

Terms of Reference

for the

Performance and Investment Committee

# TOR CWLEP Performance and Investment Committee (27/04/22)

## 

## NAME

Cheshire and Warrington Performance and Investment Committee

## GEOGRAPHY

The geographical boundary of the Cheshire and Warrington Digital Connectivity Board is consistent with the geography of the Cheshire and Warrington Local Enterprise Partnership (CWLEP). This covers the administrative areas of the three unitary local authorities, these being:

* Cheshire east Council
* Cheshire West and Chester Council
* Warrington Borough Council

## PURPOSE

The Performance and Investment Committee (P&I) is a review committee, which ensures spending decisions made at other sub-committees of the board are implemented following due process and no investments can be made without such assurance from P&I.  It will review all financial decisions being made by other sub-committees and following consideration will either ratify the investment and approach taken, or else revert the decision back to the full LEP Board depending on the delegated authority of the sub-committee, whose decision it is reviewing.

The scope of investment decisions includes any commitments relating to funds available to the LEP, including, but not exhaustively, Local Growth Fund, Growing Places Fund, Getting Building Fund and Retained Business Rates, but excluding the use of operational funding or grants provided to the LEP as core or programme funds.

P&I shall also act as the sub-committee of the LEP Board responsible for monitoring the delivery of the growth agenda, ensuring that the Strategic Economic Plan (SEP) and annual delivery plan are effectively monitored, delivered and implemented, and that all the funding and programmes under management by the LEP are delivered on time, on budget and deliver the contracted outcomes and results.

The committee will be responsible for monitoring programme and corporate risks, adherence with the Local Assurance Framework and escalating issues where appropriate to the LEP board for resolution.

## ROLES AND RESPONSIBILITIES

### INVESTMENT

1. The primary investment function is to ensure that investment decisions and contracts comply with the LEP Local Assurance framework.
2. To achieve this P&I will:
   1. Scrutinise and ensure effective implementation of the LEP’s investment strategy and Annual Delivery Plan, ensuring that funded projects retain strong strategic alignment through delivery.
   2. Receive, consider and ratify detailed appraisal information for projects prioritised for funding. Provide feedback to project sponsors for any projects that fail to pass the investment gateway stage.
   3. Maximise the uptake of further investment sources to achieve the aims of the growth agenda.
   4. Oversee the work programme for Programme Management, to ensure that all investments are delivered in line with regulations and propriety requirements.

### PERFORMANCE MANAGEMENT

1. Provide oversight and assurance of all LEP funded programmes and projects to ensure that these comply with all regulatory, statutory and financial requirements; and deliver to outcome and financial targets in line with the Local Assurance Framework and evaluation strategies.
2. Develop and maintain appropriate robust monitoring and reporting mechanisms to ensure that individual programmes of activities and projects deliver on all expected outcomes; and that clear contract management and monitoring arrangements are in place for each project and programme.
3. Ensure that under-performing projects and programmes are identified and effective mitigation measures are identified and actioned, where possible, to restore performance. Where projects can no longer deliver against agreed targets, the committee shall report its’ concerns to the relevant sub-committee of the Board and may propose, via a project change request, remedial measures, including recommending the withdrawal or reduction of under-performing projects.
4. Approve reporting returns to government for the Local Growth Fund and other funding programmes.

### DELIVERY

1. Ensure that all delivery teams have clear leadership arrangements, a tasking framework and expected outcomes, and are fully equipped to support the LEP’s governance arrangements.
2. Ensure that resourcing requirements are clearly identified for each delivery priority and that this is subject to regular and ongoing monitoring and review to ensure that this remains in line with evolving business priorities.
3. Provide appropriate challenge and support to the delivery teams and committees to ensure that they are focused on the issues most critical to delivery.

### RISK

1. Ensure the development of the LEP’s risk strategy and review and update this at each meeting, providing feedback to the LEP Board as necessary.
2. Ensure that programme level risks are being properly managed and that mitigation strategies are in place to address these or that these are escalated to the LEP Board as required.

### EVALUATION

1. Ensure that programmes and projects are periodically evaluated to give assurance that objectives and targets are still relevant and achievable.
2. To receive monitoring and evaluation reports on completed projects and programmes to highlight key successes and failures and to share best practice.

