

AGENDA

Meeting: **Cabinet**

Place: **Council Chamber - County Hall, Bythesea Road, Trowbridge, BA14 8JN**

Date: **Tuesday 26 March 2019**

Time: **9.30 am**

Please direct any enquiries on this Agenda to Stuart Figini, of Democratic Services, County Hall, Trowbridge, direct line 01225 718221 or email stuart.figini@wiltshire.gov.uk

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Membership:

Cllr Baroness Scott of Bybrook OBE	Leader of Council
Cllr John Thomson	Deputy Leader, and Cabinet Member for Communications, Communities, Leisure and Libraries
Cllr Pauline Church	Cabinet Member for Economic Development and South Wiltshire Recovery
Cllr Richard Clewer	Cabinet Member for Housing, Corporate Services, Arts, Heritage and Tourism
Cllr Laura Mayes	Cabinet Member for Children, Education and Skills
Cllr Toby Sturgis	Cabinet Member for Spatial Planning, Development Management and Property
Cllr Bridget Wayman	Cabinet Member for Highways, Transport and Waste
Cllr Philip Whitehead	Cabinet Member for Finance, Procurement, ICT and Operational Assets
Cllr Jerry Wickham	Cabinet Member for Adult Social Care, Public Health and Public Protection

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Part I

Items to be considered while the meeting is open to the public

Key Decisions Matters defined as 'Key' Decisions and included in the Council's Forward Work Plan are shown as 

1 **Apologies**

2 **Minutes of the previous meeting** (*Pages 7 - 18*)

To confirm and sign the minutes of the Cabinet meeting held on 5th February 2019, previously circulated.

3 **Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

4 **Leader's announcements**

5 **Public participation and Questions from Councillors**

The Council welcomes contributions from members of the public. This meeting is open to the public, who may ask a question or make a statement. Questions may also be asked by members of the Council. Written notice of questions or statements should be given to Stuart Figini of Democratic Services by 12.00 noon on Wednesday, 20th March 2019. Anyone wishing to ask a question or make a statement should contact the officer named above.

6 **Wiltshire Local Plan Review Update** (*Pages 19 - 58*)



Report by Corporate Director Alistair Cunningham

7 **Licensing and support of Microsoft software for Wiltshire Council** (*Pages 59 - 70*)



Report by Corporate Director Alistair Cunningham

- 8 **Service Devolution and Asset Transfer Package - Chippenham** (*Pages 71 - 90*)

 Report by Corporate Director Alistair Cunningham

- 9 **Change to approved Service Devolution & Asset Transfer Package - Devizes' Market Place**

Report by Corporate Director Alistair Cunningham to follow.

- 10 **Approach to Disposal of Assets and Property Acquisitions** (*Pages 91 - 122*)

 Report by Corporate Director Alistair Cunningham

- 11 **Proposal to join a Flexible Dynamic Purchasing System (DPS) for Independent and Non-maintained Special Schools (ISS)** (*Pages 123 - 130*)

 Report by Corporate Director Terence Herbert

- 12 **Adoption of a new Performance Management and Risk Management Policy** (*Pages 131 - 158*)

Report by Corporate Director Alistair Cunningham

- 13 **Performance Management and Risk Outturn Report: Q3 2018/19** (*Pages 159 - 174*)

Report by Corporate Directors Carlton Brand, Alistair Cunningham and Terence Herbert

- 14 **SWLEP Governance Framework Update** (*Pages 175 - 316*)

Report by Corporate Director Alistair Cunningham

- 15 **Urgent Items**

Any other items of business, which the Leader agrees to consider as a matter of urgency.

Part II

Items during consideration of which it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed

16 **Exclusion of the Press and Public**

This is to give further notice in accordance with paragraph 5 (4) and 5 (5) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 of the intention to take the following item in private.

To consider passing the following resolution:

To agree that in accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public from the meeting for the business specified in Item Number 17 because it is likely that if members of the public were present there would be disclosure to them of exempt information as defined in paragraph 3 of Part I of Schedule 12A to the Act and the public interest in withholding the information outweighs the public interest in disclosing the information to the public.

Reason for taking item in private:

Paragraph 3 - information relating to the financial or business affairs of any particular person (including the authority holding that information).

17 **Approach to Disposal of Assets and Property Acquisitions** (*Pages 317 - 322*)



Report by Corporate Director Alistair Cunningham

This item is exempt due to the financial information provided in the report.

Our vision is to create stronger and more resilient communities. Our priorities are: To protect those who are most vulnerable; to boost the local economy - creating and safeguarding jobs; and to support and empower communities to do more themselves.

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CABINET

MINUTES OF THE CABINET MEETING HELD ON 5 FEBRUARY 2019 AT KENNET ROOM - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

Present:

Cllr Baroness Scott of Bybrook OBE (Chairman), Cllr John Thomson (Vice-Chairman), Cllr Pauline Church, Cllr Richard Clewer, Cllr Laura Mayes, Cllr Bridget Wayman, Cllr Philip Whitehead and Cllr Jerry Wickham

Also Present:

Cllr Ruth Hopkinson, Cllr Ian Thorn, Cllr Philip Whalley, Cllr Tony Jackson, Cllr Alan Hill, Cllr Bob Jones MBE, Cllr Brian Mathew, Cllr Graham Wright, Cllr Ian Blair-Pilling, Cllr Horace Prickett, Cllr Jonathon Seed, Cllr Gavin Grant, Cllr Darren Henry, Cllr Gordon King and Cllr Steve Oldrieve

13 Apologies

Apologies were received from Cllr Toby Sturgis.

14 Minutes of the previous meeting

The minutes of the meeting held on 15 January 2019 were presented.

Resolved:

To approve as a correct record and sign the minutes of the meeting held on 15 January 2019.

15 Declarations of Interest

There were no declarations of interest.

16 Leader's announcements

The Leader explained the approach to public participation during the meeting.

17 Public participation and Questions from Councillors

Colin Gale, on behalf of Pewsey Community Area Partnership (PCAP), Campaign to Protect Rural England (CPRE) and Pewsey Parish Council (PPC), asked a number of questions about key decisions made by the Council.

Cllr Richard Clewer confirmed that a written response had been prepared and sent to Mr Gale prior to the Cabinet meeting.

The Leader asked that the Cabinet Member and Officers meet with Mr Gale to provide a demonstration of the process undertaken in producing the Forward Work Plan.

18 **Wiltshire Council's Financial Plan Update 2019/20**

The Leader introduced the Financial Plan, stating that the process undertaken to consult on the Plan was open and transparent. She confirmed that the report had been discussed in detail with the public, the Financial Planning Task Group and the Overview and Scrutiny Management Committee, prior to its consideration by the Cabinet and ultimately Council at the end of February 2019.

Cllr Philip Whitehead presented the report which provided an update on the 2019/20 budget and medium term financial strategy, and set out the budget setting proposals, giving details that feed into the budget setting reports.

In presenting the report, Cllr Whitehead indicated that the Council's strategic aims and priorities drove the medium term financial planning process, with changes in resource allocation determined in accordance with policies and priorities of the Council's 2017-2027 business plan. A key focus being to ensure a strong sustainable financial base during the current challenging times. The key changes in the Plan reflect the revised forecast for the increasing demand for care for the vulnerable, and the delay in Government determining a new fairer funding settlement.

Cllr Whitehead explained that (i) the Council is moving toward a five-year view of the budget and confirmed that the budget was fairly stable with an increase of £10m each year; (ii) the growth and challenges to the Council spending; (iii) funding sources for the budget; (iv) the level of savings required for 2019/20; and (v) budget assumptions for future years. Cllr Whitehead reported that he was confident that the Council was currently in a good position to set a strong Financial Plan for the years ahead and thanked officers for their assistance in putting the proposals together.

Councillor Graham Wright, Chair of the Overview and Scrutiny Management Committee, explained that the process for consulting on the Financial plan for 2019/20 was a significant improvement over the process employed in previous years. He welcomed the early engagement with Scrutiny and thanked officers for their input. He confirmed that the Overview and Scrutiny Management Committee undertook a robust and detailed consideration of the proposals.

Cllr Thorn, Chair of the Financial Planning Task Group, in echoing the comments of Cllr Wright, commented on improvements to the process, the early availability of information and discussions held. He also thanked officers for their contributions towards the process. In response to questions from Cllr

Thorn about creative ways of engaging backbench members in the process, Cllr Whitehead agreed that this was being considered for the next and future budget setting processes. Cllr Whitehead also reminded members that backbenchers were encouraged to suggest budget saving proposals at any time during the year and didn't have to confine their contribution to just the budget setting process.

Resolved: To recommend that Council

- 1. To endorse the update of the Financial Plan for 2019/20;**
- 2. Approve the growth and savings proposals summarised in the report to provide a net revenue budget for 2019/20 of £332.378 million.**
- 3. To set the Council's total net expenditure budget for 2019/20 at £332.378 million;**
- 4. To set a Council Tax increase of 2.99%;**
- 5. To agree delegated changes in fees and charges as set out in Section 41;**
- 6. To set a 1% reduction for social dwelling rents;**
- 7. To set the Housing Revenue Account (HRA) Budget for 2019/20 as set out at Appendix D of this report; and**
- 8. That all service charges related to the HRA be increased to recover costs, capped at increase of £5 for those not on housing benefits and garage rents increased by 3%.**
- 9. To endorse the Medium Term Financial Strategy and receive regular updates on delivery against strategy to Cabinet.**

Reason for Decision:

To enable the Council to:

- 1. Set its revenue and housing revenue accounts budgets and levels of reserves and Council Tax for the financial year 2019/20;*
- 2. Provide the Council with a strong financial plan for sustainable delivery of services in 2019/20; and*
- 3. Provide the Council with a Medium Term Financial strategy to drive long term financial sustainability and delivery of the business plan.*

19 **Revenue and Capital Budget Monitoring Period 9 2018/2019**

Cllr Philip Whitehead presented the report which provided an update on the revenue and capital budget monitoring positions as at the end of Period 9 (end of December 2018) for the financial year 2018/19.

