



Report of:	Meeting	Date	Item no.
Councillor Alan Vincent, Leader and Resources Portfolio Holder and Garry Payne, Chief Executive	Cabinet	29 November 2017	6

Proposal to Dissolve the Blackpool, Fylde and Wyre Economic Development Company and Form an Economic Prosperity Board
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1. Purpose of report

- 1.1 To consider a more efficient and effective way of managing the governance of the economic development agenda across the Fylde Coast.

2. Outcomes

- 2.1 To introduce a stronger and more robust governance framework for the economic development agenda across the Fylde Coast with greater political accountability.
- 2.2 To attract investment to the Fylde Coast and support businesses to survive, grow and prosper.

3. Recommendation/s

- 3.1 To recommend to full Council that the Leader of the Council be authorised, in his role as 'member' of the Blackpool, Fylde and Wyre Economic Development Company Limited (Company No: 05001989) (EDC), to dissolve the aforementioned company.
- 3.2 Subject to 3.1 above, to establish a Blackpool, Fylde and Wyre Economic Prosperity Board (EPB) in the form of a Joint Committee and approve the Procedure Rules for that Board (see Appendix 1).
- 3.3 Subject to 3.1 above, to confirm that the Leader of the Council will be the Authority's representative on the EPB and that the Leader of the Council be authorised, in accordance with the Procedure Rules of the EPB, to appoint a substitute member to attend in his absence, should the need arise.

- 3.4** Subject to 3.1 above, that the servicing of the EPB be undertaken on a rotational basis between the constituent authorities and the EPB at its first meeting agree which Authority will commence with that role as the 'Host Authority'.
- 3.5** Subject to 3.1 above, that at its first meeting the EPB be asked to consider which Authority will be the 'Lead Authority' in terms of carrying out the economic development functions delegated to the EPB.
- 3.6** Subject to 3.1 above, to invite Lancashire County Council to be a member of the EPB on the basis as set out in the Procedure Rules in Appendix 1.

4. Background

- 4.1** In June 2016 a revised set of articles of association for the Blackpool, Fylde and Wyre Economic Development Company (EDC) were agreed by the Board and subsequently approved by the 'members' (the Leaders of the three Councils, Blackpool, Fylde and Wyre). These revised articles were intended to bring the articles up to date and reflect changes such as the departure of Lancashire County Council from the company.
- 4.2** As part of that process, a governance review was undertaken with a view to changing the articles to reflect new responsibilities including the programme for managing delivery of the Blackpool Airport and Hillhouse Technology Enterprise Zones.
- 4.3** Part of the review also involved the examination of examples of similar arrangements elsewhere across the country. Views were sought and feedback received from the Local Government Association (LGA), who encouraged partners to consider a series of options, some of which represented new ideas beyond the original remit of the review.
- 4.4** Based on this review of the EDC's current purpose and function and the scope of strategic economic development on the Fylde Coast, it was acknowledged that consideration should be given to alternative models of delivering the kind of governance required. For example, in many areas local partners and clusters of Local Authorities in functional economic areas deliver what is required through an 'Economic Prosperity Committee'. In the context of the Fylde coast, such a committee would comprise of the three councils, with partners (co-opted members), as opposed to the existing company structure. Such an arrangement would deliver effective oversight on the work being undertaken in the Enterprise Zones, political interface and accountability on strategic policy areas for the Fylde coast and the link with the Lancashire Enterprise Partnership.
- 4.5** The review has indicated that a company by its nature is a 'clunky' and inefficient way of delivering joined-up working on economic development. A company does not naturally have an oversight role with councils whose representatives make up its Board (i.e. the Chief Executives) and also there are a number of overheads with a company that are not necessary

for the duties required such as the production of accounts (whether trading or not), producing an annual confirmation statement, filing returns/ associated fees and paying for insurances for Directors. There is also no direct political accountability in the current set up.

