

Lowlands and Uplands Scotland ERDF and ESF Programmes 2007-2013 Programme Monitoring Committee

Operational Arrangements

Programme Monitoring Committee Terms of Reference & Rules of Procedure Report from the Scottish Government

1. Purpose

- 1.1 To set out the Terms of Reference and Rules of Procedure of the Monitoring Committee established to ensure the effective implementation of the Lowlands and Uplands Operational Programmes (ERDF & ESF) 2007 – 2013.

2. Background

- 2.1 In accordance with Article 63 of Council Regulation (EC) No. 1083/2006 of 11 July 2006 a Monitoring Committee will be established for each operational programme (within three months of the decision approving said programme or programmes). A single committee may be established for several operational programmes.
- 2.2 The Monitoring Committee, a single committee responsible for the separate European Regional Development Fund and European Social Fund Operational Programmes, shall draw up its own rules of procedure within the institutional, legal and financial framework of the Member State and adopt them in agreement with the managing authority.
- 2.3 The Monitoring Committee shall be chaired by a representative of the Member State or the managing authority.
- 2.4 In order to satisfy itself as to the effectiveness and quality of implementation of the operational programmes, the Monitoring Committee will establish:
- (i) Terms of Reference (as proposed in Annexe 1); and
 - (ii) Rules of Procedure (as proposed in Annexe 2).
- 2.5 The Terms of Reference and Rules of Procedure detail the responsibilities of the Committee in respect of the two operational programmes 2007 – 2013.

3. Recommendation

- 3.1 The Monitoring Committee is invited to:

- 3.1.1** consider the Terms of Reference and Rules of Procedure as set out in Annexe 1 and 2; and
- 3.1.2** approve the operational arrangements as proposed.

**Lowlands and Uplands Scotland ERDF and ESF Programmes 2007-2013
Programme Monitoring Committee**

**Annexe 1
Programme Monitoring Committee
Terms of Reference**

The Monitoring Committee shall satisfy itself as to the effectiveness and quality of the implementation of the operational programmes in accordance with the following:

- (i) it shall consider and approve the criteria for selecting the operations financed within six months of the approval of the operational programmes and approve any revision of these criteria in accordance with programming needs;
- (ii) it shall periodically review progress made towards achieving the specific targets of the operational programmes on the basis of documents submitted by the managing authority;
- (iii) it shall examine the results of implementation, particularly the achievements of the targets set for each priority and the evaluations undertaken by the managing authority as referred to at Article 48 of General Regulation (EC) No. 1083/2006;
- (iv) it shall consider the recommendations from Advisory Groups on operations to be financed and thereafter approve projects, making recommendations to Ministers with regard to the award of grant assistance;
- (v) it shall consider and approve the annual and final reports on implementation pursuant with the terms of Article 67 of General Regulation (EC) No. 1083/2006;
- (vi) 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;
- (vii) it may propose to the managing authority any revision or examination of the operational programmes likely to make possible the attainment of the respective fund's objectives, referred to in Article 3 of General Regulation (EC) No. 1083/2006 or to improve its management, including its financial management;
- (viii) it shall consider and approve any proposal to amend the content of the Commission decision on the contribution from the funds;
- (ix) it shall agree Technical Assistance measures in accordance with Article 46 of General Regulation (EC) No. 1083/2006 including management, monitoring and control together with activities to reinforce the administrative capacity for implementing the funds.
- (x) it shall ensure compliance with all Community policies (where appropriate) and

coordination with assistance granted by the other grant and loan instruments of the Community e.g. the European Agricultural Fund for Rural Development (EAFRD) and the European Fisheries Fund (EFF);

(xi) it shall also consider any matters relating to the implementation of the Programmes e.g. retrospection, geographical targeting and multi-annual awards; and

(xii) it shall establish such supporting Committees or structures as considered appropriate to assist the Committee in exercising its functions and responsibilities. To this end the Committee is required to approve:

- The establishment of Advisory Groups – membership being determined by the managing authority; and
- The Terms of Reference and Rules of Procedure of Advisory Groups.

**Lowlands and Uplands Scotland ERDF and ESF Programmes 2007-2013
Programme Monitoring Committee**

**Annexe 2
Programme Monitoring Committee
Rules of Procedure**

Membership

1. Membership of the Monitoring Committee will be determined by the Minister on the advice of the Scottish Government. In addition the Committee will comprise officials of the Scottish Government and other Government Directorates and Agencies as appropriate. Representatives of the Commission shall participate in the work of the Committee in an advisory capacity.
2. The Committee will be chaired by a representative of the Member State or the managing authority and with his/her agreement, the Committee may call upon the advice of non-members depending on the business to be discussed.

Place and Frequency

3. The Monitoring Committee shall meet on at least two occasions per annum at a convenient location, normally within the Programme area.

Agenda

4. The Convener will draw up an agenda for the Committee meeting, including any items which might be requested in writing by a member of the Committee. The agenda shall be issued to the Committee, along with the papers necessary for the meeting, normally ten working days before the date of the meeting.