Cllr Whitehead reported that, (i) forecasts indicated a general fund variance of £1.158m, being 0.4% of the Council's net budget and it was an improvement on the period 7 variance of £2.064m; (ii) a high-level of service expenditure is in line with budget profiles and forecasts; (iii) the Dedicated Schools Grant is coming under increased pressure in Wiltshire as it is across the country, with a current forecast for a £2.307m overspend; and (iv) changes to the capital budget made since the 2018/19 budget was set reflected the forecast year end position of the 2018/19 capital spend against budget as at Period 9.

Resolved:

- 1. To note the outcome of the period 9 (end of December) budget monitoring.**
- 2. To reinforce the need for expenditure to be contained within the budget agreed in February 2018.**
- 3. To note the budget movements undertaken to the capital programme shown in appendices E and F of the report and to also note the reprogramming of £5.227m capital budget between 2018/19 and 2019/20.**

Reason for Decision:

- 1. To inform effective decision making and ensure a sound financial control environment.*
- 2. To inform Cabinet of the position of the 2018/19 capital programme as at Period 9 (31 December 2018), including highlighting any budget changes.*

20 **Treasury Management Strategy**

Cllr Philip Whitehead presented the report, which recommended that Council approve the Prudential and Treasury Indicators, together with the Treasury Management Strategy for 2019/20.

The report included information about:

- Prudential and Treasury Indicators for the next three years
- Debt management decisions required for 2019/2020 that do not feature within the Prudential or Treasury Indicators (paragraphs 71 to 76)
- Minimum Revenue Provision Policy 2019/2020

- Annual Investment Strategy for 2019/2020, with the following changes from 2018/2019:
 - The ability to lend to selected property funds (CCLA)
 - Increasing the monetary limits on certain counterparties
 - Adjusting the high credit quality criteria

In response to a comment from the Leader about the balance of risks to economic growth in the UK, Cllr Whitehead encouraged all Councillors to read the treasury management reports as they contained excellent insights into the UK finances.

Resolved: To recommend that Council

- 1. Adopts the Minimum Revenue Provision Policy (paragraph 32 – 34)**
- 2. Adopts the Prudential and Treasury Indicators (paragraphs 24 – 31, 40 – 49 and Appendix A)**
- 3. Adopts the Annual Investment Strategy (paragraph 77 onwards), including the ratification of the adjustment of the minimum requirement for high credit quality, the limits for certain counterparties and the ability to invest in the CCLA property fund**
- 4. Delegates to the Director of Finance and Procurement the authority to vary the amount of borrowing and other long-term liabilities within the Treasury Indicators for the Authorised Limit and the Operational Boundary**
- 5. Authorises the Director of Finance and Procurement to agree the restructuring of existing long-term loans where savings are achievable or to enhance the long-term portfolio**
- 6. Agrees that short term cash surpluses and deficits continue to be managed through temporary loans and deposits**
- 7. Agrees that any surplus cash balances not required to cover borrowing are placed in authorised money-market funds, particularly where this is more cost effective than short term deposits and delegate to the Interim Director of Finance and Procurement the authority to select such funds**

Reason for Decision:

To enable the Council to agree a Treasury Management Strategy for 2019/2020 and set Prudential Indicators that comply with statutory guidance and reflect best practice.

21 Local Government Act 2003 Section 25

Cllr Philip Whitehead presented a report required by the Local Government Act 2003: Section 25, when a Local Authority agrees its annual budget and Council Tax precept.

Cllr Whitehead referred to a question asked by Cllr Hill at a recent meeting of the Overview and Scrutiny Management Committee about how all aspects of the budget were checked and tested. The Interim Director of Finance confirmed that each line of the budget was robustly challenged at an early stage, along with the Council tax requirement calculations and the adequacy of the proposed financial reserves.

Resolved: To note the report as part of the budget setting process.

Reason for Decision:

To enable the Council to:

- 1. Report on the robustness of the estimates made for the purposes of the Council Tax requirement calculations*
- 2. The adequacy of the proposed financial reserves*
- 3. The Council is required to have due regard to this report when making decisions on the budget.*

22 Capital Strategy

Cllr Philip Whitehead presented the report on the Capital Strategy for 2019/20; the Capital Programme for 2019/20 - 2023/24; and associated non-financial investment indicators.

Cllr Whitehead in presenting the report explained that the purpose of the Capital Strategy is to set out the priorities and framework within which Wiltshire Council determines its resourcing priorities for capital investment, decides the level of borrowing, the affordability of the borrowing and sets the level of the risk appetite.

In response to a question from Cllr Thorn, Chair of the Financial Planning Task Group about the reduction in Capital investment from 2020/21 onwards and positive challenge for schemes within the Capital programme, Cllr Whitehead explained that the expectation for a proportion of the Capital spend during 2018/19 was not achieved and therefore, a number of schemes had been realigned to the Capital programme for 2019/20. The Interim Director of Finance confirmed that following discussions with officers, she was confident that the schemes detailed in the programme were now achievable during 2019/20. The Leader commented on the Capital programme and indicated that numerous factors affect the smooth running of the programme. It was recognised that the

process was now more realistic, with risks, challenges and timings of schemes being considered at an earlier stage.

In response to a further question from Cllr Thorn about the Commercial – Local Development Company scheme detailed in the Capital programme, Cllr Clewer confirmed that a report would be presented on this scheme at the next Cabinet meeting on 26th March 2019.

Resolved: To recommend that Council

- 1. Adopts the Capital Strategy 2019/2020**
- 2. Approves the Capital Programme 2019/2020-2023/2024**
- 3. Adopts the non-financial investment indicators (paragraph 46)**

Reason for Decision:

To enable the Council to agree a Capital Strategy for 2019/2020, approve the Capital Programme 2019/2020-2023/2024 and set non-financial investment indicators that comply with statutory guidance and reflect best practice.

23 Strategic Depot Review

Cllr Philip Whitehead presented the report which set out a phased approach for a review of the depot portfolio, which included a review of the financial implications.

Cllr Whitehead explained that the Council continued to have a significant requirement for operational depot facilities from which to deliver its services and in a large and rural county, the cost-effective delivery of operational services required multiple facilities, based on a geographical spread. The Council's depot stock needed investment, as an increasing number of depots are no longer fit for purpose with escalating costs for maintenance, compliance, and energy consumption.

Action was necessary due to the risk of service failure in relation to the winter depots. The report proposed that a phased approach be adopted that delivered the short-term requirements needed to support the delivery of services, with a longer-term strategy developed.

The Cabinet noted that the proposal had been scrutinised by the Environment Select Committee, who supported the proposals contained in the report.

The Leader commented on the report and suggested that the review of the depot portfolio should be undertaken for the facilities required to deliver the service over the next 25 years, rather than a shorter timescale. Cllr Whitehead

confirmed that the review would take place over the next six months and a final report containing proposals would be considered by Cabinet in October 2019.

Resolved:

- 1. To approve a phased approach to a depot review to deliver short-term operational requirements, longer-term service and strategic needs, improve facilities, and deliver cashable savings.**
- 2. To approve the allocation of an additional £1.4m capital to meet any shortfall in capital requirements**

Reason for Decision:

The phased approach and additional capital is being sought to ensure that statutory services can continue to be delivered from the depot portfolio and that service delivery is not put at risk.

24 **School Capital Programme 2019 - 2024**

Cllr Laura Mayes presented the report which asked Cabinet to agree the Schools Capital Programme for 2019-2024.

In presenting the report Cllr Mayes explained that (i) the Council has a statutory duty to provide sufficient school places to meet the demand arising across Wiltshire; (ii) the current programme of work is based on the basic need priorities for capital investment in the short, medium and longer term; (iii) the Council has landlord responsibilities for the effective management and ongoing maintenance of the schools' estate (community, voluntary controlled and Foundation schools only); and (iv) the Council receives annual capital funding allocations from the Department for Education to meet basic need (new places) and condition (capital maintenance works) only.

In response to questions from Cllr Thorn about the level of S106 contributions from developers, the challenges posed by boundary reviews, and timescales and deliverability of the provision of new housing, the Acting Head of School Place Commissioning explained how the Council receives annual capital funding allocations from the Department of Education to meet new places and capital maintenance. The Government funding is supplemented by S106 developer contributions that the Council secures for essential school infrastructure in areas of new housing development. It was noted that capital projects progressed once S106 funding is received, and that new school builds linked to housing development are not started until planning approval has been given for the development and the housing developers have commenced on site. The Corporate Director, Children's Services confirmed that the numbers of new homes currently being delivered was meeting the expectations detailed in the housing local land supply for the next five years. Cllr Mayes referred to Appendix A to the report and the number of approved capital schemes that have been completed successfully for both primary and secondary schools.

In response to a question from Cllr Jackson about the provision of a new secondary school located in west Warminster, to cater for new housing developments in the area and complimenting the provision of places provided by Kingdown School in the town, the Acting Head of School Place Commissioning confirmed that discussions were ongoing to secure a site for the expansion of Kingdown School as part of the West Warminster Urban Expansion, although there were concerns about the viability of having a satellite site so far from the existing school. The Leader suggested that local members meet with officers to discuss the matter further.

