the Board are present.

4. Voting

- 4.1. Wherever possible, decisions of the Board will be by consensus, without the need for a vote. Where this is not possible a vote may be taken where the Chair considers it to be necessary to establish whether a consensus exists.
- 4.2. Each Member of the Business Board appointed from the Combined Authority is to have one vote and no Member (including the Chair) is to have a casting vote.
- 4.3. The vote will be by way of a show of hands and the vote of each member recorded in the minutes.

- 4.4. Any questions that are to be decided by the Business Board are to be decided by a simple majority of the Members present and voting. If a vote is tied on any matter it is deemed not to have been carried.

5. Conflicts of Interest

- 5.1. Members must comply with the Member Code of Conduct within this Constitution.

6. Decisions of the Business Board

- 6.1. The draft minutes of each meeting of the Business Board will be posted on the Combined Authority and Business Board website within 10 clear working days of the meeting taking place. The agreed minutes of each meeting will be published within 10 clear working days after approval at the subsequent meeting.
- 6.2. All decisions of the Business Board will be ratified at the next meeting of the Combined Authority Board. Where the Combined Authority does not agree with the recommendations, they will refer to matter back to the Business Board with the reasons and ask the Business Board to reconsider.

7. Forward Plan

- 7.1. The Committee will set its own work programme and its forward plan will be published in accordance with the Transparency rules in [chapter 6](#) of the Combined Authority constitution.