

**Subject:** Pennine Lancashire  
Development Company Limited

**Status:** For Publication

**Report to:**  
Governance Working Group  
Cabinet  
Council  
Standards Committee

**Date:**  
12<sup>th</sup> August  
19<sup>th</sup> August  
19<sup>th</sup> August  
TBA

**Report of:** Interim Head of Legal and Democratic Services

**Portfolio Holder:** Leader and Regeneration

**Key Decision:** Yes

Forward Plan  General Exception  Special Urgency

## 1. PURPOSE OF REPORT

- 1.1. To request approval for the establishment of the Pennine Lancashire Development Company.
- 1.2. To agree to Rossendale becoming a member of the Company.

## 2. CORPORATE PRIORITIES

- 2.1 The matters discussed in this report impact directly on the following corporate priorities:-

- Delivering quality services to our customers
- Delivering regeneration across the Borough
- Encouraging healthy and respectful communities
- Keeping our Borough clean, green and safe
- Promoting the Borough
- Providing value for money services

## 3. RISK ASSESSMENT IMPLICATIONS

- 3.1 All the issues raised and the recommendation(s) in this report involve risk considerations as set out below:

- The Council will need to evaluate the benefits of membership over time to ensure best value is obtained as far as possible from the arrangements.
- Governance issues will need to be kept in the forefront in terms of managing and monitoring the operation of the company.

#### 4. BACKGROUND AND OPTIONS

- 4.1. Pennine Lancashire authorities have collaborated for a number of years when addressing issues which affect the sub-regional economy, for example, the East Lancashire Partnership, and more recently the LEGI “No Limits” Programme.
- 4.2 Elevate HMR has been operating since 2002, and was set up as a condition by government to be the conduit for HMR funding to eligible local authorities.
- 4.3 Pennine Lancashire Leaders and Chief Executives (PLACE) was established in 2004. PLACE has led the development of the existing suite of strategies: Integrated Economic Strategy; Housing, Transport and Spatial; as well as negotiating the Multi Area Agreement with government. PLACE has overseen the delivery of several funding programmes, including NWDA’s Economic HMR programme and LEGI. PLDC will deliver elements of these strategies.
- 4.4 PLDC Shadow Governing Body/ Board have been meeting since October 08.
- 4.5 Executive Board previously approved the councils’ respective Leader and Chief Executive to participate in a shadow Governing Body/Board to agree the Members Agreement; Memorandum of Association; and the Articles of Association.

#### 4.6 POLICY IMPLICATIONS

4.6.1 PLDC will draw together existing economic development and regeneration activity across Pennine Lancashire, this will bring benefits of economies of scale, as well as additional capacity to deliver major interventions. The remit of the company will be to deliver the following elements:

- HMR
- Economic Development, including:
  - LEGI/Enterprise
  - Major Projects
  - Image and Branding
- Business support and investment

- Technology and Innovation

4.6.2 PLDC will continue to assume responsibility for the Elevate HMR programme, No Limits LEGI. The company structure however, will differ from that of Elevate. Through the memorandum and articles and member agreement (attached), care has been taken to ensure democratic oversight of company activities, but also enabling clear and effective decision making.

4.6.3 PLDC will be a private company limited by guarantee. The member local authorities will own the Company. PLDC Governing Body will comprise the seven elected Leaders with one vote per authority. The Governing Body will, by qualified majority, appoint one of the representatives of the Governing Body as Chair. The Governing Body will sign off the Company Business Plan and provide regular reports on progress against milestones.

4.6.4 Each member of the Governing Body may appoint a director (presumed to be Local Authority Chief Executive) to form a supporting Executive Board. The Chief Executive of the PLDC will not be appointed as a director of the Board. The Board will comprise a maximum of 13 directors. The member local authorities will have a majority on the Board. Other directors will include representatives from the private sector, NWDA and HCA.

4.6.5 The Governing Body will appoint an independent Board Chair. Each director will have one vote at Board meetings and decisions will be taken by qualified majority.

4.6.6 If in the event of the winding up or dissolution of the Company, if there remains after the satisfaction of all its debts and liabilities any property or operating surplus, this will be paid to the founding members of the Company pro rata to the funding, size of budget and other support (cash or otherwise) which, when aggregated together, they have each made available and advanced to the Company.