Cllr Hill reminded members that the provision of new schools also included a requirement for additional teachers and improvements to the infrastructure. The Leader encouraged members to consider these issues when planning applications are received for new schools, and ensure that appropriate infrastructure developments are in place prior to a new school opening. Cllr Wickham referred on the Council's Obesity Strategy and how this should be considered when building new schools.

Resolved:

- 1. To note the progress on previously approved schemes at Appendix A to the report.**
- 2. To approve the new schemes, subject to planning approval and completed S106 agreements, requiring a total commitment of £14.7m as outlined at Appendix B to the report.**
- 3. To approve the Schools Planned Maintenance Programme totalling £2.5m for 2019/20 as outlined at Appendix C of the report.**
- 4. To authorise the Corporate Director for Children Services to invite and evaluate tenders for the projects described in the report, and, following consultation with the Cabinet member, to award the contract for the project (subject to approval of any necessary statutory proposals) and to authorise, in consultation with the Head of Strategic Assets and FM (or the Asset Portfolio Manager (Estates), in accordance with the relevant scheme of sub-delegation (under paragraph 7 of Part 3B of Wiltshire Council's constitution)), the acquisition of all land (and the completion of any legal documentation) reasonably required in order to facilitate the Schools Capital Investment Programme.**

Reason for Decision:

The Council has a statutory duty to provide sufficient school places to meet the demand arising across Wiltshire, whether from demographic or

population change, strategic housing development growth or the Army Re-Basing programme. The approved Wiltshire School Places Strategy 2017-2022 and its Implementation Plan identifies the priority basic need schemes requiring capital investment in the short, medium and longer term and these latest proposals for inclusions in the Schools Capital Programme will enable the priority works to be progressed. The Council also has Landlord responsibilities for the effective management and maintenance of the schools (for which the Council is responsible) estate and the approved programme will enable urgent and priority repairs and maintenance projects to proceed.

25 **School Admission Policies 2020/21**

Cllr Laura Mayes presented a report which detailed the School Admission Policy 2020/21, as part of the statutory process for the determination of admission arrangements to maintained schools.

The Leader thanked Debbie Clare, Admissions Co-Ordinator and her team for the hard work undertaken to support the army rebasing programme, over and above their normal duties. The Leader confirmed that the army families currently living in Germany, were happy with the arrangements being made to allocate school places for their children and the relationships being built with teachers at those schools.

Cllr Wickham referred to a recent BBC Points West news report which criticised the work being undertaken by Wiltshire Council in relation to the rebasing programme. Cllr Wickham expressed his disappointment that the Council did not receive the right of reply to the report. The Leader confirmed that the council had received funding from the Government in relation to the rebasing programme.

Resolved: To approve

- 1. The proposed scheme for the co-ordination of admission to secondary schools for 2020/21.**
- 2. The proposed scheme for the co-ordination of admissions to primary schools for 2020/21.**
- 3. The proposed admission arrangements for Voluntary Controlled & Community Secondary Schools for 2020/21.**
- 4. The proposed admission arrangements for Voluntary Controlled & Community Primary Schools for 2020/21.**

Reason for Decision:

The Local Authority has a statutory duty to have a determined admission policy for 2020/21 in place on or before 28 February 2019.

26 **Urgent Items**

There were no urgent items.

(Duration of meeting: 9.30am - 11.00am)

These decisions were published, earlier, on the 7th February 2019 and will come into force on 15th February 2019

The Officer who has produced these minutes is Stuart Figini of Democratic Services, direct line 01225 718221, e-mail stuart.figini@wiltshire.gov.uk

Press enquiries to Communications, direct lines (01225) 713114/713115

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Wiltshire Council

Cabinet

26 March 2019

Subject: Wiltshire Local Plan Review Update

Cabinet Member: Councillor Toby Sturgis - Spatial Planning, Development Management and Property

Key Decision: Key

Executive Summary

Cabinet at its meeting on 12 September 2017 approved the Wiltshire Local Development Scheme 2017 (LDS). Included in the updated LDS was a timetable for the review of the Wiltshire Core Strategy, covering the plan period 2016 to 2036, to be recast as the Wiltshire Local Plan. This was accompanied by a timetable for a Joint Spatial Framework prepared jointly with Swindon Borough Council to inform the Councils respective Local Plan reviews.

Cabinet on 10 October 2017 approved the scope and content for an initial Regulation 18 consultation on the Wiltshire Local Plan Review. This included two main documents; an issues paper inviting views on the methodology, scope and objectives for a Joint Spatial Framework with Swindon Borough Council and a position statement to inform the review of development management policies as part of the Wiltshire Local Plan Review.

In November 2017 the initial consultation took place in accordance with the approved LDS. Since that consultation the Government have issued revisions to the National Planning Policy Framework (NPPF).

This report brings together the outcomes of the Autumn 2017 consultation and amended Government policy now included in the revised NPPF. It recommends next steps for the review of the Wiltshire Local Plan with a view to an adopted plan being in place by Summer 2021. The LDS is also updated to take into consideration progress with made and advanced neighbourhood plans at January 2019, the timetable for the Wiltshire Housing Site Allocation Plan and the continued commitment to review minerals and waste plans.

Maintaining an up-to-date Local Plan in accordance with the NPPF will support plan led growth across the county to support sustainable and resilient communities, safeguarding the authority from speculative and unplanned development.

The next step will be for Cabinet to consider the local housing need for Wiltshire and alternative development strategies informed by a distribution based on Housing Market Areas, to inform the strategy for the Local Plan.

Proposals

That Cabinet:

- (i) Agree that the proposed Chippenham Housing Market Area, Salisbury Housing Market Area, Swindon Housing Market Area (Wiltshire part) and Trowbridge Housing Market Area (as amended), as set out in **Appendix 1**, are an appropriate basis for housing distribution within Wiltshire and should inform the development of a preferred strategy for the Local Plan.
- (ii) Endorse the preparation of a Statement of Common Ground with Swindon Borough Council to clarify the strategic cross boundary issues between the two authorities and the future role of the Joint Spatial Framework.
- (iii) Agree the revised Wiltshire Local Development Scheme at **Appendix 2**.
- (iv) Authorises the Director for Economic Development and Planning, in consultation with the Director of Legal and Democratic Services, Cabinet Member for 'Spatial Planning, Development Management and Property', to make minor amendments to the Local Development Scheme in the interests of clarity and accuracy before publishing it on the Council's website.
- (v) Delegates authority to the Director for Economic Development and Planning, in consultation with the Director of Legal and Democratic Services, Director of Finance and Procurement and Cabinet Members for 'Spatial Planning, Development Management and Property' and 'Finance, Procurement, IT and Operational Assets' to undertake subsequent reviews and updates to the LDS with any significant modifications being referred to Cabinet as appropriate.

Reason for Proposals

Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011) requires the Council to prepare and maintain a Local Development Scheme (LDS). The LDS sets out a rolling three year programme to deliver local planning documents. Delegated authority allows for future updates to the LDS to be undertaken in an efficient manner.

The revisions to the LDS and use of the Housing Market Areas will allow progress to continue to be made on maintaining an up-to-date Local Plan for Wiltshire in line with revised national policy.

Alistair Cunningham

Corporate Director - Growth, Investment and Place

Wiltshire Council

Cabinet

26 March 2019

Subject: Wiltshire Local Plan Review Update

Cabinet Member: Councillor Toby Sturgis - Spatial Planning, Development Management and Property

Key Decision: Key

Purpose of Report

1. The purpose of the report is to:
 - (i) Inform Cabinet on the outcome of consultations on the local plan review that took place in 2017;
 - (ii) Inform Cabinet of the implications for plan making arising from revisions to the National Planning Policy Framework;
 - (iii) Seeks endorsement for preparation of the required Statement of Common Ground with Swindon Borough Council to inform the matters to be addressed in a Joint Spatial Framework; and
 - (iv) Seek approval for a revised Wiltshire Local Development Scheme.

Relevance to the Council's Business Plan

2. The Business Plan 2017-2027 'Forward Thinking' seeks to create strong communities in Wiltshire. One of the four priorities, 'Growing the Economy', recognises the importance of job creation and improving housing supply to enable people to live and work locally. Delivering development where it is needed forms one of the goals of the Business Plan. This will be supported by the timely review of the Wiltshire Local Plan to ensure planning policies support sustainable development and resilient communities.

Background

3. Cabinet at its meeting on 10 October 2017 approved a Regulation 18¹ consultation on the proposed scope and content of the Local Plan Review. Reports on the consultation are available on the Council's website at <http://www.wiltshire.gov.uk/planning-policy-local-plan-review> under Issues

¹ Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012: Consultation on the Scope of the Plan

Consultation. The outcome of this consultation is discussed further under Main Considerations below.

4. Further informal consultation took place in relation to the main towns and rural areas during Autumn 2018 (Member Briefing Note 368 Wiltshire Local Plan Review Update refers). The purpose of these events was to discuss with town and parish councils where growth could take place and what could be an appropriate scale. Rural based workshops discussed how the local plan could support the delivery of new homes to meet local needs and support neighbourhood plans. The output from this consultation will inform emerging strategy options and will be reported to a future meeting of Cabinet.
5. The timing of the Regulation 18 consultation Autumn 2017 was in accordance with the Wiltshire Local Development Scheme 2017, approved by Cabinet on 12 September 2017. The reports to Cabinet which accompanied the revised Local Development Scheme and the Regulation 18 consultation recognised that a consultation on proposed changes to the then National Planning Policy Framework (NPPF) 2012, were anticipated early in 2018. It was recognised that changes to the NPPF may have consequences for the programme for the review of the local plan.
6. Having announced its intention to revise national policy in a housing white paper in September 2017, between 5 March and 10 May 2018 the Government consulted on a draft revised NPPF and Planning Practice Guidance (PPG). The final version of a revised NPPF was published on 24 July 2018 (Members Briefing Note 367 refers) and subsequently more minor amendments were published in a further revision in February 2019.²
7. Work on the local plan review was recently paused to enable officers to reflect on the implications of the new national policy for plan making. The consequences of the national policy changes introduced in the new versions of the NPPF published in July 2018 and February 2019 are discussed further under 'Main Considerations', below.

