



Heart of Wessex LEADER Local Action Group

Terms of Reference – LAG EXECUTIVE COMMITTEE

1. Roles and responsibilities

1.1 The Local Action Group Executive Committee is one of two groups that operate in the Heart of Wessex LAG. It is a sub-group of the LAG Forum and is mandated by the LAG Forum to be the partnership responsible for the Local Development Strategy under the authority of the Accountable Body. It has responsibility for the leadership, implementation, monitoring and review of the Local Development Strategy, and is responsible for taking all major decisions affecting its successful delivery, including decisions on the allocation of funding to projects to achieve the Local Development Strategy objectives.

1.2 The Accountable Body is responsible for delivery of the programme on behalf of the LAG, holds itself responsible for successful conclusion of the programme, and undertakes to ensure that financial propriety and compliance is observed in its management and administration of the programme. The Accountable Body is also responsible for accountancy services to the LAG and the programme. It must carry out its responsibilities in accordance with the National Operations Manual.

1.3 The Managing Agent is responsible for personnel, accountancy and administrative services to the LAG and the programme..

2. Duties

2.1 The Accountable Body will:

- Enter into a Funding Agreement with RPA Rural Development (RD)
- Enter into Grant Funding Agreements with approved projects, incorporating appropriate conditions in accordance with decisions made by the LAG
- Undertake, when necessary, spot checks of the financial records of projects and the LAG
- Process grant claims and present these to RPA RD for authorisation and payment

2.2 The Managing Agent will:

- Employ and manage the LAG Programme Management Team
- Incur eligible expenditure for Running Costs and Administration, and submit quarterly claims in arrears
- Co-operate with the Accountable Body or any external or internal auditors appointed. Make available for inspection all documentation and provide responses to any queries raised.
- Following the closure of the programme, the Managing Agent will pass all relevant documents to the Accountable Body for filing and archiving.

2.3 The Programme Management Team will:

- Prepare and submit annual Delivery Plans and Attestation Reports

- Ensure that as many sectors of the community as possible can contribute to the delivery of the LDS
- Provide advice and technical support to LAG on RDPE policies and processes, and in particular advise the LAG on issues of eligibility and compliance, including conflicts of interest
- Provide advice and support to project applicants to enable them to submit eligible applications for funding which meet the LDS priorities and objectives
- Process applications for funding, and undertake appraisals of them
- Ensure that projects selected for support
 - Meet eligibility criteria (subject to RPA RD confirmation)
 - Fit with the priorities of the LDS
 - Undergo a transparent and compliant application and selection process
- Manage projects' performance against their funding agreements
- Undertake project visits to verify progress and ensure compliance
- Process grant claims and present these to RPA RD for authorisation and payment
- Maintain project and programme records to audit standards, and make these available for audit as required
- Ensure there is a record of all relevant project information to provide an adequate audit trail. This will include the retention of application forms, appraisal forms, evidence of project decision (minutes, etc.), project contracts, claims, evidence to support claims, information regarding compliance to State Aid regulations, reviews and evaluations, details of any assets; all correspondence between Project, Delivery Body, Accountable Body, and Funding Body. Where a document requires a signature, a hard, signed copy must be kept on file. Other information can be kept electronically
- Prepare regular progress and financial reports to the LAG and RPA RD

2.4 The Local Action Group Executive Committee, as the decision making panel will:

- Develop and agree the Local Development Strategy (LDS)
- Approve the Annual Delivery Plans
- Recruit a wide range of LAG members, reflecting the makeup of the area and the priorities of the LDS
- Conduct its business in a compliant manner, acting on the advice of the Accountable Body on legal and technical issues as necessary
- Promote bidding opportunities, with clear selection criteria, to all potential applicants in the LAG area
- Select and prioritise projects according to their contribution to the LDS objectives and targets
- Approve projects with funding levels, outputs, timescales and any conditions
- Monitor the implementation of the LDS, and review as necessary
- Make effective links with other key organisations within and outside the LAG area
- Bid for LEADER funding
- Co-operate with the Accountable Body or any external or internal auditors appointed. Provide responses to any queries raised.
- Ensure that the LAG and all project deliverers have in place effective policies and procedures for:
 - Responding to complaints from service users and members of the public. In the event of the Accountable Body receiving a complaint about the LAG or a constituent project, the relevant party/ies is/are required to co-operate fully with them in the investigation and resolution of the complaint, including complying with any recommendations arising from such investigation.
 - Responding to requests for information under Freedom of Information (FoI) legislation. If a FoI request is made direct to a project, the applicant should send a copy of the