5. Key issues and proposals

- 5.1** A Joint Committee is recommended as the most efficient and effective way of managing the governance arrangements to progress the economic development agenda across the Fylde Coast. In considering the formation of a Joint Committee, a number of areas of good practice were reviewed and attached at Appendix 1 is a proposed set of Procedure Rules.
- 5.2** Although legally it will be a Joint Committee, it is recommended that it be known as an Economic Prosperity Board. In addition to the three Leaders of the Council, there be three co-opted members drawn from the private sector, to reflect the important contribution made by private sector representatives under the former EDC.
- 5.3** The EDC has proved a good vehicle for officer collaboration. The three Chief Executives now meet on a regular basis and will act as principal advisers to the new Board. In terms of formally supporting the Board, it is recommended that the servicing of the Board on a constitutional basis be done by rotation (unless otherwise agreed by the Board) and that one of the constituent Authorities acts as the 'Lead Authority' in terms of undertaking the economic duties delegated to the Board.

Financial and legal implications	
Finance	No additional costs have been identified at this stage. It is anticipated that requirements on officer time can be met from existing resources. If additional costs are identified at a later date then, where appropriate, these will be shared across the constituent authorities.
Legal	A Joint Committee can be formed pursuant to powers under the Local Government Acts 1972 and 2000 and under the Local Authorities (Arrangement for the Discharge of Functions) (England) Regulations 2012. The dissolution of EDC will be carried out in accordance with the legal procedures set out in the Companies Act 2006.

Other risks/implications: checklist

If there are significant implications arising from this report on any issues marked with a ✓ below, the report author will have consulted with the appropriate specialist officers on those implications and addressed them in the body of the report. There are no significant implications arising directly from this report, for those issues marked with a x.

risks/implications	✓ / x
community safety	x
equality and diversity	x
sustainability	x
health and safety	x

risks/implications	✓ / x
asset management	x
climate change	x
data protection	x

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List of background papers:		
name of document	date	where available for inspection
None		

List of appendices

Appendix 1 – Proposed Procedure Rules for the EPB.

arm/ex/cab/cr/17/2911mh1

The Blackpool, Fylde and Wyre Economic Prosperity Board – Procedure Rules

1.0 Purpose

- 1.1 The purpose of the Economic Prosperity Board ('EPB') will be to bring together local authority partners in a robust, formally constituted arrangement which will help shape and drive economic development across the Fylde Coast. This will be undertaken by collaboration and mutual co-operation. The fact that some functions will be discharged jointly by way of these procedure rules does not prohibit any of the constituent authorities from promoting economic wellbeing in their own areas, independent of the Board.

2.0 Governance

- 2.1 The EPB will act as a Joint Committee pursuant to powers under the Local Government Acts 1972 and 2000 and under the Local Authorities (Arrangement for the Discharge of Functions) (England) Regulations 2012.
- 2.2 The EPB will comprise of Blackpool Borough Council, Fylde Borough Council and Wyre Borough Council ("constituent authorities") and three co-opted members, one each from each constituent area. Any reference to 'executive', 'executive arrangements', 'executive function' or 'committee system' has the meaning given by Part 1A of the Local Government Act 2000.
- 2.3 The EPB is not a self-standing legal entity but is part of its constituent authorities. Any legal commitment entered into pursuant of a decision of the EPB must be made by all constituent authorities.
- 2.4 Political Proportionality rules will not apply to the EPB as so constituted.
- 2.5 The EPB may establish sub-committees or advisory groups, to undertake elements of its work, if required.
- 2.6 The EPB has powers delegated to it by the constituent authorities in the following areas:
- a) to review future governance requirements and delivery arrangements and how these can be best achieved on the Fylde Coast;
 - b) to have direct oversight of key economic growth focussed projects and initiatives that the EPB has influence over the funding of;
 - c) to have strategic oversight of other key growth focussed projects and initiatives across the Fylde Coast, and;
 - d) to lobby and carry out other activities that help achieve the promotion or improvement of economic wellbeing on the Fylde coast.

The EPB will not hold funds or monies on behalf of the constituent authorities.

2.7 Each constituent authority operating executive arrangements will be responsible for considering whether it is necessary [in order to comply with Access to Information legislation regarding the publication of agendas including Forward Plan requirements] to treat prospective decisions as 'key decisions' and/ or have them included in their Forward Plan. A constituent authority operating a committee system will apply its own local statutory procedures.