Main Considerations for the Council

Scope of the Plan Consultation, November 2017

8. Over 680 representations were received in response to the consultation. The majority related to the proposed Swindon and Wiltshire Joint Spatial Framework. Swindon Borough Council have reported on the responses they received separately, although there was considerable overlap in relation to the cross-boundary issues raised.

² <https://www.gov.uk/government/consultations/changes-to-planning-policy-and-guidance-including-the-standard-method-for-assessing-local-housing-need>

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

9. Points raised in the consultation questioned the role, status and timescales for preparing the Joint Spatial Framework. Comments considered that the timetable for the review was too ambitious given the anticipated draft amendments to the NPPF³ and proposals for a standard methodology to help estimate a minimum scale of housing needs.
10. There were several specific queries about the Strategic Housing Market Assessment (SHMA). For example, Mere Town Council questioned why the town had been identified in the Trowbridge Housing Market Area (HMA), rather than the Salisbury HMA, and Melksham Town Council questioned their inclusion in the Chippenham HMA, rather than Trowbridge the HMA. There were also concerns about the split positioning of the Malmesbury Community Area between the Chippenham and Swindon HMAs.
11. Few comments challenged the outcome of the Swindon and Wiltshire Functional Economic Market Area Assessment (FEMAA) although some consultees asked for more detail to understand the technical work. However, there were some concerns that there was an unnecessarily cautious approach to employment growth at Swindon and a view that there is an inconsistency between the economic aspirations for the A303 Functional Economic Market Area (FEMA) and the housing provision for the Salisbury HMA. The concern here was that this could lead to insufficient housing to meet the needs of workers in the south of the county. These concerns are being considered as part of developing a strategy for the two plans.
12. There were many representations from planning consultants promoting development sites on behalf of land-owners or developers.
13. A full summary of all the issues raised in the consultation is included in the appendices to the consultation report available on the website. As well as strategic comments such as those outlined above, there were detailed comments about specific towns. For example, in relation to Chippenham there is recognition that a link road from the A4 to the A350 could be beneficial but there were differences of view over the benefits and costs of possible eastern and southern routes. In relation to Trowbridge there was a view that brownfield opportunities with close proximity to employment, should be prioritised to help make the town more attractive and prevent development on greenfield land. In relation to Salisbury, there was some support for more housing to be allocated for the Salisbury HMA than proposed in the SHMA, particularly at Salisbury, to improve affordability and enable workers to live and work in the City to improve self-containment as well as to prevent a shortfall of labour and stagnation of Salisbury's economy.
14. The output from the consultation will inform emerging strategy options at the next stage of the review process.

³ The NPPF was revised in 2018. This consultation report includes commentary relevant to the situation at the time of the consultation, that is, before the revised NPPF was published in July 2018.

Revisions to National Planning Policy Framework (NPPF) 2018 and 2019

15. The Cabinet report which accompanied proposals to revise the Wiltshire Local Development Scheme in 2017 and the Regulation 18 consultation recognised that a consultation on proposed changes to the 2012 NPPF might have consequences for the programme for the review of the local plan. Many of the strategic issues raised in the November 2017 consultation anticipated some of the changes ultimately included in the revised NPPF.
16. In relation to plan making and housing delivery, three significant changes have been introduced particularly relevant to the local plan review.
 - (i) a standard methodology for calculating minimum local housing need based on household growth projections and local affordability ratios (house price to income);
 - (ii) Local housing need is to be expressed as a single authority housing figure replacing the previous approach to calculate local housing need on the basis of housing market areas; and
 - (iii) A raised profile on Statements of Common Ground with neighbouring local planning authorities, that agree approaches to strategic cross boundary issues, and for these to be updated as preparation progresses.
17. Although there were minor changes to the expectations in terms of planning for economic growth the evidence provided by the Swindon and Wiltshire FEMAA (2017) remains relevant to inform plan preparation.

Estimating local housing need

18. The NPPF at paragraph 60 states that: “*To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance...*”. The result of the standard method is, therefore, the starting point for plan making and represents the minimum number of homes needed in the local authority area. Therefore, based on the latest Government position, around 40,500 homes would be the minimum local housing need for Wiltshire for the period 2016 to 2036.
19. The Council should consider whether actual housing need may be higher than the figure identified by the standard method. Examples of where it may be appropriate to consider planning for a higher housing need figure is set out in the Government’s Planning Practice Guidance (PPG) and includes:
 - (i) economic circumstances; a need for strategic infrastructure to support new homes, where growth strategies are in place; or where

an authority agrees to take unmet need from a neighbouring authority⁴.

(ii) having regard to recent assessments of need, such as Strategic Housing Market Assessment (SHMA).⁵

20. In relation to (i) one of Wiltshire's few globally competitive sectors for business is in South Wiltshire around Life Sciences at Porton Down and Aerospace at Boscombe Down⁶. In addition, the need for strategic infrastructure in Chippenham was discussed as a consequence of the evidence prepared to support the Chippenham Site Allocations Plan, which identified that "*With the prospect of further growth in subsequent Plan periods it is important, therefore, to consider an approach to the longer-term network resilience of the town*"⁷.
21. In relation to (ii) there is a relatively recent assessment of local housing need in the form of the 2017 Swindon and Wiltshire SHMA. The SHMA identified a housing need of about 44,000 homes for the period 2016 to 2036 for Wiltshire and considered longer term migration trends and adjustments in need to match growth in the workforce.
22. In accordance with advice in the PPG, the Council should consider whether these factors affect the estimate of local housing need using the standardised method. Work is ongoing to sense check the minimum local housing need figure for Wiltshire and to consider whether the circumstances listed in paragraphs 20 and 21, above, suggest a different figure.
23. It should also be noted that the PPG advises that the local housing need figure should be kept under review and revised where appropriate⁸. The output from the standard method may change when new household projections and affordability ratios are published, potentially every 2 years. In fact, Government has indicated that a revised methodology will be published by 2020. The local housing need calculated using the standard method can be relied upon for a period of 2 years from the time a plan is submitted to the Planning Inspectorate for examination. Any changes to the local housing need calculation using the standard method, between now and submission to the Secretary of State, will need to be taken into account before the plan is submitted⁹. Allowing a contingency within the local plan housing requirement, possibly in the form of a range, would help

⁴ Paragraph: 010 Reference ID: 2a-010-20180913

⁵ Paragraph: 010 Reference ID: 2a-010-20180913

⁶ Wiltshire Employment Land Review, 2018

⁷ <http://www.wiltshire.gov.uk/csapsc-position-statement-network-resilience-at-chippenham.pdf>

⁸ The Government is keeping the standard methodology under review to make sure it is consistent with the Government's ambition that, nationally, 300,000 homes are built per year by the mid 2020s. It has recently confirmed that for the short-term, the 2014-based data will provide the demographic baseline for assessment of local housing need. In the longer term the Government has committed to review the formula with a view to establishing a new method by the time the next projections are issued (2020).

⁹ Paragraph: 008 Reference ID: 2a-008-20180913 and Paragraph: 016 Reference ID: 2a-016-20180913

to safeguard against revised Government calculations of local housing need being higher than anticipated at the time the plan is submitted for examination, particularly as the outcome of the Government's consultation on revisions to the standard method to boost the supply of housing is not yet known.

Housing market areas

24. The NPPF requires that: "*Strategic policy-making authorities should establish a housing requirement figure for their whole area, which shows the extent to which their identified housing need (and any needs that cannot be met within neighbouring areas) can be met over the plan period*" (Paragraph 65).
25. The NPPF also requires that land for housing should come forward where it is needed (paragraph 59) but no longer specifically references housing market areas (HMAs). The SHMA 2017 indicates where housing need is arising in Wiltshire taking into account household demand, preferences for different types of housing, key functional linkages between places and where people live and work. HMAs respond to national advice within the NPPF and PPG, which requires these factors to be considered in planning for housing.
26. It is therefore proposed to continue to inform the distribution of housing within the County on the basis of HMAs to enable a need that derives from within a specific HMA to be met within the same area to which it relates.
27. The SHMA identified four HMAs as indicated on the map at **Appendix 1**. In response to comments received during consultation (see paragraph 10 above) a review of these functional geographies has been undertaken. The review has confirmed that the Swindon HMA extends into Wiltshire but also proposes:
 - (i) Malmesbury Community Area should be confirmed as within the Chippenham HMA;
 - (ii) Mere Community Area should be located within the Salisbury HMA;
 - (iii) Pewsey Community Area should be located wholly in the Swindon HMA, rather than split between Swindon and Chippenham HMAs; and
 - (iv) Melksham Community Area should continue to be split between the Trowbridge and Chippenham HMAs.
28. These changes are included on the second map at **Appendix 1**. The justification for the proposed changes is different in each location. For example, the majority of people living in the Malmesbury Community Area live at Malmesbury Town, which has closer connections to Chippenham than Swindon. There is a more marked connection between Malmesbury

providing workers for Chippenham than Swindon, hence the recommendation to include the Malmesbury Community Area wholly in the Chippenham HMA. It was not possible to locate Melksham Community Area wholly in one HMA because of the very close relationship of the southern parishes to Trowbridge in contrast to the economic connection between Chippenham and Melksham.

