

Business Board

Part 1 – Functions and Membership

1. Governance

- 1.1. Local Enterprise Partnerships (LEPs) are private sector led voluntary partnerships between local authorities and businesses set up in 2010 by the Department of Business Innovation and Skills to help determine local economic priorities and lead economic growth and job creation within the local area.
- 1.2. The Business Board is a non-statutory body which is the Local Enterprise Partnership for its area. 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.

2. Current Geographical area (under review)

- 2.1. The current geographical area is under review. The Department for Business Enterprise and Industry are considering proposals for a coterminous boundary with the Combined Authority.
- 2.2. The geographical area of the business Board is set out in the table below:

District	Areas	Council
Cambridgeshire		Cambridgeshire County Council
Cambridge		Cambridge City Council
East Cambridgeshire	Ely, Littleport and Soham	East Cambs DC
Fenland	Wisbech, March Whittlesey & Chatteris	Fenland DC
Huntingdonshire	Huntingdon, St Ives & St Neots	Huntingdonshire DC
South Cambridgeshire	Cambourne	South Cambs DC
Peterborough		Peterborough City Council
North Hertfordshire	Royston	North Hertfordshire DC'

South Kesteven (Lincs)	Grantham, Stamford, Bourne and Market Deeping.	South Kesteven DC
Rutland	Oakham	Rutland County Council
St Edmundsbury (W Suffolk)	Bury St Edmunds and Haverhill	St Edmundsbury Borough Council
Forest Heath (W Suffolk)	Newmarket & Mildenhall	Forest Heath District Council
Uttlesford (Essex)	Saffron Walden, Great Dunmow, Stansted Mountfitchet and Thaxted,	Uttlesford DC
West Norfolk & King's Lynn	King's Lynn, Downham Market and Hunstanton	BC of King's Lynn and West Norfolk
South Holland (Lincs)	Spalding, Crowland, Donington, Holbeach, Long Sutton and Sutton Bridge	South Holland DC

3. Functions

- 3.1. In Mayoral combined authorities, there will be a single local Industrial Strategy led by the Mayor and supported by the Local Enterprise Partnership. The Mayor will work in partnership with the Business Board to jointly develop and agree the strategy¹.
- 3.2. The Business Board has a vital leadership role to play, and is responsible for delivering the Local Industrial Strategy, which should provide the basis for investment decisions for the Cambridgeshire and Peterborough Combined Authority as the accountable decision-making authority.
- 3.3. The Business Board will allocate local growth funds to improve economic opportunity in the area and will monitor the delivery of funded projects.
- 3.4. Working in conjunction with the Combined Authority the Business Board will develop initiatives to address the local skills challenges and will play a key role in developing the University of Peterborough as an employer focused provider of higher education.
- 3.5. The Business Board will act as an enabler for delivery of sector deals at local level

¹ See Industrial Strategy: Building a Britain fit for the future, DBE&IS 27 November, 2017

- 3.6. The Business Board will support applications for the Industrial Strategy Challenge Fund programme and will work collaboratively with the Combined Authorities universities, businesses and research organisations to produce programmes which impact productivity
- 3.7. 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 Ministry of Housing, Communities and Local Government for approval. The Assurance Framework will be reviewed annually.

4. Terms of Reference

- 4.1. The purpose of the Business Board is set out below²:

Strategy:

- (a) In collaboration with the Cambridgeshire and Peterborough Combined Authority, develop and deliver an evidence-based Local Industrial Strategy that identifies local strengths and challenges, future opportunities and the action needed to boost productivity, earning power and competitiveness across their area.
- (b) Set strategy and commission interventions to drive growth, jobs and private sector investment to deliver the strategy.

Allocation of funds

- (c) Identify and develop investment opportunities; prioritising the award of local growth funding; and monitoring and evaluating the impacts of its activities to improve productivity across the local economy.
- (d) ensure that bids for public funding made available by government for LEPs support economic growth

Co-ordination

- (e) Use its Business convening power, for example to co-ordinate responses to economic shocks; and bringing together partners from the private, public and third sectors.
- (f) ensure Business Board and Combined Authority policy and

² These four roles are set out in Strengthening Local Enterprise Partnerships, MHC&LG, July 2018

decisions receive the input and views of key business leaders and take account of the views of the wider business community

- (g) engage with local businesses to understand the needs of different sectors and markets

Advocacy

- (h) Collaborate with a wide-range of local partners to act as an informed and independent voice for business across their area.
- (i) engage business, opinion formers and policy makers at a national and international level in promoting economic growth in the region.

