

Wiltshire Council

Cabinet

2 February 2021

Agenda Item 17 – Procurement of Joint Venture Partner

Questions from Susan McGill

**To Councillor Philip Whitehead, Leader and Cabinet Member for
Economic Development, MCI and Communications**

Question 1 (21-17)

Please would you state in detail the grounds for asserting that it is in the public interest to restrict access to information about the proposal to procure a Joint Venture Partner?

Response:

The independent professional advice concerning the viability of a Joint Venture process contains commercially sensitive information which if placed in the public domain would prejudice the Council in a procurement process.

Question 2 (21-18)

Will the Joint Venture Partner be part of a company limited by shares? Please state the reasons for your reply.

Response:

It is too early in the process to determine this.

Question 3 (21-19)

Is the Joint Venture Partner to be part of a temporary or permanent contractual arrangement with Wiltshire Council? Please state the reasons for your reply.

Response:

If a JV partner is procured there will be a contractual arrangement which is yet to be determined.

Question 4 (21-20)

Will the Joint Venture Partner be part of a limited liability partnership with Wiltshire Council? Please state the reasons for your reply.

Response:

That is a model that could be pursued but at this stage it is too early in the process to determine this. Part of the process will be to identify and determine the best options for the Council.

Question 5 (21-21)

Will the Joint Venture Partner be part of a general or limited partnership with Wiltshire Council? Please state the reasons for your reply.

Response:

As above

Question 6 (21-22)

Please would you describe the arrangements that Wiltshire Council has put in place before procurement of a Joint Venture Partner...

a) to safeguard public assets

Response:

The Council has obtained independent professional advice and will commission professional advice and support for the procurement process.

b) to prevent strategy 'creep' from ill-defined objectives that are not mutually understood

Response:

As above

c) to specify the corporate identity of the joint Venture Partnership

Response:

As above

d) to protect Wiltshire Council from joint and several liability

Response:

As above

e) to ensure full fiscal transparency

Response:

As above

f) to ensure open reporting and transparent access to information about financial commitments by Wiltshire Council

Response:

As above

g) to ensure full compliance by Wiltshire Council with relevant legislation

Response:

As above

- h) to protect Wiltshire Council from liability resulting from third party contracts.

Response:

As above

Update – 10 June 2021

In addition to the above questions, a number of further questions were submitted on 26 May 2021, as detailed below, and a further response was supplied, also detailed below:

Questions:

1. Please would you state in detail the grounds for asserting that it is in the public interest to restrict access to information about the proposal to procure a Joint Venture Partner?
2. Will the Joint Venture Partner be part of a company limited by shares? Please state the reasons for your reply.
3. Is the Joint Venture Partner to be part of a temporary or permanent contractual arrangement with Wiltshire Council? Please state the reasons for your reply.
4. Will the Joint Venture Partner be part of a limited liability partnership with Wiltshire Council? Please state the reasons for your reply.
5. Will the Joint Venture Partner be part of a general or limited partnership with Wiltshire Council? Please state the reasons for your reply.
6. Please would you describe the arrangements that Wiltshire Council has put in place before procurement of a Joint Venture Partner...
 - to safeguard public assets
 - to prevent strategy 'creep' from ill-defined objectives that are not mutually understood
 - to specify the corporate identity of the joint Venture Partnership
 - to protect Wiltshire Council from joint and several liability
 - to ensure full fiscal transparency
 - to ensure open reporting and transparent access to information about financial commitments by Wiltshire Council
 - to ensure full compliance by Wiltshire Council with relevant legislation
 - to protect Wiltshire Council from liability resulting from third party contracts.

Response:

The Council has appointed commercial advisers to provide professional advice concerning the viability, and structure of the potential joint venture and the procurement of a partner. It is the intention to report that advice to the Cabinet for their consideration at the appropriate time. As is always the case the Council will not publish in the open agenda information that would be prejudicial to the Council's commercial interests.