

DRAFT - Group Protocol for the Tyne Esk LEADER Local Action Group



LAG Operating Protocol

1 Role of Local Action Group

- 1.1 The Local Action Group (LAG) has been established as the key delivery partnership in the implementation of the Tyne Esk LEADER Programme in line with the Local Development Strategy (LDS) developed jointly by the Tyne Esk LEADER Local Action Group, the Forth Fisheries Local Action Group, East Lothian Council and Midlothian Council.

2 Management

- 2.1 The LAG is the key partnership body with strategic responsibility for delivering the Local Development Strategy in the Tyne Esk area.
- 2.2 The Accountable Body for LEADER local development funding in the LAG area will be Midlothian Council (MC), acting in accordance with a Memorandum of Understanding (MoU) with the LAG and a Service Level Agreement (SLA) with the Scottish Government.
- 2.3 Staff employed to support the delivery of LEADER funding will be employed on behalf of the LAG by the Accountable Body, and will act as the Secretariat for the LAG. The Secretariat will be responsible for efficient administration of LAG business, and will report to the LAG through its Chair.
- 2.4 The Tyne Esk area covers two Community Planning Partnerships (CPPs). East Lothian Partnership (ELP) and Midlothian Community Planning Partnership (MCP) will provide support to the LAG in its delivery of the LDS. One representative from each will be able to attend LAG meetings to act as observers and advise but will not have a voting role. The LAG is an autonomous decision making group for the Tyne Esk LEADER programme, separate from existing local structures including the ELP and MCP and does not have to follow the advice of an observer.

3 Functions

The main functions of the Local Action Group will be to:

- 3.1 Undertake the key policy and decision making roles with appropriate strategic guidance from the Scottish Government.

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- 3.2 Promote the work of the LAG to communities and businesses in the Tyne Esk area, and encourage the development of innovative projects.
 - 3.3 Appraise, consider, add value (where possible) and take decisions on LEADER local development projects to be implemented within the Tyne Esk area.
 - 3.4 Ensure projects are compatible with the objectives of the approved LDS and Business Plan and comply with relevant EC and Scottish Government regulations relating to LEADER.
 - 3.5 Monitor financial progress of the Tyne Esk LEADER Programme Local Development Strategy and Business Plan and ensure that progress is regularly reported via the Secretariat to the Scottish Government.
 - 3.6 Monitor project outputs / impacts against targets and ensure that progress is regularly reported via the Secretariat to the Scottish Government. Progress will also be reported back to the CPPs through the observer members and an Annual Report.
 - 3.7 Promote the integration and coordination of projects and schemes within the Tyne Esk LEADER area, neighbouring areas and internationally.
 - 3.8 Actively participate in the Scottish, UK and EU LEADER networks.
- 4** In relation to the **appraisal and consideration of project applications**, the main function of the Local Action Group will be to:
- 4.1 Agree a transparent assessment process (scoring system) for projects for the Tyne Esk LEADER area.
 - 4.2 Apply these agreed criteria to the applications received by the LAG and through additional discussion and debate come to a majority decision on project applications. In the event of a tie, the Chair will have a casting vote.
 - 4.3 Agree a decision for all project applications as follows:
 - Approve
 - Approve subject to specific conditions
 - Defer
 - Reject

Applicants whose applications are awarded a deferment or rejection will be given clear reasons why the LAG took the decision.

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- 4.4 Consider periodic reports from the LAG Secretariat summarising the latest position of project applications, grant claim payments and project progress.

5 Membership

- 5.1 The Local Action Group will have a minimum 51% of its membership drawn from non-public sector, social and economic partners while the rest of the membership will be drawn from the public sector.
- 5.2 The maximum membership of the LAG is 16 with 7 as the quorate number for meetings. LAG meetings will be quorate if at least 7 LAG members are present with at least 4 drawn from the non-public sector. LAG decisions will be quorate if the same minimum members are present at each application assessment despite members potentially absenting themselves through a conflict of interest. Deliberation on an application will not start until there is a quorum present in the room.
- 5.3

The membership of the LAG shall be broadly based and drawn from across the Tyne Esk area. The non-public sector representation will be drawn from the following:

- Third sector organisations
 - Membership organisations
- 5.4
- Businesses and individuals with community interests

- Membership of the LAG is guided by a skills matrix showing the skills needed in order for the LAG to be able to competently assess eligible applications. When the LAG wishes to recruit a new member, it will be advertised on the Tyne Esk LEADER website and through partner networks. Interested parties will be sent an application form with the skills matrix. If an applicant fills the gaps in the LAG's matrix then they will be appointed, subject to LAG approval.
- 5.5

Every effort will be made to ensure a balance of gender and age within the LAG but the primary requisite is for members to fill gaps in the skills matrix.