4.2. In pursuit of this role the Business Board will:

- (a) In collaboration with the Cambridgeshire and Peterborough Combined Authority develop local agreements which clearly set out their respective roles, responsibilities and accountability
- (b) Produce an annual delivery plan and end of year report in accordance with Government guidance,
- (c) Develop, agree and review a joint Combined Authority and Business Board Assurance Framework
- (d) Support the supply of skills to an area as they respond to the Skills Advisory Panels programme
- (e) capture and communicate business requirements for changes to, and development of, economic policy and commission associated appropriate interventions
- (f) work collaboratively with all partners, including the Combined Authority and Local Authorities, to address barriers to growth and drive efficiency
- (g) bring together intelligence and expertise to identify priorities and develop solutions to maximise private sector investment in the local enterprise and combined authority area, and secure sustainable growth
- (h) work to create an environment for business growth ensuring appropriate mechanisms exist through which, as a co-ordinated voice, the private sector can inform and influence the shape and future direction of local and national government policy.

- 4.3. To ensure the Business Board is effective in this role it has the authority to:
- (a) engage in dialogue with Government and respond to policy, proposals and opportunities to bid for funding in support of economic growth
 - (b) engage with investors, businesses and advisors to secure growth opportunities
 - (c) develop and consult on regional economic policy, programmes and interventions designed to maximise growth in the region
 - (d) provide leadership in key themes and priorities to promote growth
 - (e) raise the profile, image, reputation and influence of the Local Enterprise Partnership and Combined Authority area at a regional, national and international level.

5. Legal Status

- 5.1. The Business Board is an informal partnership. It does not have legal status to enter into contracts and will act through the Cambridgeshire and Peterborough Combined Authority as Accountable Body.

6. The Business Board's accountable body

- 6.1. 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.

7. Role of Members and Accountability

- 7.1. Irrespective of his or her background or geography, it is the duty of a Business Board member to act in the best interests of the Local Enterprise area and in accordance with the policies of the Business Board.
- 7.2. All private sector members of the Business Board act in their individual capacity and not as representatives of their respective organisations.
- 7.3. All Business Board members are expected to discharge their duties in line with the Nolan Principles for Standards of Public Life³ and the Code of Practice for Board Members of Public Bodies⁴. Members must comply with the Business Board Code of Conduct. Political Leaders who are Members of

³ <https://www.gov.uk/government/publications/the-7-principles-of-public-life>

⁴ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/409604/code-of-conduct_tcm6-38901.pdf

the Combined Authority must also comply with the Business Board Code of Conduct in addition to that of the Combined Authority.

8. Membership

- 8.1. The Business Board membership will comprise up to 10 members; two public sector members and up to eight business representatives as follows:

Public Sector Representatives

- 8.2. 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. These shall be non-voting members of the Board.

Private Sector Representatives

- 8.3. Up to eight business representatives— one member will be appointed specifically to represent the interests of the Small and Medium Sized Enterprises (SME) sector, one member will represent the education sector and one member will be appointed as an international business representative.

- 8.4. The Business Board membership meets the requirements for two thirds of the Business Board members to be private sector representatives and does not exceed the maximum of 20 members⁵.

- 8.5. Whilst all appointments to the Business Board will be on merit, in accordance with Government requirements, the Business Board will aim to Improve the gender balance and representation of those with protected characteristics on its board with the following aims:

- (a) that women make up at least one third of Business Board by 2020
- (b) with an expectation for equal representation by 2023, and
- (c) ensure its Board is representative of the businesses and communities they serve⁶.

9. Recruitment, Appointment and Termination of Private Sector Members

- 9.1. The private sector representatives and the Chair of the Business Board 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, Government Guidance and the Nolan Principles. This will include a public advertisement and an interview process conducted by a Business Board's appointments panel. ..

⁵ Strengthening Local Enterprise Partnerships, MHC&LG, July 2018

⁶ Strengthening Local Enterprise Partnerships, MHC&LG, July 2018

9.2. Formal appointment panels will be constituted as follows

Position	Panel
Appointment of a Chair	Mayor of Cambridgeshire and Peterborough Combined Authority, the Combined Authority's Portfolio for Economic Growth plus three private sector Business Board members supported by the Chief Executive of the Combined Authority or his/her nominee
Appointment of private sector board members	Chair and Vice-Chair of the Business Board Mayor of Cambridgeshire and Peterborough Combined Authority or the Combined Authority's Portfolio for Economic Growth
Vice-Chair (where there is more than one candidate)	Chair of the LEP and Mayor of Cambridgeshire and Peterborough Combined Authority or the Combined Authority's Portfolio for Economic Growth

Interview panels will be advised by the Director of Business and Skills.