4.6.7. Blackburn with Darwen BC, as the current employing body for Elevate will fulfil this function for PLDC. Lancashire County Council will assume the role of Accountable Body.

4.6.8 It is proposed that PLACE will become a Local Authority joint committee, which will allow it to contract with funding bodies and commission PLDC to deliver agreed elements of wider programmes or substantial sub-programmes.

4.6.9 The establishment of PLACE as a joint committee and PLDC aligns with wider government policy, as set out in the Sub National Review, and subsequent legislation. This acknowledges that the economy, labour and housing markets do not recognise administrative boundaries. Therefore it is appropriate to plan and deliver market interventions as 'functional economic areas'.

## COMMENTS FROM STATUTORY OFFICERS:

### 5. SECTION 151 OFFICER

- 5.1 Elevate and LEGI No Limits funding is secure for 09/10
- 5.2. Funding is sought from the NWDA and HCA to provide additional capacity to PLDC. Both agencies have committed in principle, and negotiations are at an advanced stage.

### 6. MONITORING OFFICER

- 6.1 Copies of the Members Agreement; Memorandum of Association; and the Articles of Association are available for inspection.

### 7. HEAD OF PEOPLE AND POLICY (ON BEHALF OF THE HEAD OF PAID SERVICE)

- 7.1 Alongside existing Elevate and LEGI staff already in post, it is proposed that Pennine Lancashire authorities will second a number of staff to the company. In total the PLDC establishment will comprise approximately 80 staff. Rossendale will second a member of the regeneration team for two days per week.

### 8. CONCLUSION

- 8.1 The formation of PLDC will provide a framework for increased collaboration; reduce duplication and a pooling of expertise and capacity across Pennine Lancashire. PLDC will allow for:

- Increased private sector investment
- Alignment between programmes (i.e.: LEGI and HMR)
- Faster decision making
- Faster delivery of key projects.

### 9. RECOMMENDATION(S)

- 9.1 Council/Cabinet agree to:

- The formation and membership of the company.
- Authorise the Leader and Chief Executive to take seats at the Governing Body/Board.
- Agree the final: members agreement; memorandum of association; and articles of association.

**10. CONSULTATION CARRIED OUT**

10.1 None at this stage

**11. COMMUNITY IMPACT ASSESSMENT**

Is a Community Impact Assessment required No

Is a Community Impact Assessment attached No

**12. BIODIVERSITY IMPACT ASSESSMENT**

Is a Biodiversity Impact Assessment required No

Is a Biodiversity Impact Assessment attached No

<b>Contact Officer</b>	Phil Devonald
Name	
Position	Interim Head of Legal & Democratic Services
Service / Team	Legal & Democratic Services
Telephone	01706 252423
Email address	<a href="mailto:philipdevonald@rossendalebc.gov.uk">philipdevonald@rossendalebc.gov.uk</a>

<b>Background Papers</b>	
Document	Place of Inspection
Draft documents and correspondence	Futures Park

**GLOSSARY**

- HCA - Homes and Communities Agency
- HMR - Housing Market Renewal
- LEGI - Local Enterprise Growth Initiative
- NWDA - North West Development Agency
- PLACE - Pennine Lancashire Leaders & Chief Executives
- PLDC - Pennine Lancashire Development Company