Statement of Common Ground with Swindon Borough Council

29. There is a raised profile for Statements of Common Ground in the revised NPPF. It has always been the intention to work closely with Swindon Borough Council on cross boundary issues, hence the proposed Joint Spatial Framework.
30. Swindon Borough Council Cabinet are meeting on 20 March 2019 to consider their revised Local Development Scheme. Their report recognises the revisions to the NPPF also and proposes to proceed with the review of the local plan on the basis of a local housing need figure for the authority using the Government's current method, a figure of 20,460 net additional homes for the period 2016-2026. The report recognises that: *"the revised local housing need for Swindon Borough is likely to be significantly lower than indicated in the Swindon and Wiltshire Strategic Housing Market Assessment published in October 2017. On-going work is being under-taken to sense check the local housing need figure in respect of economic forecasts and affordable housing needs, and to consider the implications for future housing need and employment that flow from the recent announcement by Honda to cease production in the town."*
31. It is understood from Swindon Borough Council's Cabinet papers that about 18,000 dwellings are already part of existing commitments in the form of either planning permissions or allocations in the adopted Local Plan and made neighbourhood plans in Swindon. Furthermore, it is reported that Swindon Borough's Strategic Housing and Employment Land Availability Assessment identifies residential sites for about 3,000 dwellings developable by 2036 with a further 5,000 developable subject to viability or infrastructure issues being overcome. Making an allowance for small windfall sites results in a potential remaining supply of some 27,500 dwellings. This compares favourably to the standard methodology local housing need figure of 20,460 for the period 2016-2036.
32. On this basis, there is a sufficient supply of dwellings to:
 - (i) demonstrate that housing need could be met within Swindon Borough without recourse to seek allocations in adjacent authorities;
 - (ii) allow for a choice of sites to be allocated according to sustainability appraisal criteria and informed by further public consultation; and
 - (iii) allow for flexibility in respect of viability and infrastructure issues being resolved.

33. In accordance with Section 33A of the Planning and Compulsory Purchase Act 2004 (as amended) local authorities must engage constructively, actively and on an ongoing basis in any process by means of which development plan documents are prepared. This is termed the 'duty to cooperate'. It states that cooperation should take account of the most appropriate functional geographies, which would include housing market areas (HMAs) and functional economic market areas (FEMAs). This provided the momentum for joint working with Swindon and the proposed Joint Spatial Framework (see Cabinet report 10 October 2017).
34. The revised NPPF now requires local authorities to "*maintain one or more statements of common ground, documenting the cross-boundary matters being addressed and progress in cooperating to address these*" (paragraph 27). The PPG outlines what a statement of common ground should contain and explains that it should be "*maintained on an on-going basis throughout the plan making process*".
35. A statement of common ground can identify matters that are agreed, yet to be agreed or further information that is required before matters can be agreed. It should identify those areas where cooperation is required to deliver the strategic policies of both authorities. To this extent it will cover many of the elements previously intended to be included within the Swindon and Wiltshire Joint Spatial Framework.
36. A Statement of Common Ground should, therefore, be prepared between Wiltshire and Swindon to confirm the extent of joint working between the two authorities, including whether:
 - (i) the proposed housing requirements for Swindon Borough Council and Wiltshire Council can be accommodated within each authority's boundaries and if not the extent of the shortfall in provision;
 - (ii) the proposed employment land requirement identified in the Swindon and Wiltshire FEMAA can be accommodated within each authority's boundaries and if not the extent of the shortfall in provision; and
 - (iii) there are other cross boundary strategic issues that should be addressed through joint working including infrastructure provision to support growth.
37. The Statement of Common Ground should be subject to ongoing review. The scope of the Joint Spatial Framework will be determined by the Statement of Common Ground. It may be reduced in scope compared to that previously proposed, for example, it may only focus on employment land and infrastructure delivery.
38. There are also ongoing discussions with other neighbouring authorities to understand the implications of planning for growth in our respective areas. These cross boundary discussions will also lead to the preparation of Statements of Common Ground to identify how the duty to cooperate has been discharged.

Implications for the Wiltshire Local Development Scheme (LDS)

39. The LDS is a three year rolling project plan for maintaining an up-to-date local plan for Wiltshire. It sets out the development plans prioritised for production by Wiltshire Council and a timetable for their delivery over a three year period. The LDS thereby commits Council resources to a programme of work and is a main means for stakeholders to understand key dates in the preparation of the Local Plan and key stages when they can engage in its production. It is a requirement of the section 15 Planning and Compulsory Purchase Act 2004 as amended by the Localism Act 2011.
40. The consequence of amendments to the NPPF in 2018 and 2019 for plan making and the changing relationship with Swindon Borough Council, both discussed above, will give rise to amendments to the Wiltshire LDS considered to be significant modifications outside the scope of the resolution in 2017.
41. The proposed changes to the LDS are summarised as follows, with the full LDS including timelines and scope of documents set out in **Appendix 2**:
- (i) An updated timetable for the adoption of the Wiltshire Housing Sites Allocations DPD, which is now at examination. The scope of the plan is unchanged.
 - (ii) A revised timetable for the Wiltshire Local Plan Review, which incorporates a Statement of Common Ground with Swindon Borough Council rather than a timeline for a Joint Spatial Framework. The scope of the plan is unchanged. Broad alignment of plan preparation with Swindon Borough Council is maintained.
 - (iii) Continued commitment to a review of adopted minerals and waste plans to check consistency with national policy and identify the need for any additional policy development.
42. The LDS does not include a timetable for the preparation of neighbourhood plans as the timing and delivery of these are the responsibility of the 'qualifying bodies' which is generally the Parish Council. However, the LDS does provide a summary of those plans that have been made and now form part of the development plan and those that have progressed to examination at the time of writing the revised LDS (January 2019).
43. The programme for the LPR is broadly aligned with that for the review of the Swindon Borough Plan up until the Pre-submission consultation during the Winter 2019/20. From this point forward, the review of the Swindon Borough Plan will proceed ahead of the review of the Wiltshire Local Plan. This should enable the Borough's plan to be tested at examination before commencing the examination of the Wiltshire Local Plan. This is particularly relevant in relation to the position that new development can

be contained within the authority's boundaries and the scope and content of the proposed Statement of Common Ground with Wiltshire.

Next Steps

44. Subject to Members approval of the recommendations of this report, the next steps will be:
- (i) Wiltshire Local Development Scheme 2019 - The approved Local Development Scheme will be brought into effect and made available on the Council's website at the earliest opportunity.
 - (ii) Establishing a local housing need - Officers will report back to Cabinet on ongoing work to understand an appropriate local housing need for Wiltshire inline with advice in the NPPF and accompanying guidance (PPG).
 - (iii) Assessment of Alternative Development Strategies - Officers will report to Cabinet on the outcome of the informal Autumn 2018 consultation and how this, and the earlier consultation response, have informed the creation and assessment of reasonable alternative development strategies.
45. In addition, to the above actions a parallel piece of work is ongoing in relation to a review of the core policies and saved policies which form part of the current Local Plan. The consultation undertaken in 2017 sought views on existing saved policies and core policies and their continued compliance with national policy¹⁰.
46. The informal consultation that took place with local members, parish councils and representatives of neighbourhood plan groups in October/November 2018 included two rural workshops where current policy for the rural areas was discussed in the light of the NPPF 2018. The outcome of these workshops and the responses received during the November 2017 consultation continue to inform the review of policies.

Overview and Scrutiny Engagement

47. There has been no overview and scrutiny engagement at this stage.
48. The revised approach to joint working through a Statement of Common Ground and the implications of the revisions to the NPPF for the review of both the Wiltshire and Swindon Local Plans has been discussed with members within the Swindon and Wiltshire Joint Working Group, a forum for informal discussion established to facilitate joint working.

Safeguarding Implications

49. There are no safeguarding implications arising from the proposal

¹⁰ Wiltshire Local Plan Review Consultation Paper November 2017 available at <http://www.wiltshire.gov.uk/spp-wlpr-2017-11-consultation-paper.pdf>

Public Health Implications

50. Planning for sustainable development to meet the employment, housing and infrastructure needs of communities helps foster their wellbeing. Well planned development, including appropriate infrastructure, supports health and well-being of local communities, for example through the provision of green infrastructure and infrastructure to encourage walking and cycling as means of travel. Maintaining up-to-date policy for Wiltshire supports the timely delivery of social infrastructure to improve the resilience of our communities.

Procurement Implications

51. The recommendations have no direct procurement implications in themselves. However, the Wiltshire Local Plan Review continues to have procurement implications in order to gather appropriate evidence to support the plan making process. For example, officers have procured a Strategic Flood Risk Assessment to inform strategy development, site selection and policy development. Where such procurement implications do arise these requirements will be undertaken in accordance with procurement and contracting Regulations, and in consultation with Strategic Procurement.

Equalities Impact of the Proposal

52. The purpose of maintaining up to date planning policies in Wiltshire is to make sure growth and development in the County is positively managed. The public consultation processes and community involvement embedded in plan preparation in accordance with the Wiltshire Statement of Community Involvement ensures that everyone has an opportunity to inform the review of the local plan.
53. When the plan is submitted to the Secretary of State for examination it will be accompanied by an Equality Impact Assessment undertaken as part of the review of the local plan to ensure the Council discharges its duties under the Equality Act 2010

Environmental and Climate Change Considerations

54. The Wiltshire Local Plan relates to the development and use of land and will have implications for the physical, economic and social environment of Wiltshire. Sustainability Appraisal, incorporating Strategic Environmental Assessment and Habitats Regulations Assessment, will be undertaken as part of the local plan review to ensure that negative environmental impacts are avoided, and policies and proposals deliver development in a sustainable manner.
55. The process of plan making incorporating Sustainability Appraisal will take into consideration both the current position and predicted future considerations in relation to the local environment, for example, in relation to climate change and flood risk and in relation to future traffic growth.

