

Staffing Matters & Urgency Committee

20 July 2020

Report of the Monitoring Officer

Appointment of City of York Councillor as Director of York and North Yorkshire Local Enterprise Partnership Limited

Summary

To seek approval for the appointment of Councillor Keith Aspden as a Director of York and North Yorkshire Local Enterprise Partnership Limited, a dormant company limited by guarantee registered by the LEP, to meet the requirements of a Government review on LEP governance arrangements.

This appointment is to be confirmed by 31st July 2020.

Background

A national review of the Local Enterprise Partnership (LEP) governance arrangements was undertaken in 2017. As part of the review the LEP has recently agreed a change in its geography to remove overlapping boundaries with its neighbours. This means that the geography of the LEP has been altered and that East Riding now falls under the geography of the Humber LEP and Harrogate is no longer part of the Leeds City Region LEP. The LEP's geography now consist of York and North Yorkshire.

One of the requirements of the review was for each LEP to assume its own legal identity, which could be achieved via different means, including incorporation as a private company or, where appropriate, merging with a combined or mayoral combined authority. Devolution discussions are ongoing amongst local authorities however that latter option would not be achievable by the Government's deadline of 31 July 2020.

It has therefore been agreed with Government, that in the circumstances, a light-touch approach to incorporation of the LEP can

be followed, pending the outcome of devolution discussions. In practical terms, there is minimal impact on current arrangements as it is considered that this is a housekeeping exercise to meet the Government requirements. In practical terms this means that:

- a company limited by guarantee, “York & North Yorkshire Local Enterprise Partnership Limited”, will be established;
- the intention is that the company will remain dormant save as to satisfy its obligations under the Companies Act 2006;
- business will continue to be transacted through City of York Council as Accountable Body;
- each of the LEP’s Main Board members will become directors of the company, their liability being limited to £1;
- the Board of Directors of the company will consist of ten private sector directors and five local authority directors;
- meetings of the LEP Board and its sub board will continue to meet and carry out LEPs functions as they do at present under the terms of its Local Assurance Framework. Currently Councillor Keith Aspden continues to sit on the LEP Board and therefore it is requested that he is appointed as one of the local authority directors onto the new company.

If, in the future, a combined authority is established for the region under a devolution deal, then it is likely that the company would be wound up and the LEP incorporated into the new body.

If a combined authority is not established then the LEP will need to revisit the review of its arrangements and consider the appropriate governance arrangements at that time. The LEP will carry out a risk management process in the future as necessary.

Implications

Financial

There are no significant financial implications arising from this report as the Council remains the accountable body for the LEP and the new company has been created to meet the requirements of the national review of LEP governance arrangements. Therefore whilst the new company will have its own legal identity, the business of the LEP will still continue through existing arrangements. The cost of running the new company is expected to be minimal and will be funded by the LEP.

Human Resources (HR)

Not applicable to this report.

Equalities

Not applicable to this report.

Legal

The LEP have agreed to create a new company limited by guarantee which will have its own legal entity. The appointment of a Councillor to this company requires the Executive to approve the appointment. The Councillor will become a Director of the company and will have a legal duty to comply with the relevant company law that attaches to a Director.

The deadline for the confirmation of appointments is 31st July 2020, and due to this the Staffing Matters and Urgency Committee is asked to consider this report as an urgent item due to late publication of this report.

Crime and Disorder, Information Technology and Property

Not applicable to this report.

Recommendations

To appoint Councillor Keith Aspden as a Director of York & North Yorkshire Local Enterprise Partnership Limited in order.

The Committee to note that the appointment is to be confirmed by 31st July 2020.

**Author & Chief Officer
responsible for the report:**

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Director of Governance &
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**Report
Approved**

Date 14 July 2020

Specialist Implications Officer(s):

Wards Affected:

All

For further information please contact the author of the report

Background Papers: Articles of Association