**Subject:** PLACE Leaders Group – Joint Committee

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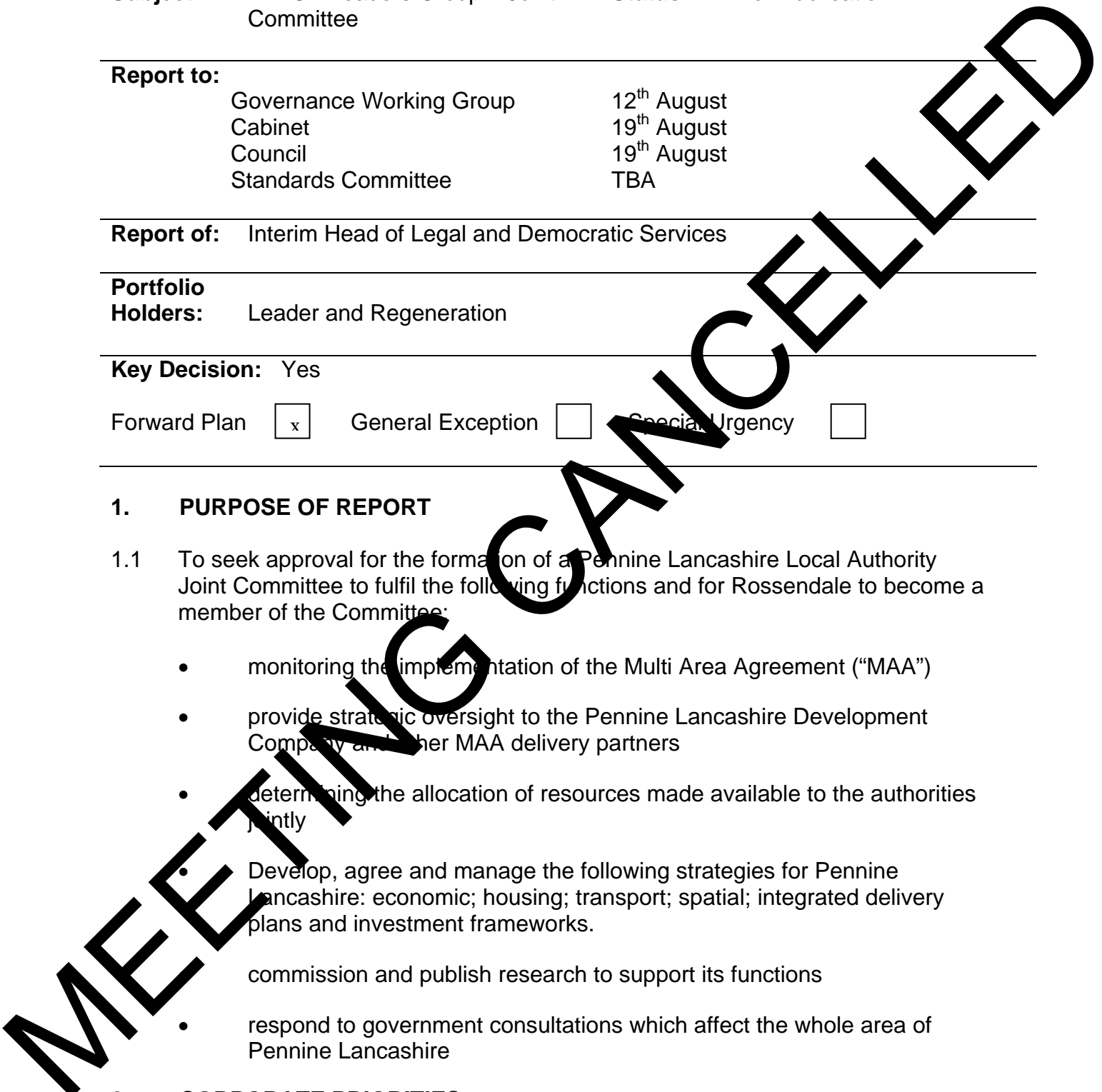
**1. PURPOSE OF REPORT**

1.1 To seek approval for the formation of a Pennine Lancashire Local Authority Joint Committee to fulfil the following functions and for Rossendale to become a member of the Committee:

- monitoring the implementation of the Multi Area Agreement (“MAA”)
- provide strategic oversight to the Pennine Lancashire Development Company and other MAA delivery partners
- determining the allocation of resources made available to the authorities jointly
  - Develop, agree and manage the following strategies for Pennine Lancashire: economic; housing; transport; spatial; integrated delivery plans and investment frameworks.
  - commission and publish research to support its functions
  - respond to government consultations which affect the whole area of Pennine Lancashire

**2. CORPORATE PRIORITIES**

2.1 The matters discussed in this report impact directly on the following corporate priorities:-



- Delivering quality Services to our customers
- Delivering regeneration across the Borough
- Encouraging healthy and respectful communities
- Keeping our Borough clean, green and safe
- Promoting the Borough
- Providing value for money services

### 3. RISK ASSESSMENT IMPLICATIONS

3.1 All the issues raised and the recommendation(s) in this report involve risk considerations as set out below:

- The need to ensure proper governance of a body which is not under the Council's control
- Financial and decision-making transparency

### 4. BACKGROUND AND OPTIONS

4.1 PLACE is an established body that has overseen the development of:

- the Pennine Lancashire MAA and Integrated Economic Strategy;
- various shared service initiatives
- other strategy development (e.g. housing and spatial planning)
- Programme delivery (e.g. LEGL / NWDA's Economic HMR programme).