request and the response to the LAG. If the LAG or Accountable Body receive a FoI request, the Applicant shall provide such information as is required by them to enable a full response to be made to the request within the statutory time limit.

- Ensure that the LAG and all project deliverers have an awareness of:
 - Ensuring equality of opportunity and diversity in employment of staff and delivery of services. These should demonstrate how all parties will comply with relevant equality legislation including Race Relations Amendment Act, Sex Discriminations Act, Disability Discrimination Act and their respective Codes of Practice. Evidence of the implementation of this policy should be kept available for inspection.
 - In tendering for the supply of goods and services (including project related activity), applicants must ensure that all relevant European legislation and guidance on both EU state aid rules and EU procurement regulations are complied with as well as the policies and procedures of the Accountable Body.
 - Ensuring the health and safety of staff and service users in compliance with relevant Health and Safety legislation.
 - Where the project involves work with children and young people, projects should have in place procedures for ensuring compliance with relevant Children's and Young Persons legislation.

2.5. LAG Executive Committee Membership

The LAG Executive Committee will comprise members of the public, private, community and voluntary sectors, ensuring that it represents a broad range of interests across the area. Membership should reflect both the area's geographical extent and its sectoral composition. The LAG Executive Committee will also endeavour to ensure membership which is gender balanced and reflects the target groups addressed in the Local Development Strategy.

Members must live in or work in the area of benefit. Organisations working across the area but located outside it may join the LAG Executive Committee as "advisors" but without voting rights.

There must be more than 50% representation from the private/voluntary sector on the LAG Executive Committee, and on any decision-making group, and no single interest group or business sector shall exceed 50% of the LAG Executive Committee or any decision-making group.

To ease decision making the number of voting members should not exceed 15. One place is filled by the LAG Forum Chair and one place should be filled by a representative from the Youth LAG. Eight further members are elected from the LAG Forum.

The LAG Executive Committee will include voting representatives from four core public partners and the Accountable Body. These organisations may also send non-voting Advisors to the LAG Executive Committee:

- South Somerset District Council
- Frome Town Council
- Cranborne Chase AONB
- Wincanton Community Venture (the Managing Agent)
- Wiltshire Council (the Accountable Body)

Members must identify whether they represent themselves, as individuals, or are representing an organisation. If representing an organisation, they may nominate one named substitute who may vote on their behalf.

Expertise in the following areas should be represented by at least 1 member:

- Business
- Tourism
- Land based industries
- Food and Drink
- Environment
- Renewable Energy
- Community
- Voluntary Sector
- Culture and Heritage
- Basic Services
- Creative Industries

The LAG Executive Committee shall elect a Chairperson and Vice Chairman at its first meeting. The Chairperson must preferably be from the private/community sector.

3. Individual members

There are a number of individual members (8 in total) that will be elected to the LAG Executive Committee by the wider LAG Forum. Those offering themselves for nomination to the LAG Executive Committee are expected to have regularly attended LAG Forum meetings during the previous year and to continue to do so. Co-option of members is useful permitted to to achieve geographical, sectoral or demographic balance in the membership.

LAG Executive Committee members shall be appointed for one year. Thereafter, all members will be eligible to re-apply to the LAG Executive Committee, alongside an open recruitment process.

Elections for the LAG Executive Committee will be held annually, usually in May. All current LAG Forum members are entitled to vote.