- 5.6 The Elected Members, (Cabinet Portfolio Holders) of East Lothian Council's Economic Development and Tourism Portfolio and Midlothian Council's Planning, Communities and Economy Portfolio will have an automatic membership of the LAG. Where possible they will be accompanied by an appropriate Council Officer who will act as an observer and who can offer advice to the LAG. When the Elected Member is unable to attend the meeting, the Council Official will take their place on the LAG with voting rights and vote according to the wishes of the Elected Member. If unable to attend the Elected Member will contact the Coordinator or Chair to inform them of this and how they intend to vote at the meeting. The Council Official will
- 5.7

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attend to confirm this in person. No member of the LEADER staff team can be the Council Official in this instance. A Council Official cannot substitute the Elected Member if the Elected Member has a conflict of interest with the application.

No other LAG member will be able to have a proxy.

- 5.8 The members will elect a Chair and Vice Chair from the membership on a biennial basis. If the Chair expects to be absent from the meeting then the Chair will be replaced by the Vice Chair. If both the Chair and Vice Chair expect to be absent then they can appoint a substitute from the Group. Should the Chair or Vice Chair be unavailable to select a replacement (such as unexpected non-attendance at the meeting) the LAG will elect by majority decision a temporary Chair for the duration of the meeting
- 5.9 Members representing other interested parties will keep these parties informed, subject to commercial confidentiality requirements.
- 5.10 All members must notify the LAG Secretariat of any ownership, membership, shareholding, contract or proposed contract with an organization which has or could make a LEADER local development application. The LAG Secretariat will maintain a Register of Interest which should be completed by all LAG members.
- 5.11 LAG members must not accept personal gifts from applicant organisations except for items of nominal value of less than £25. Any member who receives such an offer should notify the LAG Secretariat immediately and the offer and response will be recorded in a gift register regardless of whether or not it was accepted.
- 5.12 The Chair may invite non-members, including the LEADER Coordinator, to attend meetings to provide specialist advice to the group, dependent on the nature of business to be discussed. Non-members will not have the right to score applications or to vote on them.
- 5.13 Members will be required to make a commitment to support the work of the LAG through their support of projects and where appropriate working with and mentoring applicants and project managers. Members are expected to attend meetings and contribute to the work of the LAG and abide by the Code of Conduct (Appendix A).
- 5.14 All LAG discussions and decisions should be considered to be commercially sensitive and the opinions of individual members are given confidentially. Members will not divulge to third parties the details of meetings and discussions beyond those that are recorded in the published meeting minutes and LAG reports.

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6 Meetings

- 6.1 The LAG shall meet as required at a suitable location, in the Tyne Esk LEADER area. The Group will agree, on an annual basis, an appropriate schedule of meeting dates and venues.
- 6.2 The Chair will draw up an agenda for the Local Action Group meetings. The agenda and papers for the meeting will be issued 10 working days before the meeting. Scores should be returned 2 working days at the latest before the meeting for collation.
- 6.3 A site visit to all applicants will be organised before each LAG meeting for LAG members to try to attend and get further detail on a project. Details of these meetings will be made available to LAG Members on the Tyne Esk LEADER intranet calendar.
- 6.4 The Secretariat for the Tyne Esk LEADER programme will be employed on behalf of the LAG by Midlothian Council. Reporting to the Chair, they will be responsible for efficient administration of business and ensuring that the LAG operates in accordance with EU and Scottish Government regulations.
- 6.5 The Secretariat will issue a minute of each Local Action Group meeting within 15 working days of each meeting. Draft minutes will go to the Chair and Vice Chair before being circulated to the LAG for approval. LAG minutes will be approved at the following LAG meeting and will afterwards be published online on the Tyne Esk LEADER website. LAG minutes and the overall scoring will be recorded on LARCs.

7 Process of Considering Applications

- 7.1 The LAG will be responsible for setting application deadlines over the period of the Programme. Project applications shall be submitted to the LEADER Secretariat prior to these deadlines. The LAG shall meet to consider every new application at 3 monthly intervals, or more regularly if the Group decides there are sufficient applications to merit the date of the meeting being brought forward.
- 7.2 The LEADER Coordinator will provide a written report on each application to assist the LAG members when assessing applications, and may provide additional verbal report at the meeting, and answer members' questions about the projects.
- 7.3 In order to avoid conflicts of interest, Local Action Group members will not score applications where their organisation or an organisation they are affiliated with is a match funder or is likely to benefit from a funding decision. LAG members with a conflict of interest will leave the meeting whilst such projects are being considered

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and the remaining LAG members will have to remain quorate in order to assess the application.