4.2 Over the last two years the increasing status and significance of PLACE has been recognised locally, regionally and nationally. The Multi Area Agreement, signed by Pennine Lancashire and Government in January 2009 has given the opportunity for increased amounts of funding and responsibility to be directed to the group.

4.3 PLACE's current legal and constitutional status as an informal partnership is insufficient for funding bodies such as the RDA and HACA to consider devolving programme funding. Funding bodies will require assurance that PLACE has formal processes and procedures in existence to deal with issues such as prioritisation of projects and dispute resolution.

4.4 In signing to the MAA government were also approving our proposed new governance structure; adopting a Joint Committee is the most appropriate framework to allow us to drive home the opportunity the MAA affords.

### 4.5 POLICY IMPLICATIONS

4.6 A Joint Committee carrying out the functions identified in 1.1 will position Pennine Lancashire well with regards wider Government policy. The MAA, Sub National Review and subsequent legislation has provided a policy context which requires us to look at how we work together, and in doing so formalising years of effective partnership work.

4.7 The Joint Committee would comprise the following local authorities

- Blackburn with Darwen Borough Council
- Burnley Borough Council
- Hyndburn Borough Council
- Lancashire County Council
- Pendle Borough Council
- Ribble Valley Borough Council
- Rossendale Borough Council

Each authority will appoint one elected member, presumed to be the Leader, and each authority will have one vote only. In most cases decisions will be taken by qualified majority (ie a minimum of 5 votes in favour).

4.8.1 The Joint Committee will be supported by a Chief Executives Group; and form part of a Governance structure that will include: a Business Leaders Forum, Community and Voluntary Board and a number of thematic sub-groups. (See attached Pennine Lancashire Governance Structure).

4.8.2 Scrutiny of the Joint Committee will be undertaken through the respective Councils existing scrutiny processes.

4.8.3 The Joint Committee will be supported by the PLACE Strategy Unit.

4.8.4 Pennine Lancashire Development Company will deliver elements of the MAA and Integrated Economic Strategy on behalf of PLACE.

The formation of a Joint Committee will provide the framework for increased collaboration, reduce duplication and a pooling of expertise and capacity across Pennine Lancashire.

**4.8.5 RESOURCE IMPLICATIONS**

4.8.6 The PLACE Joint Committee will be responsible for determining the allocation of resources made available through the MAA, to MAA delivery partners, including local authorities and the Penine Lancashire Development Company.

4.8.7 As agreed in the MAA, Lancashire County Council will act as the accountable Body and Blackburn with Darwen Borough Council will carry out the programme management function for funds secured through the MAA.

**COMMENTS FROM STATUTORY OFFICERS:**

**5. SECTION 151 OFFICER**

5.1 PLACE and its associated projects (e.g. The MAA, Penine Lancashire development Company) will indirectly have financial implications which will



require further consideration in due course. The immediate recommendations however, do not have any direct financial implications.

## 6. MONITORING OFFICER

- 6.1 As a formal Joint Committee PLACE Leaders will be subject to the provisions of the Local Government Act 1972 in relation to access to information and committee administration.

## 7. HEAD OF PEOPLE AND POLICY (ON BEHALF OF THE HEAD OF PAID SERVICE)

- 7.1 No HR comments.

## 8. CONCLUSION

- 8.1 The new joint committee will present a new mechanism for channeling funds to the Pennine Lancashire sub-region as well as facilitating joint working and coordinated strategy.

## 9. RECOMMENDATION(S)

- 9.1 That the Place Constitution be agreed and signed on behalf of the Council.
- 9.2 That Council approves the Leader of the Council to join the PLACE Joint Committee.
- 9.3 That the Council's constitution be amended to give effect to the new body.