Members engaged in activity related to their position on the LAG Executive Committee must comport themselves appropriately and respectfully in relation to all other LAG members, the Programme Management Team, applicants and members of the public. Inappropriate behaviour may result in exclusion from the LAG Executive Committee at the discretion of the Chairperson. All members will be required to sign the Code of Conduct at the beginning of their term.

Relevant training and background information related to responsibilities associated with LAG Executive Committee membership will be made available to any members requiring this.

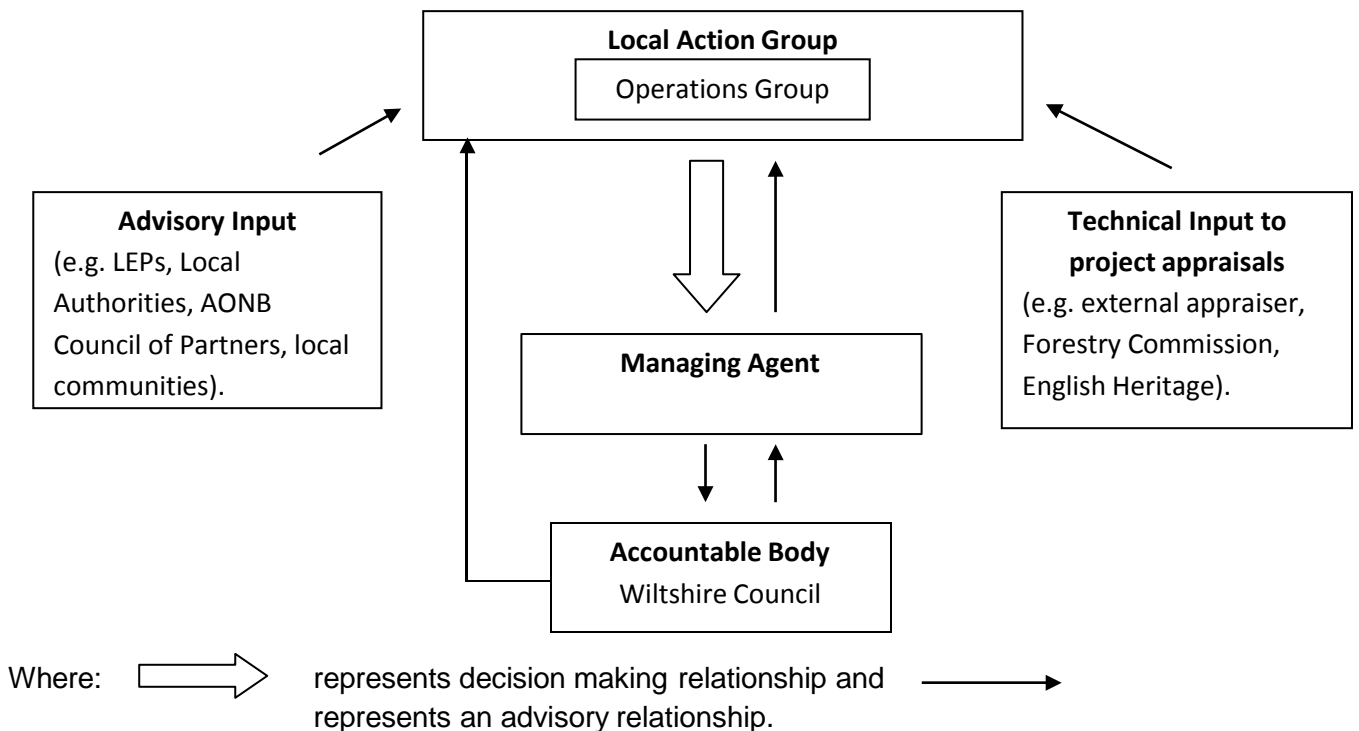
Regular attendance at meetings is required. Non-attendance for more than 3 consecutive meetings may result in loss of a place on the LAG Executive Committee, at the discretion of the Chairperson.

Membership will be adjusted as the strategy and priorities for action change as the Programme unfolds.