56. The draft Wiltshire Sustainability Appraisal (SA) Scoping Report was consulted on as part of the Regulation 18 consultation last year. The SA Scoping Report has been amended in the light of comments received and is available on the Council's website (<http://www.wiltshire.gov.uk/planning-policy-local-plan-review>). This will now be used to assess the proposed alternative development strategies discussed above.

Risks that may arise if the proposed decision and related work is not taken

57. It is important that Wiltshire continues to maintain up-to-date policy to ensure that plan-led growth, that best meets the needs of Wiltshire, can be delivered. Failing to do so would increase the risk that growth would occur piecemeal, delivered by developers rather than as planned. The government's housing White Paper 'Fixing the broken housing market' (February 2017) and more recently the revisions to the NPPF set out the clear expectation that plans should be reviewed every 5 years.
58. The NPPF sets out the 'presumption in favour of sustainable development' and states that where plans are out of date, silent or indeterminate, then permission should be granted. In addition, it requires a five year land supply to be maintained and sufficient housing land to be identified. Moving forward now on the basis outlined above should maintain progress on the review of the local plan and ensure the supply of housing is maintained beyond 2026, reducing the risk of non-plan led development in the longer term.

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

59. There remains a risk that the Government issue new advice on how the standard methodology will be calculated before the plan is submitted to the Secretary of State for Examination. Ultimately, the process will need to retain some flexibility in order to respond to any changes in the national policy approach. This is also a risk for Swindon Borough Council. Work is ongoing to sense check the minimum local housing need figure for Wiltshire to seek to minimise this risk.
60. The Wiltshire Housing Site Allocations Plan (WHSAP) is currently at Examination. The document and its evidence is being examined in accordance with the NPPF 2012 consistent with the transitional arrangements outlined in the revised NPPF. This is following a separate process however some confusion may arise in relation to the role and purpose of WHSAP compared to the role and purpose of the LPR.
61. There is also a risk of misinformation in this period of plan development. These risks will be managed through clear and timely communications both within and outside the organisation to explain the process of plan making. This will include specific events with local members, town and parish councils and representatives of neighbourhood plan steering

groups to continue the discussion about sites and the appropriate levels of development at specific towns and in the rural areas begun last Autumn.

62. Discussions will also take place with neighbouring authorities, service and infrastructure providers and the development industry to manage future risks and uncertainties.

Financial Implications

63. The existing 2018/2019 and planned 2019/2020 budgets for the Economic Development and Planning Service will meet financial implications of continuing with the review of the local plan. New evidence will be required to support the evolving plan in the financial year 2020/21 as well as expenses relating to examination and consultation costs.
64. Acquiring additional evidence will involve commissioning work from external sources due to the technical expertise required or internal resourcing, for example, traffic modelling and assessment. Economies of scales suggest some additional evidence could be jointly commissioned with Swindon Borough Council, but this will be decided on a project by project basis. Other evidence may be prepared using 'in-house' resources of the Council, for example, the Strategic Housing and Employment Land Availability Assessment.
65. Adoption of the Wiltshire Local Plan will help bring forward new sites for housing, thereby enabling the Council to benefit from revenue and capital associated with the delivery of new homes including contributing to the Council's 'Council Tax base'.

Legal Implications

66. In accordance with the Planning and Compulsory Purchase Act 2004 (as amended), the Council has a statutory duty to prepare planning policy, which has been reinforced through the National Planning Policy Framework and the Localism Act 2011.
67. The Council also has a statutory duty to engage with local communities and other stakeholder bodies during plan preparation in accordance with its Statement of Community Involvement. The consultation in 2017 was part of ongoing discussions on the scope of the local plan under Regulation 18 Town and Country Planning (Local Planning) (England) Regulations 2012. The informal engagement recently undertaken with local members, town and parish councils and representatives of neighbourhood plan steering groups referred to in this report and further consultation with the same stakeholders continues to be part of the Regulation 18 engagement.
68. Furthermore, Section 110 of the Localism Act 2011 introduces a 'Duty to Cooperate' in relation to planning for sustainable development (as a new section 33A into the Planning and Compulsory Purchase Act 2004). This requires Wiltshire Council to engage constructively, actively and on an on-

going basis to maximise planning on strategic cross boundary issues. Such engagement will be embedded in the plan making process and will inform policy development.

69. Once adopted, the Wiltshire Local Plan and Wiltshire Housing Site Allocations Plan will form part of the statutory development plan for the area and be used as such for the purpose of determining relevant planning applications across Wiltshire.

Options Considered

70. The options open to the Council are limited as Wiltshire Council is required to maintain up-to-date planning policies within the county which are compliant with national planning policy. To review the plan against out of date policy would result in a document that would fail the tests of soundness outlined at paragraph 35 of the revised NPPF.

Conclusion

71. The LDS should be periodically reviewed to keep it up to date and ensure that there is a clear programme of work to maintain an effective Local Plan for Wiltshire. Not to do so would significantly compromise the Council's ability to meet local needs and aspirations in the form of sustainable plan led development. Since the last LDS was published changes have been made to national policy that should be taken into account in how the Council progresses the Local Plan Review and the nature of joint working with Swindon Borough Council.
72. The revised HMAs provide a sound basis on which to inform the distribution of the local housing need figure, once established, for the County and should be used to inform the development of alternative development strategies. This should be reported to a subsequent Cabinet meeting.

Alistair Cunningham
Corporate Director - Growth, Investment and Place

Report Authors:

Georgina Clampitt-Dix
Head of Spatial Planning
Email: georgina.clampitt-dix@wiltshire.gov.uk
Tel: 01225 713472

Carolyn Gibson
Spatial Planning Manager
Email: carolyn.gibson@wiltshire.gov.uk
Tel: 01225 718452

18 March 2019

Appendices

Appendix 1: Map of draft and proposed Housing Market Areas

Appendix 2: Draft Wiltshire Local Development Scheme, March 2019

Background Papers None

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Appendix 1: Map of proposed Housing Market Areas

Draft Housing Market Areas (SHMA 2017)



Proposed Housing Market Areas (2019)



APPENDIX 2

Wiltshire Local Development Scheme

March 2019

1. Introduction

- 1.1 The Planning and Compulsory Purchase Act 2004 as amended by the Localism Act 2011 requires the council to prepare and maintain a Local Development Scheme (LDS). The Wiltshire LDS sets out the Development Plan Documents (DPDs) prioritised for production by Wiltshire Council and the timetable for their preparation that will, when complete, together with other adopted documents, comprise the Local Plan for Wiltshire. It also includes information on neighbourhood plans that form part of the development plan for Wiltshire as well as those at an advanced stage of preparation.
- 1.2 The LDS should be kept up to date and was last reviewed in September 2017 to cover the period 2017 to 2020. This was an update to respond to recently published evidence on housing and employment needs which provided the opportunity to develop joint working with Swindon Borough Council.
- 1.3 This review of the LDS takes into account ongoing joint working with Swindon Borough Council and includes the following
 - (i) An updated timetable for the preparation of the Wiltshire Housing Site Allocations DPD which is now at Examination. The plan identifies new sites for housing, to provide surety of delivery over the plan period to 2026. It also includes a review of settlement boundaries in the Wiltshire Core Strategy.
 - (ii) A revised timetable for the Wiltshire Local Plan¹ Review in response to the revisions to the National Planning Policy Framework (2018 and 2019) and the consequential changing nature of joint working with Swindon Borough Council.
- 1.4 The programme for the preparation of the Wiltshire Local Plan Review includes the Council's commitment to the preparation of a Statement of Common Ground, prepared in co-operation with Swindon Borough Council to confirm the extent of joint working between the two authorities.
- 1.5 The LDS does not include a timetable for the preparation of individual neighbourhood plans as the timing and delivery of these are the responsibility of the 'qualifying bodies' which, in Wiltshire, is generally the parish councils. However, the LDS does provide a summary of those plans that have been made and now form part of the development plan and those that have progressed to at least the submission stage at the time of writing (March 2019).

¹ While the Wiltshire Core Strategy was being prepared changes in Government advice resulted in a change of terminology and content of council wide plans. Specifically, the term 'Core Strategy' was replaced by 'Local Plan' in the National Planning Policy Framework. To avoid confusion the title 'Wiltshire Core Strategy' was retained until it was adopted. However, it is appropriate to now adopt the new terminology as, in line with the National Planning Policy Framework, the review will bring into it the development management policies currently referred to as 'saved policies of the former District Councils'

- 1.6 The LDS recognises the need to review adopted Minerals and Waste DPDs to check their consistency with the national planning policy and identify the need for any additional policy development.

2. The Wiltshire Development Plan

Existing Development Plan

- 2.1 Section 38(6) of the Planning and Compulsory Purchase Act states that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan comprises both DPDs prepared by Wiltshire Council as local planning authority and made (adopted) Neighbourhood Plans prepared by parish and town councils within Wiltshire. Policies within the documents listed in Table 1 and 2 below currently form the development plan for Wiltshire (and Swindon²).
- 2.2 The Wiltshire Core Strategy replaces many of the ‘saved’ policies within the former North Wiltshire Local Plan 2011, the Kennet Local Plan 2011, the West Wiltshire District Plan First Alteration 2011 and the Salisbury Local Plan 2011, as well as some policies within the West Wiltshire Leisure and Recreation DPD. The remaining extant policies from these documents are listed at Appendix D of the Wiltshire Core Strategy.