## 10. CONSULTATION CARRIED OUT

- 10.1 None

## 11. COMMUNITY IMPACT ASSESSMENT

Is a Community Impact Assessment required No

Is a Community Impact Assessment attached No

## 12. BIODIVERSITY IMPACT ASSESSMENT

Is a Biodiversity Impact Assessment required No

Is a Biodiversity Impact Assessment attached No

<b>Contact Officer</b>	
Name	Phil Devonald
Position	Interim Head of Legal & Democratic
Service / Team	Legal & Democratic
Telephone	01706 252423
Email address	philipdevonald@rossendalebc.gov.uk

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**MEETING CANCELLED**

## PLACE (Pennine Lancashire Leaders) Constitution - Introduction

On the 12<sup>th</sup> January 2009 Pennine Lancashire partner authorities and Government signed a Multi Area Agreement (MAA) which for ease of reference is annexed to this Constitution. This signalled a new commitment by all Pennine Lancashire councils to work together to transform the area. In signing to the agreement Government were also approving new governance structures to help us deliver our ambitious actions. This Constitution sets out a framework, which will allow us to drive home this opportunity and begin an exciting new era of cross boundary collaboration.

Our MAA identifies a number of key themes relating to the sustainable economic development of the area, and seeks to put in place the building blocks for a modern economy. Higher education, transport, housing, employment and skills all feature prominently, and through working together greater benefits can be felt across the area. To achieve this Government has committed to work with us to devolve more funding. A PLACE Joint Committee will be formed pursuant to sections 101 and 102 of the Local Government Act 1972 to fill the gap and provides the area with a conduit to receive greater levels of investment and a vehicle to deliver the MAA.

Our vision for Pennine Lancashire is “to provide a confident, dynamic and growing economy, characterised by a thriving higher value business base, supported by a responsive education and training system; an area with fast and reliable transport links to employment opportunities underpinned by a revitalised housing market and cohesive communities.”

The MAA, the Review of Sub-national Economic Development and Regeneration, and subsequent legislation has provided a policy context which requires us to look at how we work together, and in doing so formalising years of effective partnership work. This Constitution sets out the role of PLACE and how it will turn our vision into reality in these challenging times.

### Statement of Intent

In forming PLACE, it is the intention of the partner authorities to work together for the benefit of Pennine Lancashire. The primary role of PLACE will be to take forward the MAA and to take decisions on matters that are delegated to Pennine Lancashire from Government and Regional Agencies. PLACE will also oversee the development of strategies that operate on a Pennine Lancashire footprint, as opposed to strategies that each individual authority prepares and implements within its area.

It is the express intention of all the partner authorities, that PLACE should operate in accordance with a clearly defined terms of reference. All partners are committed to ensuring that PLACE does not diminish the role of the

constituent councils and that it does not seek to expand its remit into areas which are currently subject to the self-determination of the partner authorities.

## CONSTITUTION OF PLACE

1. The Pennine Lancashire authorities ("the authorities") are the following local authorities within the meaning of the Local Government Acts 1972 and 2000 for their respective administrative areas:
  - a. Blackburn with Darwen Borough Council;
  - b. Burnley Borough Council;
  - c. Hyndburn Borough Council;
  - d. Lancashire County Council;
  - e. The Borough of Pendle Council;
  - f. Ribble Valley Borough Council; and
  - g. Rossendale Borough Council.
2. The authorities are signatories to a Multi-Area Agreement (MAA) with the United Kingdom government to promote the economic prosperity of the area for which they are jointly responsible (this area being "Pennine Lancashire").
3. In order to further the purposes of the MAA the authorities have each determined to form a Joint Committee which is to be known as PLACE.

### Membership of PLACE

4. Each of the authorities will appoint for each municipal year one elected member to the Joint Committee who should normally be the Leader. Each of the authorities will inform the PLACE Strategy Unit in writing of these annual appointments.
5. Each of the authorities will also appoint for each municipal year one or more named substitutes, who may attend in place of the person appointed at paragraph four above and who will also be executive members where applicable. Each of the authorities will inform the PLACE Strategy Unit in writing of these annual appointments.

6. When a substitute proposes to attend a meeting of PLACE prior notification will be provided to the PLACE Strategy Unit.
7. Each authority will have one vote only on PLACE.