- 7.4 The submission of outstanding information relating to an application should normally be discussed by the Group, but may be dealt with by written procedure between the Secretariat and applicant if agreed by Group members. In this instance, the additional information should be circulated to Group members and at least 5 working days allowed for comment.
- 7.5 The project appraisal system splits into 2 main stages:
- Stage 1 – (Expression of Interest) – technical eligibility / suitability of application (LAG Secretariat with appropriate advice from LEADER Co-ordinator).
 - Stage 2 – (Full Application) – core criteria / project suitability assessment (LAG)
- 7.6 Appraisal sheets outlining criteria shall assist in the decision making process at each stage. Any dispute over a decision by the Project Co-ordinator in Stage 1 will be reported to the Local Action Group for resolution through a Complaints Procedure.
- 7.7 The decisions of the Local Action Group shall be reached by a majority vote of members attending. In the event of a decision being tied, the Chair will have a second casting vote.

8 Record of Decisions

- 8.1 The LAG Secretariat will be responsible for communicating the decisions of the Local Action Group to applicant bodies seeking further information / clarification and / or offering approval letters.
- 8.2 In cases where the decision is not to support an application, an explanation of the Group's decision will be provided to the applicant by the LAG Secretariat. A Complaints Procedure will be available to such applicants.

9 Project Variations

- 9.1 Project managers will support requests for project changes with an explanation and description on a change request form. These will be considered at the next LAG meeting, or may be considered by written or electronic procedures.
- 9.2 Changes to timescales may be approved by the Coordinator, the Chairs and Accountable Body or the full LAG depending on the scale of change requested. The approval limits are set out in the Change Requests Policy. Project change requests

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will go through the change request process on LARCs.

10 Liability

10.1 Individual members of the Local Action Group, or the organisations that they represent, shall have no personal or corporate liability for the decisions made by the group.

11 Signatories to the Group Protocol

Name	Representing	Signature
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Appendix A - Code of Conduct

Local Action Group members represent rural communities and businesses, or agencies which operate in the rural area, and as such have a responsibility to make sure that they are familiar with and that their actions and behaviour comply with the provisions of this Code of Conduct.

The principles set out in the Code of Conduct for LAG members are:-

1. **Service to the Community (Public Service)**
2. **Service to the LAG (Collective Responsibility)**
3. **Selflessness & Objectivity**
4. **Honesty & Integrity (and Conflicts of Interest)**
5. **Confidentiality**
6. **Respect**
7. **Accountability**
8. **Community Leadership**
9. **IT User Guidelines**

1

Service to the Community (Public Service)

LAG members have a duty to act in the interests of the communities and businesses within the whole of the Tyne Esk area, within the context of delivering the Local Development Strategy (LDS).

LAG members speak as individuals, and bring their personal experience to a LAG meeting. It is the responsibility of an applicant (not LAG members) to ensure that they reflect and evidence the views of the wider community where relevant.

2

Service to the LAG (Collective Responsibility)

Once a decision has been made all LAG members are collectively responsible for it. The minutes of a meeting will record the agreed reasons for the decision.

This means LAG members have a duty to ensure that decisions are respected as collective decisions and followed through on a collective basis, regardless of personal opinion – “the view of the LAG”.

3

Selflessness & Objectivity

LAG members have a duty to take decisions solely in terms of the LDS context. Members must not act in order to gain financial or other material benefit to themselves, their business, their organisation or their family or friends.

LAG members must make funding award decisions based solely on the information provided by applicants, additional information sought by the staff team, or



information which is publicly available, and should avoid influence by personal prejudice or hearsay. Where LAG members are unable to access additional information (such as attending site visits) then their assessment must be based on the documentation provided by applicants alongside the feedback from those site visits provided by other LAG members.

4 **Honesty & Integrity (and Conflicts of Interest)**

LAG members have a duty to declare any personal interests relating to the decisions of the LAG. This is known as a 'Conflict of Interest'. Steps must be taken by individuals to ensure that the LEADER staff team are aware of any potential conflicts of interest. Once confirmed, they will be required to withdraw from the appraisal process, and leave any LAG meeting at which such applications are considered until the discussion is over. In the interests of transparency it is essential that each LAG member is aware of any situation where a conflict of interest may occur and take active steps with the LEADER staff team to avoid such conflicts.

