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# **Group Protocol for the Scottish Borders LEADER Local Action Group**

## **LAG Partnership Agreement and 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 Scottish Borders LEADER Programme in line with the Local Development Strategy (LDS) developed jointly by the Scottish Borders LEADER Local Action Group and the East Berwickshire and East Lothian Fisheries Local Action Group.

### **2 Management**

- 2.1 The LAG is the key partnership body with strategic responsibility for delivering the Local Development Strategy in the Scottish Borders.
- 2.2 The Accountable Body for LEADER local development funding in the LAG area will be Scottish Borders Council (SBC), 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 Scottish Borders Community Planning Partnership (CPP) rural theme team 'A Working Countryside' group (AWC) will provide support to the LAG in its delivery of the LDS. AWC may provide strategic advice and guidance to the LAG and will act as the CPP liaison group for the public sector. The LAG is an autonomous decision making group for the Scottish Borders LEADER programme, separate from existing local structures including the AWC.

### **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.
- 3.2 Promote the work of the LAG to communities and businesses in the Scottish Borders, 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 Scottish Borders.
- 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.

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- 3.5 Monitor financial progress of the Scottish Borders LEADER Programme Local Development Strategy and Business Plan and ensure that progress is regularly reported via the Secretariat to the Scottish Government (including recommendations on matters such as virement).
- 3.6 Monitor project outputs / impacts against targets and ensure that progress is regularly reported via the Secretariat to the Scottish Government and to the CPP Liaison Group.
- 3.7 Promote the integration and coordination of projects and schemes within the Scottish Borders 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 an open transparent assessment process (scoring system) for projects based on selection criteria set out in the approved Business Plan for the Scottish Borders 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.
- 4.3 Agree a decision for all project applications as follows:
  - Approve
  - Approve subject to conditions
  - Deferred
  - Refuse
- 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 membership of the Local Action Group is set out in the LEADER and EMFF Local Development Strategy and Business Plan. This membership will be in place for the Programme start-up but may be subject to change over time. At least 51% of its members will be drawn from non-public sector social and economic partners and every effort will be made to ensure a balance of gender and age.
- 5.2 SBC's Chief Officer Economic Development, or nominated representative, will be a voting member of the LAG and will advise it on compliance and audit issues.

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- 5.3 The members will elect a Chair from the membership on an annual basis. If the Chair expects to be absent from the meeting he or she may appoint a substitute from the Group. Should the Chair be unavailable to select a replacement (such as unexpected non-attendance at the meeting) the Group will elect by majority decision a temporary Chair for the duration of the meeting. The members may choose to elect a Vice-Chair to support the Chair and stand in during absences.
- 5.4 Members representing other interested parties will keep these parties informed, subject to commercial confidentiality requirements. Representatives may nominate a substitute to attend meetings where necessary and potential substitutes should be registered with the LAG Secretariat.
- 5.5 All members must notify the LAG Secretariat of any ownership, 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.
- 5.6 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.
- 5.7 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.
- 5.8 Members will be required to make a commitment to support the work of the LAG through their support (and potentially sponsorship) 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.
- 5.9 The LAG will review its membership on an annual basis and may request the resignation of members who have failed to attend meetings without reasonable explanation.
- 5.10 The LAG has the right to end the membership of an individual if they are in breach of this group protocol. The member will have a right to attend a full meeting of the LAG to state their case, and membership will be decided by a majority vote of those attending, subject to quorum rules in 7.7 below.
- 5.11 The LAG will recruit additional members to replace members who resign, in line with the membership profile outlined in the Business Plan.

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## **6 Meetings**

- 6.1 The LAG shall meet as required at a convenient location, in the Scottish Borders 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. Members of the Group will be actively encouraged to suggest agenda items. The agenda and papers for the meeting should be issued 12 working days before the meeting. Scores should be returned 2 working days before the meeting for collation.
- 6.3 The Secretariat for the Scottish Borders LEADER programme will be employed on behalf of the LAG by Scottish Borders 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.
- 6.4 The Secretariat will issue a minute of each Local Action Group meeting within 15 days of each meeting. Abbreviated meeting minutes will be published online.

## **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 is the project sponsor or lead partner. However, in recognition of the number of partnership projects likely to come forward, members may score applications that they have funded or assisted as 'non-lead' partners. Lead partners will leave the LAG meeting when their project is being assessed.
- 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.

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- 7.5 The project appraisal system splits into 2 main stages:
- Stage 1 – (Initial Enquiry ) – technical eligibility / suitability of application (LAG Secretariat with appropriate advice from LEADER Co-ordinator). Initial enquiry forms will be circulated to LAG members for feedback and comments.
  - 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.
- 7.7 A quorum for LAG and FLAG decision making meetings will be 7 members with a requirement that at least 51% of members attending and voting do not represent public authorities.
- 7.8 The decisions of the Local Action Group shall be reached by a vote of members attending, or sending in a completed scoring matrix and vote in advance. The Chair will assess each project but not vote unless the decision is tied, in which case the Chair will have a casting vote.

## **8 Urgent Applications**

- 8.1 Applications will not normally be considered outwith the deadlines set by the Group. However, at the Chair's discretion, urgent items may be circulated to Group members to be considered by written procedures. The application and supporting information will be circulated to Group members by the LAG Secretariat and at least 5 working days allowed for comment, scoring and a vote on the decision.

## **9 Record of Decisions**

- 9.1 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.
- 9.2 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.

## **10 Project Variations**

- 10.1 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 procedures.

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- 10.2 Changes to timescales may be approved by the Secretariat under delegated authority, so long as the project can be delivered within the programme timescale. Applications to redistribute funds across budget headings, at up to 10% of the project's budget and where no change is requested to the total project costs, may also be approved under delegated authority

## **11 Freedom of Information**

- 11.1 The views, questions and scores provided by individual LAG members are exempted under the provisions of the Data Protection Act 1998. This information can be deemed personal third party data (i.e. data which relates to a living individual who can be identified from those data) and in such circumstances will not be disclosed to any party by anyone who is bound by this Group Protocol. In circumstances, and to the extent that, this information must be disclosed under the Freedom of Information (Scotland) Act 2002 without it being deemed personal third party data, it shall be so disclosed, provided the terms of the Freedom of Information (Scotland) Act 2002 are strictly adhered to.

## **12 Liability**

- 12.1 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.