3.0 Remit

3.1 The remit of the EPB will be to provide political and democratic accountability and in doing so:

- a) act as the key strategic forum for economic development issues on the Fylde coast and to make recommendations to the Lancashire Enterprise Partnership (LEP) and other bodies on economic development investments and other priorities;
- b) have insight and the opportunity to review the LEP Board's activities and consider any further measures necessary to strengthen the relationship with the LEP Board;
- c) co-ordinate and monitor investment plans of the constituent authorities pertaining to economic growth at the discretion of the individual authorities;
- d) act as the Programme Board for Hillhouse Technology and Blackpool Airport Enterprise Zones (EZ's) and report into the LEP and its EZ Governance Committee as appropriate;
- e) seek to ensure that adequate resources are made available to enable the delivery of Hillhouse Technology and Blackpool Airport EZs and other key Fylde coast economic development priorities and projects;
- f) actively engage with a range of businesses on the Fylde coast in relation to economic development decision making and to engage with other stakeholders where appropriate;
- g) consider and advise on the appropriateness and viability of alternative, successor economic governance arrangements, and;
- h) co-ordinate and agree wider place-making policy within the Fylde coast economic footprint, wherever possible.

4.0 Membership

4.1 Membership will consist of one member from each constituent authority. Such member to be the Leader of the Council or other executive member, in an authority operating executive arrangements (or Leader of the Council or committee chairman, or vice chairman from a council operating committee system arrangements) and for the purposes of these procedure rules, this member will be known as the 'principal member'.

4.2 Each principal member to have a named substitute member who must be an executive member where the authority operates executive arrangements. Where governance in a constituent authority is by a committee system form of governance, that substitute member shall be as per that authority's rules of substitution. All constituent authorities must provide no less than twenty four hours' notice to the Secretary where a substitute member will be attending in place

of the principal member. Regardless of any such notification, where both the principal member and the substitute member attends a meeting of the EPB, the principal member shall be deemed as representing their authority.

- 4.3 In the event of any principal member of the EPB ceasing to be a member of the constituent authority which appointed him/her, the relevant constituent authority shall as soon as reasonably practicable appoint another principal member in his/her place.
- 4.4 Each constituent authority may remove its principal member or substitute member and appoint a different member or substitute as per that authority's rules of substitution and by providing twenty-four hours' notice to the Secretary.
- 4.5 There will be co-opted members appointed to the Board, with the number of co-opted members being the same as the number of constituent authorities. Each co-opted member will represent their relevant constituent area and the appointment and term of office of these co-opted members will be determined by formal decision of the Board. There are no substitute arrangements for co-opted members.
- 4.6 Each constituent authority may individually terminate its membership of the EPB by providing six months' written notice of its intent to leave the EPB to the Secretary. At the end of these six months, but not before, the authority will be deemed to no longer be a member of the EPB.
- 4.7 Where an authority has previously terminated its membership of the EPB it may re-join the EPB with immediate effect on the same terms as existed prior to its departure, where the EPB agrees to that authority re-joining via a majority vote.
- 4.8 Any other qualifying authority seeking to be a constituent member, may join the Board with immediate effect on the terms set out in these procedure rules, where the EPB agrees to that authority joining via a majority vote.

5.0 Quorum

- 5.1 The quorum shall be two constituent authority members and one co-opted member with a requirement that each of the three authority areas be represented (either an authority member or co-opted member from each constituent area must be present). Should the constituent authorities change in number the quorum will be increased to reflect the change, the precise arrangements to be determined by agreement. No business will be transacted at a meeting unless a quorum exists at the beginning of a meeting. If at the beginning of any meeting, the Chairman or Secretary after counting the members present declares that a quorum is not present, the meeting shall stand adjourned.

6.0 Chairman and Vice Chairman

- 6.1 The chairmanship of the EPC will rotate annually between each of the principal members. The Chairman or in his/her absence the Vice-Chairman (if one is appointed) or in his/her absence the member of the EPB elected for this purpose, shall preside at any meeting of the EPB.
- 6.2 Appointments will be made for a maximum period not extending beyond each principal member's remaining term of office as a councillor.

6.3 Where, at any meeting or part of a meeting of the EPB both the Chairman and Vice Chairman (if appointed) are either absent or unable to act as Chairman or Vice Chairman, the EPB shall elect one of the principal members of the EPB present at the meeting to preside for the balance of that meeting or part of the meeting, as appropriate. For the avoidance of doubt, the role of Chairman and Vice- Chairman (if appointed) vests in the principal member concerned and in their absence the role of Chairman or Vice-Chairman (if appointed) will not automatically fall to the relevant constituent Authority's substitute member.