### Functions of PLACE

8. The authorities have each agreed that PLACE will fulfil the following functions:
  - a. monitoring the implementation of the MAA;
  - b. providing strategic oversight of the Pennine Lancashire Development Company and other MAA delivery partners;
  - c. determining the allocation of resources made available to the authorities jointly;
  - d. developing, agreeing and managing the following strategies for Pennine Lancashire:

- i. Economic;
- ii. Housing;
- iii. Transport;
- iv. Spatial;
- v. Integrated delivery plans; and
- vi. Investment frameworks;

- e. Commissioning and publishing research to support its functions;
  - f. Responding to government consultations which affect the whole area of Pennine Lancashire;
9. PLACE may also exercise any other functions which the authorities unanimously determine it should assume responsibility for. e.g. addressing health inequalities; and
  10. PLACE may discuss and make recommendations to the authorities in relation to any other matter which concerns the economic prosperity of Pennine Lancashire.

### Meetings

11. PLACE will hold at least four meetings each year.

12. Meetings will be held in public other than in the circumstances set out in paragraph 21.
13. At its first meeting and annually thereafter, the following will be determined for the ensuing year:
  - a. The appointment of a Chair and Vice-Chair; and
  - b. A timetable of meetings.
14. The Chair and Vice-Chair shall, unless s/he resigns the office or ceases to be a member of PLACE continue in office until a successor is appointed in accordance with paragraph 13 above.
15. In the absence of the Chair, the Vice-Chair shall preside at the meeting. In the absence of both, the members present shall, as the first item of business, appoint one of their number to be Chair of the meeting.
16. The Chair or in his/her absence the Vice-Chair may call a special meeting to consider a matter that falls within the remit of PLACE but cannot await the next scheduled meeting provided at least 10 clear working days notice in writing is given to the PLACE Strategy Unit.
17. In this Constitution the phrase 'clear working days' means that the relevant number of days is calculated excluding the day that notice is given (or other instigating event) and the day of the meeting. Week-ends and bank holidays are excluded from the calculation.
18. No business shall be transacted at a meeting unless at least five of the authorities are represented by a member or substitute member of PLACE.
19. Decisions of PLACE will be by a qualified majority save that:
  - a. any decision to recommend the authorities to agree an alteration to the terms of this Constitution must be unanimous; and
  - b. any decision which requires action to be taken or resources to be provided by any one or more of the authorities will require the agreement of such authority or authorities.
  - c. for the purposes of this Constitution the term "Qualified Majority" shall mean the affirmative vote of no less than 5 members of PLACE with no more than two members voting against the resolution in question.
20. Voting shall be by way of show of hands.

21. PLACE may by resolution exclude the press and public from a meeting during an item of business wherever it is likely in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during that item there would be disclosure of exempt or confidential information as defined by the Local Government Act 1972 and, where applicable Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2000.

22. Non-voting advisers/observers will be invited to attend meetings of PLACE for example representatives of the Chamber of Commerce, the PCT, Lancashire Economic Partnership Limited and Elevate, and may participate in the debate, but where they have an interest on the item in discussion they should declare this interest.

### **Delegation**

23. Subject to the unanimous agreement of its members, PLACE will have available to it full power to delegate its powers to a sub-committee of PLACE or officer of the local authorities.

24. It is anticipated that PLACE will put in place a working group comprising the chief executives of the authorities or their representatives who will make recommendations to PLACE in relation to the functions of PLACE and which will provide a report to PLACE at each of its meetings.

### **Ethical Standards**

25. Members of PLACE will continue to be bound by the code of conduct which applies to them as members of the authority to which they have been elected, when they are conducting the business of PLACE.

26. It is agreed by the authorities that the rules about confidential information in the relevant code of conduct will apply to the confidential information of PLACE.

### **Committee administration**

27. As a statutory Joint Committee, PLACE is subject to the provisions of the Local Government Act 1972 in relation to access to information and committee administration for PLACE will be provided by the PLACE Strategy Unit, whose address is Blackburn Town Hall, King William Street, Blackburn, BB1 7DY, and who will be responsible for preparing and circulating agendas for meetings, and for producing the minutes. All agendas will be agreed by the Chair before they are sent out.