No close relative of an individual applicant or an employee or representative of an organisation applying for funding can participate in the LAG decision making discussion or score an application from that applicant (which may include the Accountable Body).

Further guidance is due to be received from Scottish Government regarding procedures for conflicts of interest, but it should be noted that members should not accept gifts or hospitality that might be seen to influence or be intended to influence their opinion or judgement.

5 **Confidentiality**

LAG members should ensure that confidential material, including details about individuals, is handled with dignity and discretion and is not used for personal or unlawful purposes. Confidential material, electronic or paper, should be destroyed once the purpose for which they were originally provided has been fulfilled. The detail of the discussion that takes place at a LAG meeting is confidential, but the final LAG decision is not and minutes will be published online.

6 **Respect**

Members should behave openly and honestly, treating one another in a positive, respectful and non-discriminatory manner. This applies to verbal as well as written or electronic communication.

Similarly, they should treat members of the staff team and other supporting agencies with dignity and respect. Applicants and members of the community should also be treated with dignity and respect. This includes openness and transparency about LEADER criteria and LAG processes.

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Recognition should be given to the contribution of everyone participating in the work of the LAG. Equality of opportunity should be given to every participant to have their knowledge, opinions, skills and experience, taken into account with all barriers to participation removed.

7

Accountability and LAG meeting attendance

LAG members can ensure effectiveness by attending meetings regularly and focussing on their agreed purpose, clarifying roles and responsibilities and delegating tasks to those best equipped to complete them.

If a LAG member's circumstances change and they find that they have been unable to attend TWO consecutive LAG meetings, they should discuss their availability with the Chair or Programme Co-ordinator. If THREE consecutive meetings are missed, the LAG will discuss the option to replace the skill represented by that member by someone more readily able to attend.

Minutes of LAG Meetings recording all agreed actions and decisions made should be produced and circulated to members promptly. By doing this members will know the tasks to be completed and who is to undertake them.

LAG members will individually and collectively ensure that the business of the LAG is conducted according to the Local Development Strategy and Business Plan, relevant EU regulations and this Code of Conduct.

They will also ensure that Annual Accounts are produced in accordance with the requirements of the Managing Authority (Scottish Government) showing the financial undertakings of the LAG; that these are audited by internal audit at Midlothian Council and that all resources are used efficiently, effectively and fairly.

8

Community Leadership

LAG members not only have a duty to support the principles of this Code of Conduct but to promote the LEADER way of working, the LEADER objectives, wider principles of social inclusion and challenge discrimination in any form in their role as LAG members.

9

IT User Guidelines

LAG members and observers must not discuss applications or expressions of interest with anyone other than LAG members, LAG observers and Leader staff (for example: discussing applications with family members is a data protection breach).

LAG members and observers should be cautious when logging in to LARCS that no others can see their usernames and passwords or content (over the shoulder looking) and that when walking away from a laptop/desktop that the computer is

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locked so no details can be accessed by others.

LAG members and observers must be cautious when handling printed application material and ensure these are not left lying somewhere that is accessible to others. LAG members and observers must destroy any printed application material following a decision meeting.

LAG members and observers must not view or download information from applicants for personal gain or use.

SANCTIONS

Sanctions which can be applied to LAG members who breach the terms of this Code of Conduct are as follows:

1. LAG Chair will talk to LAG member about alleged breach and listen to LAG member's side of the story. Any consequences and timescale will be agreed in writing between the two.
2. If continued or further misconduct occurs, written notification of the nature of the conduct giving cause for concern and advice as to the additional sanctions which could be imposed will be given.
3. Suspension for a period of between 1 and 3 meetings of the Local Action Group; or
4. Disqualification for a period not exceeding three years from being or being nominated for selection as, or from being selected as, a LAG member.
5. Where the LAG member is from an organisation – public, private or third sector, that organisation will be informed that the breach of the Code of Conduct has occurred.

If required, from stage 2 above, sanctions will be suggested by a subgroup of the LAG, recommended to the full LAG and only to be applied by a minuted decision of the LAG.

Process of appeal:

It is good practice to have a process of appeal. In the unlikely event of a LAG member finding themselves disqualified, they would be given the opportunity to appeal the final decision to the full LAG. Appeals and Reviews Subgroup. In the event of a member of the Appeals and Review Subgroup submitting an appeal, their place on the subgroup will be taken up by another LAG member.

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