7.0 Voting

7.1 The EPB's decision making will operate on the basis of mutual co-operation and consent and will take into account the views of the co-opted members. It is expected that decisions will be taken on a consensual basis wherever possible. Where a formal vote is required it shall be one vote for each constituent authority, made by the principal member, or in their absence, their nominated substitute. Co-opted members are not permitted to have a vote.

7.2 All questions shall be decided by a majority of the votes of the members present, the Chairman having the casting vote in addition to his/her vote as a member of the Committee. Voting at meetings shall be by show of hands.

7.3 Where immediately after a vote is taken at a meeting, if any member so requests, there shall be recorded in the minutes of the proceedings of that meeting whether each person cast his/ her vote for or against the matter or whether he/ she abstained from voting.

8.0 Hosting, Administration and Lead Authority

8.1 The EPB will be hosted by each constituent authority in turn, with the rota determined by a formal decision of the Board and the host authority's Monitoring Officer shall be Secretary to the Board ('the Secretary') (the position may be taken by a representative on their behalf). The Host Authority will also identify representatives to provide relevant financial, governance and legal advice to the EPB. For the avoidance of doubt, the Monitoring Officer of the host authority shall be 'Proper Officer' for the purposes of publishing the agendas, background papers and recording decisions. The historic official records of the EPB will pass to each host authority. The administrative costs of supporting the Board will be met equally by the constituent authorities, with each authority being responsible for receiving and paying any travel or subsistence claims from its own members, or co-opted members representing that area.

8.2 A 'Lead Authority' will be appointed by a formal decision of the EPB to deliver the economic development functions delegated to the Board. This Lead Authority, may be the same as the Host Authority, or may be another constituent authority.

8.3 The functions of the Secretary shall be:

- a) to maintain a record of membership of the EPB and any sub-committees or advisory groups appointed;
- b) to summon meetings of the EPB or any sub-committees or advisory groups;
- c) to prepare and send out the agenda for meetings of the EPB or any subcommittees or advisory groups; in consultation with the Chairman and the Vice Chairman of the Board (or sub-committee/ advisory group);

- d) to keep a record of the proceedings of the EPB or any sub-committees or advisory groups, including those in attendance, declarations of interests and to publish the minutes;
- e) to take such administrative action as may be necessary to give effect to decisions of the EPB or any sub-committees or advisory groups, and;
- f) to perform such other functions as may be determined by the EPB from time to time.

9.0 Meetings

- 9.1 The EPB will meet no less than quarterly, unless the EPB formally decides otherwise.
- 9.2 Meetings will be held at such times, dates and places as may be notified to the members of the EPB by the Secretary, being such time, place and location as the EPB shall from time to time resolve. Meeting papers will be circulated five clear working days in advance of any meeting.
- 9.3 The Chairman may choose to accept or reject urgent items that are circulated in a shorter timescale or tabled at any meeting. Any such urgent items will be by reason of 'special circumstances' and will be specified in the minutes, as to the reason the Chairman is of the opinion that the item should be considered as a matter of urgency.
- 9.4 'Special circumstances' justifying an item being considered as a matter of urgency will relate to both why the decision could not be made at a meeting allowing proper time for inspection by the public as well as why the item or report could not have been available five clear days before the meeting.
- 9.5 Additional ad hoc meetings may be called by the Secretary, after consultation, where practicable, with the Chairman and Vice Chairman of the Committee (if one is appointed), in response to receipt of a request in writing, which request sets out an urgent item of business within the functions of the EPB, addressed to the Secretary:
- (a) from and signed by two members of the EPB, or
 - (b) from the Chief Executive of any of the constituent authorities.
- 9.6 The Secretary shall settle the agenda for any meeting of the EPB after consulting, where practicable, the Chairman or in their absence the Vice Chairman (if one is appointed); and shall incorporate in the agenda any items of business and any reports submitted by:
- (a) the Chief Executive of any of the constituent authorities;
 - (b) the officers responsible for legal, governance, finance and economic development at any of the constituent authorities;
 - (c) any Member of the EPB.
- 9.7 The EPB shall, unless the person presiding at the meeting or the EPB determines otherwise in respect of that meeting, conduct its business in accordance with these procedure rules.