Table 1: Wiltshire Development Plan - Development Plan Documents, March 2019

Document	Area covered	Status
Chippenham Site Allocations Plan (adopted May 2017)	Chippenham (principal settlement)	Current policy. Sets out the sites and details of development to accommodate strategic growth options for Chippenham in accordance with Core Policy 10 of the Wiltshire Core Strategy.
Wiltshire Core Strategy (adopted January 2015)	Wiltshire Council	Current policy. Sets out the spatial vision, objectives and strategy for the spatial development of Wiltshire and strategic policies and proposals to deliver the vision setting out principles of development for the county to 2026, including strategic site allocations.
Wiltshire and Swindon Waste Site Allocations DPD (adopted November 2012)	Wiltshire Council and Swindon Borough	Current policy. Identifies land for future waste management facilities and aggregate recycling facilities up to 2026 in accordance with the Swindon and Wiltshire Waste Core Strategy.
Wiltshire and Swindon Minerals Site Allocations DPD (adopted December 2012)	Wiltshire Council and Swindon Borough	Current policy. Identifies land for future mineral (aggregates) working and aggregate recycling facilities up to 2026 in accordance with the Swindon and Wiltshire Minerals Core Strategy.

² Wiltshire Council and Swindon Borough Council have prepared minerals and waste local plans on a joint basis

Document	Area covered	Status
Wiltshire and Swindon Waste Development Control Policies DPD (adopted September 2009)	Wiltshire Council and Swindon Borough	Current policy. Sets out generic policies to assist in determining planning applications for waste development up to 2026.
Wiltshire and Swindon Minerals Development Control Policies DPD (adopted September 2009)	Wiltshire Council and Swindon Borough	Current policy. Sets out generic policies to assist in determining planning applications for minerals development up to 2026.
Wiltshire and Swindon Waste Core Strategy (adopted July 2009)	Wiltshire Council and Swindon Borough	Current policy. Sets out the spatial vision, strategic objectives and strategy covering waste provision up to 2026 including the strategic policies and proposals to deliver the vision.
Wiltshire and Swindon Minerals Core Strategy (adopted July 2009)	Wiltshire Council area and Swindon Borough	Current policy. Sets out the spatial vision, strategic objectives and strategy covering minerals provision up to 2026 including the strategic policies and proposals to deliver the vision.
West Wiltshire Leisure and Recreation DPD (adopted February 2009)	Former West Wiltshire district area	Provides additional recreational policies for the West Wiltshire area for the period up until 2016. Certain policies have been replaced by the Wiltshire Core Strategy. Remaining policies are 'saved' and will be replaced by policies in future DPDs.
North Wiltshire Local Plan (adopted April 2006)	Former North Wiltshire district area	Certain policies continue to be 'saved' until replaced by policies in a subsequent DPD.
Kennet Local Plan 2011 (adopted June 2004)	Former Kennet district area	Certain policies continue to be 'saved' until replaced by policies in a subsequent DPD.
West Wiltshire District Plan First Alteration 2011 (adopted June 2004)	Former West Wiltshire district area	Certain policies continue to be saved until replaced by policies in a subsequent DPD.
Salisbury Local Plan 2011 (adopted June 2003)	Former Salisbury district area	Certain policies continue to be saved until replaced by policies in a subsequent DPD.
Wiltshire and Swindon Minerals Local Plan (adopted November 2001)	Wiltshire council and Swindon	One policy (Policy 35 Preferred Areas for Sharp Sand and Gravel) continues to be saved.

Table 2: Wiltshire Development Plan - Made Neighbourhood Plans, January 2019

Document	Area covered	Status
Purton Neighbourhood Plan Made November 2018	Purton Parish	Covers the period 2017 to 2026

Document	Area covered	Status
Hilperton Neighbourhood Development Plan Made November 2018	Hilperton Parish	Covers the period 2017 to 2026
Burbage Neighbourhood Development Plan Made July 2018	Burbage Parish	Covers the period 2017 to 2026
Royal Wootton Bassett Neighbourhood Development Plan Made April 2018	Royal Wootton Bassett Parish	Covers the period 2017 to 2026
Christian Malford Neighbourhood Development Plan Made March 2018	Christian Malford Parish	Covers the period 2015 to 2035
Cricklade Neighbourhood Plan Made March 2018	Cricklade Parish	Covers the period up to 2026
Calne Community Neighbourhood Plan Made February 2018	Town of Calne and Parish of Calne without	Covers the period 2016 to 2026
Bremhill Parish Neighbourhood Plan Made February 2018	Bremhill Parish	Covers the period 2016 to 2030
Wootton Rivers Neighbourhood Development Plan Made January 2018	Wootton Rivers Parish	Covers the period 2017 to 2026
Great Somerford (incorporating Startley) Neighbourhood Plan Made November 2017	Great Somerford Parish including Startley	Covers the period 2016 to 2026
Bradford-on-Avon Neighbourhood Plan Made October 2017	Bradford-on-Avon Parish	Covers the period 2013 to 2026
Langley Burrell Parish Neighbourhood Development Plan Made October 2017	Langley Burrell Parish	Covers the period 2016 to 2026

Document	Area covered	Status
Idmiston Parish Council Neighbourhood Plan Made April 2017	Idmiston Parish	Covers the period 2015 to 2026
Urchfont, Wedhampton and Lydeaway Neighbourhood Plan Made April 2017	Urchfont Parish	Covers the period 2015 to 2026
Ashton Keynes Neighbourhood Plan Made May 2017	Ashton Keynes Parish	Covers the period 2015 to 2026
Holt Neighbourhood Plan Made January 2017	Holt Parish	Covers the period 2016 to 2026
Downton Neighbourhood Plan Made January 2017	Downton Parish	Covers the period 2016 to 2026
Potterne Neighbourhood Plan Made January 2017	Potterne Parish	Covers the period 2016 to 2026
Devizes Area Neighbourhood-Plan Made December 2015	Devizes Town, Bishops Cannings Parish and Roundway Parish (part)	Covers the period 2015 to 2026
Warminster Neighbourhood Plan Made November 2016.	Warminster parish	Covers the period 2015 to 2026.
Compton Bassett Neighbourhood Plan Made May 2016	Compton Bassett Parish	Covers the period 2015 to 2030.
Freshford and Limpley Stoke Neighbourhood Plan Made November 2015	Freshford and Limpley Stoke Parishes	Covers the period 2014 to 2039
Pewsey Neighbourhood Development Plan Made October 2015	Pewsey Parish	Covers the period 2006 to 2026
Malmesbury Neighbourhood Plan Made February 2015	Malmesbury Town, St Paul Malmesbury Without and Brokenborough Parishes	Covers the period 2014 to 2026

Development plan documents in preparation

- 2.3 The DPDs that are under preparation are summarised in Table 3, with more detailed information in Appendix A and a summary of the overall programme in Section 3.

Table 3: Development Plan Documents in preparation

Document	Area Covered	Anticipated adoption date	Comments
Wiltshire Housing Site Allocations DPD	Wiltshire council (excluding the Principal Settlement of Chippenham)	Quarter 3 2019	Sets out additional site allocations for housing across Wiltshire to ensure supply throughout the plan period to 2026. In addition, the document addresses the review of existing settlement boundaries.
Wiltshire Local Plan DPD Review	Wiltshire council	Quarter 3 2021	A review and roll forward of the housing and employment requirements in the Wiltshire Core Strategy to relate to the period 2016 to 2036 and to maintain consistency with national planning policy. It will incorporate the previously proposed partial review of the Wiltshire Core Strategy and Gypsy and Traveller DPD. It will refine certain policies to assist in the determination of planning applications, a key area being a review of all remaining saved policies from previous district local plans, policies for town centres and recreation.

Wiltshire Housing Site Allocations DPD

- 2.4 Consultation on the scope of the Wiltshire Housing Site Allocations DPD was undertaken in 2014 and informal consultation subsequently undertaken with Parish and Town Councils in 2014 and 2015. A pre-submission draft plan was published for consultation over the period 14 July to 22 September 2017.
- 2.5 In July 2018, the Council submitted the draft Wiltshire Housing Site Allocations Plan, along with a 'Schedule of Proposed Changes' and supporting evidence to the Secretary of State for independent examination. Following correspondence from the Inspector the Council undertook a six-week consultation on the 'Schedule of Proposed Changes' to the Plan, along with a revised Sustainability Appraisal, a Habitats Regulations Assessment Addendum, and associated evidence documents in the Autumn of 2018. The examination in public will commence in April 2019 and adoption will follow in Summer/Autumn 2019.

Wiltshire Local Plan DPD Review

- 2.6 The 2017 LDS included a timetable for a Wiltshire Local Plan Review which incorporated the previously proposed partial review of the Wiltshire Core Strategy and Gypsy and Traveller DPD. (These were included in the 2015 LDS). The review of the Wiltshire Local Plan will provide the strategic context for development up to 2036 and

determine the level and direction for future growth. It will include the allocation of a range of sites to meet the identified need for homes and jobs, a review of existing development management policies, and strategic guidance for the preparation of neighbourhood plans. The scope of the plan is explained further in the Wiltshire Local Plan Document Profile at **Appendix A**.

2.7 In accordance with the 2017 LDS a Regulation 18³ consultation on the scope of the local plan review commenced in November 2017. The consultation envisaged future joint working with Swindon Borough Council informed by the completion of a Strategic Housing Market Assessment (SHMA) and Functional Economic Market Assessment (FEMAA) for the combined area of Swindon and Wiltshire.

