

**To: Programme Monitoring Committee:
16 January 2008**

**From: David Malpass
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**Subject: Terms of Reference/Governance – Programme Monitoring
Committee**

Purpose of report

1. To outline the PMC Terms of Reference (ToR) for the PMC.

Recommendation

2. That members:
 - Comment on the PMC ToR;
 - Agree the operating procedures and general housekeeping arrangements for the PMC;
 - Note the statements on equality contained in paragraphs 4 and 7.

Background (PMC)

3. The roles of the PMC are set out clearly in the ERDF regulations. CLG has now issued draft standard ToR. These are attached for information.
4. In addition to the PMC's ToR, there are a number of housekeeping issues which will need to be agreed by the PMC:

Frequency of meeting

- Members agreed at the Shadow PMC meeting on 24 October that, for the first year at least, meetings would be held bi-monthly. The schedule for 2008 is:

Wednesday 16 January
Wednesday 12 March
Monday 19 May
Wednesday 9 July
Monday 15 September
Wednesday 12 November

Composition/Chairmanship (including deputy)

- The PMC membership should reflect the principle of partnership, and will be drawn from representatives of the bodies of the regional partnership organised under Article 11. It will, therefore, reflect national, regional, local and sectoral interests in the NWOP, and will aim to be balanced in terms of gender. (Implementing Provisions chapter, NWOP).
- The regulations state that the Programme Monitoring Committee should be chaired by a representative of the Member State or the Managing Authority. Liz Meeks, as Regional Director for GONW, is Chair of the PMC. On the occasion that she cannot attend, an alternate will need to be nominated from the Member State or Managing Authority.

Use of Alternates

- One of the key benefits of having continuity of membership and attendance is the ability for the PMC to start to act as a real team and board. Clearly, there will be occasions when an individual cannot attend every meeting. On this basis, members agreed that there should be one named alternate for each member and if the alternate cannot attend, no one else will be able to stand in for the member. However it is important that alternates are fully briefed by the member prior to the meeting enabling them to fully understand the agenda items and context from previous meetings.

Use of observers

- Members can nominate one named observer to attend the relevant meeting. The observer will not have any speaking rights and the Committee Clerk must be advised of the name of the observer at least five working days in advance of the meeting.

5. The PMC will work to the following operating procedures:

- Members may request inclusion of particular items on the agenda by doing so in writing. Such requests should normally be received at least 15 working days before the meeting;
- Members will be required to complete a register of relevant interests and declare an interest in any agenda items where a decision is required and the decision may cause a direct material impact, financial or otherwise, to the organisation or institution they are representing. In such circumstances it will be a matter for the Chair to decide if the member can contribute to the discussion;
- The value of delegated authority for endorsement of projects by sub-groups (relating to point 4 in the terms of reference for sub groups, Annex 1) is yet to be defined by DCLG in their user guide. However, for operational purposes it is proposed that the figure is set at €5 million, which is in line with sub-groups in previous programmes.

Production of papers

- The regulations state that papers should be issued a minimum of 10 working days prior to the meeting. This is the standard which the Programme Executive will adopt. Papers will be routinely sent to named alternates and Committee Support Officers, in the case of Councillors, at the same time. After every formal meeting papers will be posted on the Programme website.

Venue

- It was clear at the meeting on 24 October that the venue was not suitable for the PMCs requirements. Therefore it has been decided that future meetings will be held at the NWDA's offices in Warrington, or a suitably agreed venue. The office is a short walk from Warrington Bank Quay station, or a short bus ride from Warrington Central station.

Written procedure

- If members agree to the meeting schedule, there will inevitably be occasions when a decision needs to be taken in between meeting cycles. On this occasion, members will be given five full working days to comment. It will then be for the Chair to decide the outcome, based on the information received from members.

Decision making i.e. consensus

- PMCs do not operate on any type of voting system. It is for the Chair to decide when a consensus has been reached.

Rolling issues log

- An issues log will be maintained of matters arising noted in minutes.
6. The establishment of a new PMC has created a large group with mixed levels of European Structural Funds experience. The group will operate for an eight year period to ensure the NWOP meets its objectives. To become an effective PMC all of the PMC members clearly need to understand the NWOP fully and be able engage in constructive dialogue. Whilst PMC meetings provide this opportunity many members will benefit from additional workshops and events which enhance knowledge and understanding.

PMC Team Development

- The Programme Executive will provide a series of development workshops and events for the PMC from Technical Assistance to

meet the needs of members. A development plan will be defined for approval by PMC.

Next Steps

To agree terms of reference/governance for PMC.