Requirements for Private Sector Representatives

9.3. The Private Sector Board members must not:

- (a) 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;
- (b) be a non-executive director or officer of an NHS Trust;
- (c) be subject to a bankruptcy restriction order or interim order;
- (d) be subject to a sexual risk order or be on the sexual offenders register;
- (e) be subject to a civil injunction or criminal behaviour order;
- (f) be disqualified from acting as a director, a charter trustee or charity trustee
- (g) 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
- (h) 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

- 9.4. Private Sector 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.
- 9.5. Members should be employed by, or have a substantial interest (by virtue of ownership / control) in businesses in the area served by the Business Board
- 9.6. The Appointments Panel shall appoint the **private sector representatives** to the Business Board following an interview process.
- 9.7. 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.

Appointment

- 9.8. A formal offer will be made to successful candidates. On appointment Board members are required to sign a declaration affirming their understanding and commitment to the Code of Conduct.
- 9.9. 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
 - (d) Publishing the members' and substitute members' register of interest form.

Term of Appointment

- 9.10. The term of office for **private sector representatives** will normally be a maximum of 3 years, and subject to a maximum of one consecutive term, 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,

- (d) upon receipt of a vote of no confidence by the Combined Authority Board, the Board must consider whether to terminate the terms of office of the Chair at the next meeting of the Board.

- 9.11. 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.
- 9.12. The Business Board may appoint co-opted members as necessary to complement the skills and expertise on the Board. Membership may not exceed 20 members.

10. Chair and Vice-Chair of Business Board

- 10.1. The Business Board will appoint a private sector representative as Chair and Vice Chair.
- 10.2. The 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, Government Guidance and the Nolan Principles. This will include a public advertisement and an interview process conducted by a Business Board's appointments panel. The Business Board will consult widely and transparently with the business community before appointing a new Chair.
- 10.3. The terms of the appointment will be set out in an appointment letter from the Combined Authority to the Chair. A person ceases to be Chair or Deputy Chair if they cease to be a Business Board member.
- 10.4. The terms of office of the Chair will be for two (2) years with one consecutive term permitted upon unanimous vote of the Board members present and voting.
- 10.5. The Chair will be a voting member of the Combined Authority Board.
- 10.6. The Business Board shall appoint a vice chair from amongst its membership. A member may only be appointed as vice chair if they have secured membership through an open recruitment process.

11. Code of Conduct and Register of Interests

- 11.1. Every Business Board member must sign and comply with the Business Board member code of conduct.

12. Co-opted Members

- 12.1. Where specific skills or abilities are required which are not available among existing members co-optees may be appointed to the Business Board. The appointment will be made by the Chair, in consultation with the Board, for 12 months. Co-opted members will not have voting rights and will not count towards the quorum. In accordance with Government Guidance, the maximum number of co-opted members should not exceed five.

13. Working Groups

- 13.1. The Business Board may appoint informal non-decision making working groups. Any such subordinate body set up by the Business Board shall include one or more Business Board Members, as nominated by the Board. With the consent of the Chair, any such group may also co-opt onto it any independent person with the relevant expertise - judged against pre-determined criteria - on the issues within the remit of these groups.
- 13.2. The remit and terms of reference for any such subordinate body shall be approved by the Business Board.

14. Scrutiny Arrangements

- 14.1. 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.
- 14.2. Any Business Board member may be asked to attend, or otherwise contribute to, a meeting of the Combined Authority's Overview and Scrutiny Committee.
- 14.3. 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.

15. Complaints and Whistleblowing

- 15.1. 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.

- 15.2. 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.
- 15.3. Any whistleblowing concerns raised about the Business Board will be dealt with under the Combined Authority and Business Board's Whistleblowing Policy.
- 15.4. Each of these procedures or policies shall be published on the Combined Authority web-site and accessible from the Business Board's web-site.

16. Remuneration

- 16.1. 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.

17. Secretariat Arrangements

- 17.1. In accordance with Government requirement to have a secretariat independent of local government to support the Chair and Board, a S73 Chief Finance Officer and Monitoring Officer has been appointed to advise the Board who is independent of the Cambridgeshire and Peterborough Combined Authority.