28. Items of business may not be considered at a meeting of PLACE unless a copy of the item has been open to inspection by members of the public and the authorities for at least 5 clear working days before the meeting (or where the meeting is convened at shorter notice, from the time the meeting is convened.) However an item that has not been open to inspection may be considered where, by reason of special circumstances which shall be specified in the minutes, the Chair of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency.

### **Cessation of Membership**

29. Any authority may withdraw from membership of PLACE by giving a minimum of twelve months notice (or such shorter period of time agreed by the members) in writing to the PLACE Strategy Unit.
30. In the event of an authority withdrawing from membership of PLACE as provided for in paragraph 29 above, then the following provisions for withdrawal in this Constitution shall apply and in respect of any contractual obligations or other financial commitments entered into or costs reasonably incurred on behalf of PLACE whilst that authority was a member, that authority shall:
- a. continue to meet its share of the financial commitment and costs or meet its contractual obligations as required until the conclusion of the commitment or obligation as provided for in the documentation setting out the commitment or obligation; and
  - b. continue to be responsible for its part of any other liabilities relating to those contractual obligations or financial commitments until the conclusion of the obligations or commitments, as the case may be.

### **Scrutiny Arrangements**

31. Provisions 31 to 34 below do not apply to Ribble Valley Borough Council (since Ribble Valley Borough Council does not operate executive arrangements). Ribble Valley Borough Council's "call-in procedure for decisions made by policy committees" will apply to policy decisions made by PLACE.
32. Executive decisions made by PLACE insofar as they relate to the exercise of the functions of PLACE shall be subject to the scrutiny arrangements of each authority.
33. All such executive decisions of PLACE shall be notified to all those to whom papers are to be despatched to the authorities in accordance with paragraph 30 above within two (2) clear working days of the decision being made.



34. Each authority and their officers shall co-operate fully with the relevant scrutiny committee of each of the other authorities.
35. Any executive decision of PLACE called in for scrutiny before it is implemented shall not be implemented until the outcome of scrutiny arrangements of the member whose membership has called in the decision.
36. A call in of an executive decision can only be made if the executive decision concerned directly affects the authority whose membership wishes to call in the executive decision.

### **Dispute Resolution**

37. Any dispute under this Constitution shall in the first instance be referred to the Chief Executives of the authorities who shall meet to consider the dispute and use all reasonable endeavours to resolve matters as soon as reasonably practicable.
38. The authorities shall use all reasonable endeavours to reach a negotiated resolution through the above dispute resolution procedure. The specific format for such resolution shall be left to the reasonable discretion of the authorities but may include preparation and submission of statements of fact or of position.
39. If the dispute is not resolved at this meeting and only if each authority agrees at such a meeting or within fifteen (15) clear working days of its conclusion the authorities may request that the dispute be referred to a mediator to be agreed between them.

### **Confidential Information**

40. Except as authorised by PLACE and except for information that is in the public domain, already in the lawful possession of the authorities, or is required by law to be disclosed, the authorities shall keep secret and shall not use or disclose, but shall use their best endeavours to prevent the use or disclosure of, any information provided in documentary form or electronically, which includes but is not limited to information relating to PLACE, its transactions, processes, specifications, methods, or other of its activities or affairs or those concerning its staff and/or suppliers and any other information of a confidential, secret or proprietary nature.
41. The authorities must note their obligations under the Data Protection Act 1998, Freedom of Information Act 2000, Human Rights Act 1998 and any codes of practice and best guidance notes issued by the government and appropriate enforcement agencies. Each authority must comply with this legislation in so far

as it places obligations on it and to facilitate compliance by any member. In particular each member must note that PLACE or any relevant accountable body may be required to provide information relating to this Constitution or the business of PLACE to a person in order to comply with its obligations under such legislation.

#### **Amendments to the Constitution**

41. The terms of this Constitution shall be kept under periodic review.

42. Any amendments to this Constitution to be proposed to PLACE must first be approved by each of the authorities (including but not limited to the addition of a new member authority).

43. The amendment once approved by the authorities shall be subject to the approval of PLACE and shall be subject to the unanimous approval.

**MEETING CANCELLED**