10.0 Access to Information

- 10.1 Meetings of the EPB will be held in public except where confidential or exempt information, as defined in the Local Government Act 1972, is being discussed. Only members of the EPB and

relevant advising officers from the constituent authorities and any person referred to in paragraph 11.2 below, will be permitted to be present for such items.

- 10.2 These rules do not affect any more specific rights to information contained elsewhere under the law.
- 10.3 The Secretary will ensure that the relevant legislation relating to access to information is complied with. Each constituent authority is to co-operate with the Secretary in fulfilling any requirements.
- 10.4 Any Freedom of Information Act requests received by the EPB should be directed to the relevant constituent authority for that authority to deal with in the usual way, taking account of the relevant legislation. Where the request relates to information held by two or more constituent authorities, they will liaise with each other before replying to the request.

11.0 Attendance at meetings

- 11.1 The Chairman may invite any person, whether a member or officer of one of the constituent authorities or a third party, to attend the meeting and speak on any matter before the EPB.
- 11.2 Where agenda items require independent experts or speakers, the officer or authority proposing the agenda item should indicate this to the Secretary and provide the Secretary with details of who is required to attend and in what capacity. The participation of independent experts or speakers in EPB meetings will be subject to the discretion of the Chairman.

12.0 Order of Business

- 12.1 Subject to paragraph 12.2, the order of business at each meeting of the EPB will be:
- i. Apologies for absence
 - ii. Declarations of interests
 - iii. Approve as a correct record and sign the minutes of the last meeting
 - iv. Matters set out in the agenda for the meeting which will clearly indicate which are key decisions and which are not and which items are subject to 'call in', in accordance with procedure rule 18.1.
 - v. Matters on the agenda for the meeting which, in the opinion of the Secretary are likely to be considered in the absence of the press and public.
- 12.2 The person presiding at the meeting may vary the order of business at the meeting.

13.0 Codes of Conduct and Disclosable Pecuniary Interests

- 13.1 Principal members of the EPB (and their substitute members) are governed by the provisions of their own Council's Codes and Protocols including the code of conduct for members and the rules on Disclosable Pecuniary Interests. Co-opted members are governed by the code of conduct for members of the 'Lead Authority'.

14.0 Minutes

- 14.1 There will be no discussion or motion made in respect of the minutes, except as to their accuracy. If no such question is raised or if it is raised then as soon as it has been disposed of, the Chairman shall sign the minutes.

15.0 Role of the Chairman

- 15.1 A Member wishing to speak shall address the Chairman and direct their comments to the question being discussed. The Chairman shall decide the order in which to take representations from members wishing to speak and shall decide all questions of order. His/her ruling upon all such questions or upon matters arising in debate shall be final and shall not be open to discussion.
- 15.2 The Chairman shall have the discretion to regulate the behaviour of all individuals present at the meeting in the interests of the efficient conduct of the meeting, including excluding members of the press and public in the event of a disturbance.

16.0 Motions / Amendments

- 16.1 A motion or amendment shall not be discussed unless it has been proposed and seconded. When a motion is under debate no other motion shall be moved except the following:
- i. To amend the motion
 - ii. To adjourn the meeting
 - iii. To adjourn the debate or consideration of the item
 - iv. To proceed to the next business
 - v. That the question now be put
 - vi. That a member be not further heard or do leave the meeting
 - vii. To exclude the press and public under Section 100A of the Local Government Act 1972.

17.0 Application to Sub-Committees

- 17.1 These procedure rules shall apply to meetings of any sub-committees of the EPB.

18.0 Scrutiny of decisions

- 18.1 Decisions of the EPB which relate to the executive functions of a constituent authority will be subject to scrutiny and 'call-in' arrangements (or any other arrangements equivalent to 'call-in' that any constituent authority operating a committee system, may have). This would only apply where the decision is one which could have been made locally by that constituent Authority acting alone. No decision in this circumstance shall be implemented until the call-in period has either expired or if 'called-in' the matter concluded, in accordance with the call-in procedures of the relevant constituent Authority.

19.0 Winding up of the EPB

- 19.1 The EPB may be wound up immediately by a unanimous vote of all constituent authorities.

20.0 Amendment of these Procedure Rules.

- 20.1 These Procedure Rules can only be amended by unanimous resolution of the EPB, following the consideration of advice from the Monitoring Officers of each of the constituent authorities.