### AUDIT

1. Effective records of minutes, decisions and actions are recorded and maintained for the purposes of a clear audit trail.

## MEMBERSHIP

The Members of the committee are:

* Chris Hindley, Chair
* Nichola Newton, LEP Board Member, Deputy Chair
* Loren Jones, LEP Board Member
* Stewart Brown representing Warrington Borough Council
* Catherine Walker, representing Cheshire West and Chester Council
* Peter Skates, representing Cheshire East Council
* Ian Traynor, Non-Executive Board Member
* Alex Thompson, Accountable Body S.151 Officer

Officers (permanent attendees, non-voting members)

* Ian Brooks, Finance and Commercial Director, CWLEP
* Rebecca Luck, Programme Manager, CWLEP, Secretariat for Committee

For the meeting to be quorate, there needs to be a minimum of three members present, of which at least one should be a LEP board member. The Group will invite LEP and LA lead officers to support its work programme, as and when necessary.

Where members are not able to attend a scheduled committee meeting, they will provide their view and recommendation in writing prior to the meeting or send a substitute. All apologies must be sent no later than thirty minutes prior to the scheduled start of the committee meeting to the Secretariat. Where members fail to attend three consecutive meetings a formal substitute will be requested.

## MEMBERSHIP REVIEW

Membership of the Performance and Investment Committee will be confirmed on an annual basis at its first meeting in public from 1 July of each year as this would synchronise with the political calendar cycle of the constituent local authorities.

The appointment and tenure of the chair of the Performance and Investment Committee will be set by the chair of the LEP board.

A deputy chair will also be appointed to cover for any meetings where the chair is not available.

## VOTING / DECISION MAKING

Decisions of the committee will be taken by simple majority of the members present so long as the meeting is quorate. Where the committee is unable to reach a decision, or there is no overall majority, the decision shall be deferred to the next meeting to allow for further information and representation to be obtained. If at the second meeting the committee is unable to reach a decision or there is no overall majority, the decision shall be referred to the LEP board.

## CONFLICTS OF INTEREST

Where a member of the committee has a personal or professional interest in an agenda item they are asked to declare that interest at the start of the meeting.  The person can remain in the meeting while the item is discussed but they are only allowed to answer direct questions about that item and should refrain from promoting the item in any way. In this way it is hoped that the committee can benefit from that member’s knowledge without being unduly influenced by the interest.

## URGENT / EMERGENCY POWERS

When decisions are required on time scales that cannot be delayed until a formal meeting, papers may be circulated to members by correspondence to obtain a decision. If a decision cannot be reached by correspondence, a special meeting shall be convened by the chair.

## MEETINGS

Meetings will take place at least every 2 months and the minutes of the meeting and papers will be published on the LEP website. Papers containing commercially sensitive information may not be published and may be discussed by the committee in private session. Meetings can be held in person, virtually or by combination of in person and virtual. The committee will look to ensure meeting papers are published at least 5 working days prior to a scheduled meeting and minutes of meetings 10 working days after.

## ASSURANCE AND ACCOUNTABILITY

The Board will be accountable to the LEP Board.

The Performance and Investment Committee will operate within the terms of the CWLEP Growth Programme Assurance and Accountability Framework. This document establishes a framework that the CWLEP will follow in relation to decision making within its Growth Programme (comprising but not limited to: the Local Growth Fund Programme, Growing Places Fund and European Structural Investment Fund).

The Assurance and Accountability Framework is in three parts.   
Part one sets out the purpose, structure and operating principles of the Framework, including:

* Declaration of Interest Policy;
* Code of Conduct and Conflict of Interest Policy;
* Gifts and Hospitality;
* Equality and Diversity Policies;
* Freedom of Information Policy;
* Audit and Scrutiny;
* Complaints and Whistleblowing;
* The role of the Accountable Body

Part two sets out the project prioritisation process (including development of a project pipeline).   
Part three sets out the programme management and investment decision process. The Framework also comprises a series of Appendices which set out the key documentation and information supporting the Framework.

## MONITORING AND REVIEW

The Performance and Investment Committee will look to conduct an annual review, ensuring the committee remains effective and its TOR reflect national/local circumstances and/or requirements.