It is possible for a member of the LAG Executive Committee to develop projects and apply for funding. Interests must be declared and they must have no involvement with appraisals, decision making or the ongoing monitoring of such projects.

4. Working Practices and Decision Making

4.1 Structure



4.2 Managing Agent

A Managing Agent, employed by the Accountable Body in consultation with the LAG will run the day to day aspects of the LEADER Programme. The main roles are to manage and develop the LEADER programme and to encourage and support the delivery of high quality projects. They provide the secretariat to the LAG and are responsible for the record-keeping and administration of projects and the financial management of the programme.

Some admin support may be necessary depending on the requirements of the National Operating Manual, necessary division of duties and the computerised application and claim processes which are being developed by Defra. It will also depend on budget availability.

The LAG should raise any problems or issues with the Managing Agent (or the Named Agent) with the Accountable Body in the first instance. The Accountable Body can then address this in accordance with the terms of the contract between it and the Managing Agent as appropriate.

4.3 The Programme Management Team

A calendar of meetings will be agreed each year for the next twelve months. Programme management staff will circulate the agenda and papers seven days before each meeting, and will record decisions and issue minutes for approval at the next LAG Executive Committee meeting.

The Programme Management Team will attend LAG Executive Committee meetings to provide information. Information for meetings should be sufficiently detailed to allow informed decisions to be made. The order of meeting business is:

- Apologies
- Declarations of interest
- Minutes of the previous meeting
- Matters arising
- Details of projects to be approved/rejected/deferred (further clarification sought)
- Programme monitoring
 - Performance against budget and spend profiles
 - Performance against outputs, outcomes, targets, milestones
 - Other monitoring e.g. geographical and sector take-up and significant gaps in achievement of objectives, spend or outputs
- Operational issues or updates (if applicable)
- Notification of significant problems on funded projects
- Any other business
- Date of next meeting

Late business may be introduced by tabling papers with the approval of the Programme Management Team in conjunction with the Chair or Deputy Chair of the LAG Executive Committee.

LAG Executive Committee members who are directly involved or have a direct interest in any application submitted will declare an interest and take no part in the consideration of the application unless invited by the Chairperson to respond to questions pertaining to the application. If LAG Executive Committee members represent an organisation which has an involvement in an application, but that organisation will not receive any financial benefit, representatives should declare an interest but can participate fully in the consideration (See also the LAGs Conflict of Interest Policy and Code of Conduct).

All LAG Executive Committee members will need to understand and commit to the Behavioural Code of Conduct which they will be asked to sign at the beginning of their term.

4.4 Project Decision Making

There will be two stages to the formal application process.

4.4.1 Outline Applications – The Programme Management Team will undertake the required eligibility checks for each project enquiry. Members of the LAG Forum will be sent a copy of the eligibility check and a completed Outline Application for each project wishing to apply for funding from the LAG. LAG Forum Members will attend bi-monthly open meetings to endorse Outline Applications in line with the national LEADER priorities and the Heart of Wessex LAGs Strategic Objectives. Project Applicants will be invited to attend a LAG Forum meeting to give a short presentation and answer any questions on their application. The LAG Forum members will score each Outline Application against selected criteria including quality, need and strategic fit, and include any additional written comments as appropriate. If the scoring criteria is reached, each project will be invited by the Programme Management Team to progress to the Full Application stage.

4.4.2 Full Applications – Once received the Programme Management Team will complete the required eligibility and completeness checks to ensure the Full Application is ready for external appraisal. Completed Full Applications will be circulated to the LAG Executive Committee members to register any new conflicts of interest and for information before the application is forwarded to the external appraiser. Full Application forms and a completed

appraisal will be presented to the LAG Executive Committee at the bi-monthly meetings for a majority decision based on one member vote with the LAG Executive Committee Chair having the casting vote.

4.5 Meetings

4.5.1 Meetings will be held bi-monthly, and within four weeks of the meeting of the LAG Forum meeting, unless cancelled by the Programme Management Team by giving 7 days' notice. Extraordinary meetings may be called with the agreement of the Chair.

