

Cabinet Meeting Resolution

Executive
Forward Plan
Reference

E2271

West of England Partnership Transition Arrangements to a Local Enterprise Partnership

Date of Meeting	13-Jul-11
The Issue	<i>Each constituent member of the LEP Board is required to sign off the Articles for the LEP company through their appropriate decision making process</i>
The decision	(1) To AGREE that Bath & North East Somerset shall become a member of the “West of England Local Enterprise Partnership Limited” being a Company Limited by Guarantee; (2) To APPOINT the Leader of the Council as the Council’s Director of the above company; (3) To AUTHORISE the Chief Executive, in consultation with the Leader of the Council, to conclude all necessary documentation, including signing the Articles of Association, and to take all necessary steps to effect these objectives.
Rationale for decision	Establishing the LEP as a Company will support the delivery of Bath & North East Somerset’s Economic Strategy and Sustainable Community Strategy. A Company will be able to receive funds and hold assets, allowing for more effective delivery of economic development projects across the area.
Other options considered	At their Board meeting on the 4th March, LEP Members considered various options for the legal entity of the LEP, including: <ul style="list-style-type: none"> • Company Limited by Guarantee • Company Limited by Shares • Community Interest Company • Unincorporated Association The advice offered to the Board was that: “...if the LEP is to be a decision making body in its own right and be responsible for assets and expenditure, its directors might be exposed to potential liabilities. In this instance, a company limited by guarantee would provide the appropriate protection of limited liability to its directors acting within the terms of their appointment. If the LEP is not going to receive public funding or be a decision making body in its own right (i.e. it would provide direction to its constituent organisations but they would take the decisions individually), then an unincorporated association could be appropriate. An unincorporated association cannot provide limited liability to its members. Separate advice has been sought on Directors liability insurance.” Following discussion on the various options, the business and local authority members of the LEP Board agreed to pursue the ‘Company Limited by Guarantee’ model.
The Decision is subject to Call-In within 5 working days of publication of the decision	