ANNEX 1: TERMS OF REFERENCE
for the Programme Monitoring Committee
2007-2013 Northwest Competitiveness Programme

1. The Programme Monitoring Committee (PMC) shall perform all tasks and responsibilities as laid down in Council Regulation (EC) 1083/2006, namely Article 65 thereto :-
 - a to consider and approve the criteria for selecting the operations financed within six months of the approval of the operational programme and approve any revision of those criteria in accordance with programming needs;
 - b to periodically review progress made towards achieving the specific targets of the operational programme on the basis of documents submitted by the Managing Authority or the RDA;
 - c to examine the results of implementation, particularly the achievement of the targets set for each priority axis and the evaluations referred to in Article 48(3) of the General Regulations 1083/2006;
 - d to consider and approve the annual and final reports on implementation referred to in Article 67 of Regulation 1083/2006;
 - e it shall be informed of the annual control report, or of the part of the report referring to the operational programme concerned, and of any relevant comments the Commission may make after examining that report or relating to that part of the report;
 - f it may propose to the Managing Authority any revision or examination of the operational programme likely to make possible the attainment of the Funds' objectives referred to in Article 3 of Regulation 1083/2006 or to improve its management, including its financial management;
 - g it shall consider and approve any proposal to amend the content of the Commission decision on the contribution from the Funds.
2. In carrying out these tasks the Committee shall agree, on behalf of the Regional Partnership, such proposed amendments as may be

necessary to the Competitiveness Regional Operational Programme and the Financial Tables prior to formal submission to the Commission.

3. To agree Project Selection Criteria and Programme Management arrangements, and approve any subsequent amendments to these.
4. To endorse for approval regionally and sub-regionally significant projects, and such movements of money from and within Delegated Grant Schemes which are in excess of the delegated authority of any Advisory Groups that may be created.
5. To agree the Annual Business Plan for the Programme.

Strategic Linkages

6. To maximise integration and linkages between the ERDF Competitiveness Programme and the Regional ESF Strategy, as well as other programmes and initiatives that may be developed under the Convergence Objective, the Competitiveness and Employment Objective, and the European Territorial Co-operation Objective, and ensure complementarity between these Programmes, and their ongoing contribution to the Regional Economic Strategy.

General / Administrative Arrangements

7. To promote and apply the principles of equal opportunities. Further general guidance on equality is provided in Article 16 of the regulations which states ' the Member states and the Commission shall take appropriate steps to prevent any discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation during the various stages of implementation of the funds, and in particular, in access to them'.
8. To agree Terms of Reference for such Advisory Groups as may be set up.
9. To agree mechanisms for delivery of the Programmes (e.g. Delegated Grant Schemes, individual project commissioning, roles of intermediate bodies and final beneficiaries, role of sub-regional partnerships, or a combination, or other appropriate mechanisms).

Technical Assistance / Publicity

10. To agree and update Communication Strategy for the Programme.
11. To agree the strategy and budget for Technical Assistance and agree the mechanism for match funding the budget.
12. To place the agreed minutes of PMC meetings on the RDA internet site within 10 days of each meeting.

13. To make all meetings open to the public and press unless there are business confidentiality issues.
14. To issue press releases and other publicity, as appropriate, about the activities and decisions of the PMC.
15. To agree the evaluation plan for the Programme, including the use of Technical Assistance, covering the evaluation activities to be carried out during the Programme period.

Monitoring/Annual Reports

16. To be responsible for the formal monitoring of the Programme and receive regular reports from appropriate Groups on the operation and delivery of the various Structural Fund Programmes.
17. To approve Annual Implementation Reports, Closure Reports and Mid-term Evaluations, prior to formal submission to the Commission.
18. To comment on the draft Annual and Final Reports, and Ex-Post Evaluations for the 2000-2006 Structural Fund Programmes, prior to formal submission to the Commission.
19. The Programme Monitoring Committee will meet on at least three occasions per annum.

Governance Structures

20. DCLG is the Managing Authority (MA) for all English ERDF programmes. It will designate the RDAs to act as Intermediate Bodies to carry out a variety of MA tasks and functions on its behalf (see Chapter 2).
21. The PMC is not an executive body - it does not award grant but its members are entitled to express views on projects or strategic packages of projects. The RDAs will award the grant under their role as Intermediate Bodies.
22. The RDAs will play a key role in assisting the PMC by providing a secretariat. The RDAs will be undertaking the management and delivery of the OPs on behalf of the Managing Authority.
23. If any dispute arises between the RDA and the PMC on a project, it will be for the Chair of the PMC to mediate. The RDA will be responsible for managing a system for dealing with challenges to its funding decisions or complaints made by applicants or delivery organisations. The financial decision to fund a project rests with the RDA.