4.5.2 LAG Executive Committee members will need to undertake some work between meetings, such as pre-reading of project applications and appraisals, programme delivery updates etc. Members will be expected to undertake training as necessary, for example to understand the LEADER application and decision making processes and appraisal training to ensure effective and robust decision making on project funding.

4.5.3 Members will be encouraged to visit actual or proposed projects and when appropriate meetings will be held at venues throughout the LAG area.

4.5.4 Decisions will be by a majority of those present. The Chairperson or Deputy has a casting vote.

4.5.5 The quorum for meetings will be one third of all voting members. A record of attendance will be kept for each meeting.

4.5.6 When attending outside meetings as a representative of the LAG reasonable expenses are claimable. They should be agreed in advance of representing the LAG at a meeting with the Programme Manager.

4.6 Decisions and Reporting

4.6.1 Views and decisions of the LAG Executive Committee on applications will be recorded by the Programme Management Team and signed by the Chair as soon as possible following a decision making meeting.

4.6.2 The Executive Committee's recommendation as to whether an application should be approved, declined or deferred will be delivered through a show of hands to identify the majority view.

4.6.3 Decision notice and offers of grant will be made by the Accountable Body, which will, where appropriate, have the ability to refer a matter, or elements thereof, back to the LAG Executive Committee for further consideration.

4.6.4 Information on successful Grant Awards will be reported through the LAG's website.

4.7 Appeals Procedures

Any applicant who has a concern about the way in which their application has been handled should write in the first instance to the person identified in the Applicant Handbook as the first point of contact within the Accountable Body who will notify the complainant of any action in relation to the appeal within 10 working days.

5. Variance to Terms of Reference

The Terms of Reference for the LAG Executive Committee will be reviewed annually by the Accountable Body and the LAG, and they may vary or add to these Terms of Reference by agreement with the RPA.

6. Dispute resolution

The LAG and the Accountable Body shall attempt to resolve any disputes or differences by negotiating in good faith, in the first instance through day to day consultation. If they fail to resolve a dispute within 21 days from it arising, either the LAG or Accountable Body may refer the matter for determination to a meeting of:

- Accountable Body – Service Director of Economy and Enterprise
- LAG – Chair
- Funding Body (DEFRA/RPA) – Rural Development Manager

7. Termination provisions

The Terms of Reference for the LAG Executive Committee shall continue from the date of signing until terminated in accordance with the following provisions when it can be terminated in whole or in part:

7.1. By immediate effect if either party commits or allows to be committed any material breach of any term of these agreements, following previous notice of such breach being given.

7.2. By the joint agreement of the LAG Executive Committee, Managing Agent and the Accountable Body.

7.3. When the relevant grant period expires or is terminated.

8. Confidentiality

LAG Executive Committee members and the Programme Management Team are committed to respecting commercial and personal confidentiality. This will be made clear to applicants and no information will be disclosed to a third party without the prior permission of the applicant.

The LAG Executive Committee and the Accountable Body agree to keep confidential any confidential information it may acquire from time to time in relation to the other party. Neither the LAG Executive Committee nor the Accountable Body shall use the other's confidential information for any purpose other than to perform its obligations under this agreement. This shall not apply if both parties agree to its disclosure to secure further funding, etc, or it is necessary to comply with the Data Protection Act 1988 or Freedom of Information Act 2000.

9. Data Protection

All Personal Data shall be processed in accordance with the Data Protection Act 1998, the Data Protection Directive (95/46/EC) and the EC Regulation 45/2001 and the LAG and the Accountable Body shall comply with their respective obligations under this legislation.

10. Signatures

By signing this document both the LAG Executive Committee, and the Accountable Body have agreed to the terms and conditions under which Wiltshire Council will undertake the Accountable Body role.

Signed

Name

Date

Position:

On behalf of the Heart of Wessex Local Action Group

Signed

Name

Date

Position

On behalf of Wiltshire Council (the Accountable Body)