Secretariat

5. The Monitoring Committee secretariat will be provided by the Intermediate Administrative Body (IAB), ESEP Ltd.

Written Procedure

6. At the initiative of the Convener, or at the request of another member of the Committee, and with the Conveners agreement, an item of substance which requires an outcome prior to the next scheduled Committee meeting may be submitted to the Committee for adoption by written procedure. Members of the Committee shall give their opinion within ten working days of effective delivery. The absence of objection to the written procedure from any member of the Committee will generally indicate approval for the course of action proposed.

Record of the Meeting

7. The IAB shall produce a record of each Committee meeting and this shall be submitted in draft to the Convener within ten working days of the meeting. Draft minutes shall be issued to the Committee within twenty working days of each meeting.
8. Draft minutes and associated papers will be made available on the website following clearance by the Convener.
9. Papers will be available on request following the Committee meeting, in advance of being incorporated on the web-site.

Conclusions and Decisions

10. Decisions and conclusions of the Monitoring Committee shall be reached, wherever possible, by consensus.



Lowlands and Uplands Scotland ERDF and ESF Programmes 2007-2013 Programme Monitoring Committee

Operational Arrangements

Advisory Groups Structure, Terms of Reference and Rules of Procedure Report from the Scottish Government

1. Purpose

- 1.1 To set out the structure, appointments procedure, terms of reference and rules of procedure for Advisory Groups which will be established to assist in the implementation of the Lowlands and Uplands Scotland ERDF and ESF Operational Programmes 2007 – 2013.

2. Background

- 2.1 There is no regulatory requirement for the establishment of Advisory Groups. It falls to the Monitoring Committee to establish any supporting committees/groups as deemed necessary to ensure the effective implementation of the Programmes. The arrangements as set out will be subject to review and will reflect project flow over the lifetime of the Programme.
- 2.2 Advisory Groups will be required to undertake the technical appraisal of projects in accordance with approved selection criteria and having regard to National Rules on Eligibility, and Guidance and thereafter make recommendations to the Monitoring Committee.
- 2.3 Advisory Groups will be chaired by the Scottish Government with the secretariat function being provided by the Intermediate Administrative Body (IAB), and will consist of technical experts and not organisational or sectoral representatives.

3. Recommendation

- 3.1 In order to satisfy itself that the decision making procedures are effective, transparent, deliver best value and are consistent with the objectives of the Programme, the Monitoring Committee is invited to consider:
- 3.1.1 the structure of Advisory Groups and the appointments procedure (as detailed in Annexe 1);
- 3.1.2 Terms of Reference (as detailed in Annexe 2);
- 3.1.3 Rules of Procedure (as detailed in Annexe 3); and thereafter
- 3.1.4 to approve.

**Lowlands and Uplands Scotland ERDF and ESF Programmes 2007-2013
Programme Monitoring Committee**

**Annexe 1
Advisory Groups
Structure & Appointments**

1. The Monitoring Committee shall be assisted in the first instance by seven Advisory Groups charged with bringing forward recommendations on individual projects, schemes and sub-programmes under both the European Regional Development Fund and the European Social Fund.
2. The Groups will be responsible for bids under the following Priorities:

ERDF Priority 1: Research and Innovation
ERDF Priority 2: Enterprise Growth
ERDF Priority 3: Urban Regeneration
ERDF Priority 4: Rural Development

ESF Priority 1: Progressing into Employment
ESF Priority 2: Progressing through Employment
ESF Priority 3: Improving Access to Lifelong Learning.

A further Advisory Group may be set up to consider ERDF and ESF applications from Community Planning Partnerships, with members drawn from the ERDF Priority 3 and ESF Priority 1 Advisory Groups.

3. An innovation for the 2007-13 Programmes is that Advisory Groups will work on a 'virtual' basis rather than meeting on a regular basis. This approach is expected to offer time and travel efficiencies, and may also help to overcome timetabling difficulties inherent in setting up meetings involving members from a wide geographical area.
4. Selection and appointment of Advisory Group members is a responsibility of the Managing Authority for the new Programmes. In order to secure a diverse and expert panel of individuals, members will be selected following an application process, which closed on 28th September. Applicants were required to provide details of relevant expertise and skills. Successful applicants will be required to undergo an introduction and training session on 8th November.
5. These arrangements will be subject to review depending on the volume of project submissions.
6. Desirable Criteria for Advisory Group members include:
 - Specific practical knowledge of project design and delivery. The practical experience of advisory group members in the type of activity that would be funded by the priority is essential. This could be specific sectoral or local

knowledge that could be usefully applied to the priority of knowledge gained from “hands-on” experience of working in particular types of projects or with particular beneficiary groups.