18. Local Area Agreement

In accordance with Government requirements for mayoral areas there is a requirement for a Local Agreement between the Business Board and the Combined Authority and the Accountable Body setting out the responsibilities of the Chair, Board and Accountable Body. (To be developed).

19. Amendments to the Constitutional

- 19.1. These terms of reference will be reviewed annually. The Business Board will recommend any proposed changes to the Constitution to the Combined Authority.
- 19.2. 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.

20. Publication of constitution and other governance documents

- 20.1. 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. The Business Board will hold annual general meetings open to the public to attend to ensure the communities that they represent can understand and influence the economic plans for the area⁷.
- 1.3. 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.
- 1.4. 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. Agendas and Minutes

- 2.1. Agendas and reports for the Business Board will be available on the Cambridgeshire and Peterborough Combined Authority website at least five clear working days before the meeting to which they relate in accordance with the Transparency rules in chapter 6 of the Combined Authority constitution. Any funding decisions shall be ratified by the Combined Authority as accountable body for the Business Board.
- 2.2. The public may have access to agenda, reports and minutes of public and private meetings except where they are exempt from disclosure under the Freedom of Information Act 2000 (FOIA).

Freedom of Information

- 2.3. Reports will be released with the agenda, except in those cases where the information contained in the reports is exempt from disclosure under the

⁷ Strengthening Local Enterprise Partnerships, MHC&LG, July 2018

Freedom of Information Act 2000 (FOIA). These papers will be classed as reserved papers.

- 2.4. Likely exemptions that are likely to make information reserved include but are not limited to:
- Commercial sensitivity
 - Information provided in confidence
 - Personal data
 - Legal professional privilege
 - Information intended for publication at a future date

3. Attendance

- 3.1. Private sector Business Board members who fail to attend a third or more of the scheduled Board meetings in a 12 month period shall be reviewed by the Chair and their membership may be terminated.

4. Quorum

- 4.1. No business is to be transacted at a meeting of the Business Board unless a majority of the total number of Members of the Board are present which should include the majority of private sector members and at least one public sector member.
- 4.2. During any meeting if the Chair counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chair. If the Chair does not fix a date, the remaining business will be considered at the next ordinary meeting.

5. Decision Making and Voting

- 5.1. 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.
- 5.2. Each private sector Member of the Business Board is to have one vote and no Member (including the Chair) is to have a casting vote. The public sector members of the Board shall be non-voting members.
- 5.3. The vote will be by way of a show of hands and recorded in the minutes.
- 5.4. 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.

6. Conflicts of Interest

Register of Interests

- 6.1. It is the responsibility of Board members to ensure an up to date Register of Interests is maintained. 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 and is a condition of appointment. A member must within 28 days of becoming aware of any change in their interests provide written notification of this.
- 6.2. It is the responsibility of Board members to declare any interest on any item of business being conducted at a Business Board or working group meeting. 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.
- 6.3. Any alleged breach of the Business Board member code of conduct will be dealt with under the Combined Authority's Member Complaints Procedure.

Declaration of Interests at a meeting

- 6.4. It is the responsibility of Board members to declare any interest on any item of business being conducted at a Business Board. Where a 'pecuniary interest is declared Members will leave the meeting, where a 'non-pecuniary interest is declared, Members may remain at the meeting but not participate in business in accordance with the Board members' code of conduct.

7. Decisions of the Business Board

- 7.1. 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 2 clear working days after approval at the subsequent meeting.
- 7.2. 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 the matter back to the Business Board with the reasons and ask the Business Board to reconsider.

8. Urgency procedure

- 8.1. In order to ensure that the Business Board is able to progress its business in an efficient manner, comments on urgent matters may be sought by the Chief Executive or other Statutory Officer outside the meeting cycle.
- 8.2. Members will receive email notification which identifies:
- (a) Details of the matter requiring comment and/or endorsement and the reason for urgency (including an explanation as to why an emergency meeting is not proposed to be held to conduct the business);
 - (b) The date responses are required by;
 - (c) The name of the person or persons making or putting forward the proposal/decision
- 8.3. Two working days after the close of responses, the following will be circulated to all Business Board Members:
- (a) The outcome of the decision taken by Statutory Officers (including responses received in agreement and responses received in disagreement); and the date when any decision comes into effect; and
 - (b) Any mitigating action taken to address Members' stated views or concerns.

Decisions and actions taken will be retrospectively reported to the next meeting of the Business Board.

9. Forward Plan

- 9.1. 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.

Version Control

Version 1	24 September 2018	Constitution approved by Business Board