- General Knowledge of economic development in the Programme area. Structural Funds support key economic development activity in the Programme area, so a good background knowledge of economic development policies, activities and key players is important to enable members to assess how best to use Structural Funds. This is particularly true of the particular priority for the advisory group member, where expert knowledge of existing activity and proven good practice in project delivery would be desirable.
- Ability to analyse and appraise best value added in public sector spending. Members must be able to think in analytical and strategic terms, particularly with respect to the use of Structural Funds in bringing the best value added to public sector spending in Scotland.
- A commitment to public service. In light of the use of Funds to support economic and social goals in the Programme area, members should have a clear commitment to public service in their activities and display the capacity to act on behalf of wider Scottish interests in discharging their duties.
- Knowledge of European funding. Background knowledge of the Structural Funds and their use in Scotland is not essential, but it will be useful if members are to understand the context of the new Programmes and ensure that the 2007-2013 Programmes leave a key legacy for Scotland.

**Lowlands and Uplands Scotland ERDF and ESF Programmes 2007-2013
Programme Monitoring Committee**

**Annexe 2
Advisory Groups
Terms of Reference**

1. Advisory Groups will apply the thorough appraisal and scoring mechanisms developed by the Scottish Government for projects submitted under both funds on the basis of the procedures approved by the Monitoring Committee;
2. Advisory Groups will apply agreed selection criteria and agree the ranking of projects. This will involve taking into account technical checks undertaken by the IAB and policy issues raised by the Scottish Government;
3. Advisory Groups will submit a list of project applications with recommendations on funding to the Monitoring Committee, having regard to Priority level financial allocations and commitments;
4. Advisory Groups will be required to approve the operational details of all projects including the regular reporting requirements prior to the approval of that project;
5. Advisory Groups will ensure that projects are consistent with the objectives of the respective Programmes and comply with all relevant EC Directives and Regulations including in particular, State Aid and Procurement; and
6. In terms of the participation of Advisory Group Members, the following will apply:
 - Membership will be for up to three years. At the end of 2010, members wishing to continue on the Group will need to re-apply.
 - Members will be expected to participate fully in all relevant advisory group activities, including the training provided before any applications are sent for appraisal. Consistent inability to do so will result in a re-assessment of membership.
 - Members will require to act in an objective and non-partisan way.
 - Members must not advocate projects within their constituency or interest.
 - In the event that a project application, under consideration by an Advisory Group, derives from the employing organisation of a member of the Advisory Group, that member cannot speak to the project in question and will be asked to disengage themselves from the appraisal process – including removing themselves physically from the room during any discussion.
 - No member of the Advisory Group can advocate or represent a project in any way where their employing authority has a financial or other formally expressed

interest in the project. The Advisory Group member can neither advocate for the project nor speak in answer to points of clarification or matters of technical or factual nature. As with all project applicants questions of clarification and requests for additional information will be formally raised in writing with the applicant organisation following the meeting of the Advisory Group.

- Where Advisory Groups meet to discuss specific projects, discussions will be recorded in a summary, unattributable, minute. This minute will be available to any person requesting it in order to conform with the Freedom of Information (Scotland) Act 2002, which introduced important rights for all to access information held by Scottish public authorities.
- The names of Advisory Group members, and their organisations will also be published pro-actively on IAB websites, also in line with the Freedom of Information (Scotland) Act 2002.
- In order to promote objectivity and the exchange of frank and impartial views and comments, it is essential that advisory group members respect the confidential nature of the proceedings of any meetings that take place.
- Accordingly, members must not report the context of any part of an application or of any detailed discussion to any third party, and in particular must not attribute any discussion, score or comment to any one or more members of the Advisory Group.
- In the event that a member of an Advisory Group is unable to appraise applications or attend any specific meeting no substitution will be allowed, as this appointment is on an individual basis.

**Lowlands and Uplands Scotland ERDF and ESF Programmes 2007-2013
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**Annexe 3
Advisory Groups
Rules of Procedure**

Membership

1. Advisory Groups will be chaired by a member of the Managing Authority and will comprise up to ten “technical” experts appointed by the Scottish Government.
2. Members will be appointed for their knowledge, expertise and experience and shall not act as representatives of any agency or sector.

Place and Frequency

3. Advisory Groups will normally meet on up to two occasions per year, at a particular stage in the application cycle, at a convenient location, normally in the Programme area.

Agenda

4. The Convener, with assistance from the IAB, will draw up an agenda for the meeting including any items which might be requested in writing by a member of the Groups. The agenda shall be issued to Advisory Groups, along with papers necessary for the meeting, normally ten working days before the date of the meeting.

Secretariat

5. The Advisory Group secretariat will be provided by the IAB, ESEP Ltd.

Written Procedure

6. Any issued that cannot be dealt with in normal business may be dealt with by written procedure. Members will be required to give their views within ten working days unless there is justification for a shorter deadline. The absence of objection from any member of the Advisory Group will generally indicate approval for the course of action proposed.

Record of the Meeting

7. The IAB shall produce a record of each Advisory Group meeting and this shall be submitted in draft to the Convenor within ten working days of the meeting. Draft minutes shall be issued to the Group within twenty working days of each meeting.

Draft minutes will be made available for circulation on the ESEP Ltd web-site following clearance from the Convener.

Decisions and Conclusions

8. Decisions and conclusions of the Advisory Group shall be reached, wherever possible by consensus.