2.8 There was a pause in the preparation of the review of the Wiltshire Local Plan to consider changes to plan making introduced by new national policy through the revisions to the National Planning Policy Framework (NPPF). In particular these related to:

- (i) the introduction of a 'standard methodology' for calculating local housing need based on population projections and local affordability ratios (house price to income);
- (ii) this local housing need is to be expressed as a single authority housing requirement replacing the previous approach to calculate local housing need on the basis of housing market areas; and
- (iii) Statements of Common Ground with neighbouring local planning authorities are to become live documents which identify the strategic cross boundary matters being addressed through the plan making process.

2.9 These changes had implications for joint working with Swindon Borough Council and the subsequent timetable for the local plan review. It is now envisaged that further informal consultation will take place during the Spring and Summer of 2019 as part of ongoing Regulation 18 consultations leading to consultation on a pre-submission draft plan in early 2020 (Regulation 19).

Joint Working with Swindon Borough Council

2.10 The publication of a revised National Planning Policy Framework in July 2018 has influenced the nature of future joint working with Swindon Borough Council which has triggered the need to review the Local Development Scheme.

2.11 In accordance with Section 33A of the Planning and Compulsory Purchase Act 2004 (as amended) local authorities must engage constructively, actively and on an ongoing

³ Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 requires the local planning authority to notify consultation bodies of the subject of a local plan which the local planning authority propose to prepare and invite each of them to make representations to the local planning authority about what a local plan with that subject ought to contain.

basis in any process by means of which development plan documents are prepared. This is termed the 'duty to cooperate'. It states that cooperation should take account of the most appropriate functional geographies, which would include housing market areas (HMAs) and functional economic market areas (FEMAs). This provided the momentum for joint working with Wiltshire and the proposed Joint Spatial Framework included in the 2017 LDS.

- 2.12 The revised NPPF now requires local authorities to “*maintain one or more statements of common ground, documenting the cross-boundary matters being addressed and progress in cooperating to address these*” (paragraph 27). The accompanying Planning Practice Guidance outlines what a statement of common ground should contain and explains that it should be “*maintained on an on-going basis throughout the plan making process*”.
- 2.13 A statement of common ground can identify matters that are agreed, yet to be agreed, or further information that is required before matters can be agreed. It will identify those areas where cooperation is required to deliver the strategic policies of both authorities. To this extent it will cover many of the elements previously intended to be included within the Swindon and Wiltshire Joint Spatial Framework as detailed in the previous LDS (2017).
- 2.14 A Statement of Common Ground will therefore be prepared between Wiltshire and Swindon Borough Councils to confirm the extent of joint working between the two authorities, including:
- (i) whether the proposed housing requirements for Swindon Borough Council and Wiltshire Council can be accommodated within each authority’s boundaries and if not the extent of the shortfall in provision;
 - (ii) whether the proposed employment land requirement identified in the Swindon and Wiltshire Functional Economic Market Assessment can be accommodated within each authority’s boundaries and if not the extent of the shortfall in provision; and
 - (iii) whether there are other cross boundary strategic issues that should be addressed through joint working including infrastructure provision to support growth.
- 2.15 The Statement of Common Ground should be subject to ongoing review. The scope of the Joint Spatial Framework will be determined by the Statement of Common Ground. It may be reduced in scope compared to that previously proposed, for example, it may focus on employment land and infrastructure delivery.

Joint working with Neighbouring Authorities

- 2.16 As well as Swindon Borough Council, there are also ongoing discussions with other neighbouring authorities to understand the implications of planning for growth in our

respective areas. These cross-boundary discussions will also lead to the preparation of Statements of Common Ground to identify how the duty to cooperate has been discharged.

Minerals and Waste Planning

- 2.17 As outlined in Table 1, Wiltshire Council and Swindon Borough Council have successfully cooperated in the preparation and adoption of a complete set of Minerals and Waste Development Plan Documents. These plans are being implemented and monitored through the Annual Monitoring Report (AMR) process.
- 2.18 A review of national policy including ‘National planning policy for waste’ (a gap analysis) will be undertaken in 2019/2020 of the existing adopted minerals and waste policies, to identify whether the existing adopted policies need to be amended or replaced. This exercise will be undertaken in co-operation with Swindon Borough Council and will also review the evidence base. If it is considered necessary to programme a review, this will be set out in the next update to the LDS.

Emerging Neighbourhood Plans

- 2.19 Neighbourhood planning is popular across Wiltshire. Currently, 81 Neighbourhood Areas have been formally designated for the purposes of preparing a neighbourhood plan; and there are 24 ‘made’ (adopted) plans within Wiltshire, which are listed in Table 2 above. In addition to the development plan documents in preparation, the following neighbourhood development plans are at an advanced stage of preparation having been submitted to Wiltshire Council for consultation and examination⁴ (they have reached the Regulation 16 stage of plan preparation)⁵. Following successful examination and referendum they can be ‘made’ at which point they will also form part of the development plan for Wiltshire:

- Chirton and Conock Neighbourhood Plan
- Corsham Neighbourhood Plan
- Hullavington Neighbourhood Development Plan
- Oaksey Neighbourhood Plan
- Sherston Neighbourhood Plan
- Tisbury and West Tisbury Neighbourhood Development Plan
- West Lavington Neighbourhood Plan

3. Overall programme for development plan document preparation

- 3.1 The overall programme for the preparation of the new DPDs, including significant

⁴ Position at March 2019

⁵ Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 requires the local planning authority to as soon as possible after receiving a plan proposal to publicise the plan on their website and in such other manner as they consider is likely to bring the proposal to the attention of people who live, work or carry on business in the neighbourhood area and include details on how to make representations on the plan over a period not less than 6 weeks.

milestones, is summarised in the following chart. **Appendix A** includes profiles for each document.

3.2 Progress has already been made on the delivery of the Wiltshire Housing Site Allocations Plan which means, accordingly, only the later stages of preparation are shown. Each DPD document follows a similar process:

- (i) Public consultation on the scope of plan
- (ii) Plan preparation (including evidence gathering and informal consultation)
- (iii) Publication of the plan for pre-submission consultation (i.e. before submission to the Secretary of State)
- (iv) Submission to the Secretary of State
- (v) Examination (including hearings and receipt of Inspectors report)
- (vi) Adoption

3.3 An important milestone for each document is the point at which the document is submitted to the Secretary of State. Critical to maintaining progress in relation to each document is the role of Cabinet and Full Council. Cabinet provides Member approval to progress key stages of plan preparation and authorise consultation procedures. Full Council is required to approve the DPD for submission to the Secretary of State and finally adopt the plan as required by the Council's constitution and legislative requirements.

Table 4: Summary programme for development plan document production

	2019				2020				2021				Qtr1
	Qtr1	Qtr2	Qtr3	Qtr4	Qtr1	Qtr2	Qtr3	Qtr4	Qtr1	Qtr2	Qtr3	Qtr4	
Wiltshire Housing Site Allocations DPD	[Green]		Adopt										
Wiltshire Local Plan Review	[Light Blue]	Site Options	[Light Blue]		Pre-sub	[Light Blue]	Submit	[Green]	Adopt				
	[Light Blue]	Plan preparation (including evidence gathering)											
	[Dark Red]	Informal Consultation on the scope and content of the Plan (Regulation 18)											
	[Red]	Public Consultation on the pre-submission draft Plan (Regulation 19)											
	[Yellow]	Submission to Secretary of State following Cabinet and Council approval (Regulation 22)											
	[Green]	Examination process (including hearings and receipt of Inspector's report)											
	[Dark Purple]	Adoption											

4. Supporting information

Implementing the Wiltshire Core Strategy

4.1 The Wiltshire Core Strategy was adopted in January 2015 it will remain the adopted policy for Wiltshire until adoption of the Wiltshire Local Plan review currently envisaged in Summer 2021. To support the continuing implementation of the Core Strategy there are other projects that have been completed. These are:

- (i) Infrastructure Delivery Plan (IDP) 3 - sets out detailed guidance on what infrastructure will need to be provided to support planned development. **Completed December 2016**
- (ii) Community Infrastructure Levy Charging Schedule⁶ - sets out the type and scale of contributions that will be required to help provide the infrastructure to support development, based on the Infrastructure Delivery Plan and Wiltshire Core Strategy. **Approved May 2015⁷**
- (iii) The Wiltshire Regulation 123 List - sets out the infrastructure that the Council may fund, in whole or in part, by the Community Infrastructure Levy. **Approved September 2016**
- (iv) Planning Obligations Supplementary Planning Document (SPD) - provides detailed guidance on the application of Core Policy 3 of the Wiltshire Core Strategy. The SPD sets out how the Council will use section 106 planning obligations alongside other mechanisms for securing developer contributions towards infrastructure. **Adopted October 2016**
- (v) Wiltshire Design Guide Supplementary Planning Document- to set out guidance on both the design approach and the assessment of development proposals in the application of local plan design policies which seek to ensure high quality design and place shaping across the county in line with the revised NPPF. **In progress**

Supporting the Wiltshire Housing Site Allocations DPD

4.2 The Wiltshire Housing Site Allocations DPD is in preparation with hearings scheduled to commence in April 2019. The following document is being prepared to support the

⁶ The Community Infrastructure Levy (CIL) is a charge which local authorities in England and Wales are empowered, but not required, to charge on most types of new development in their area. CIL charges are based on simple formulae which relate the size of the charge to the size and character of the development paying it. The proceeds of the levy will be spent on infrastructure to support the development of the area.

⁷ Planning Practice Guidance states that "...charging authorities should also consider linking a review of their charging schedule to any substantive review of the evidence base for the relevant Plan." The review of the CIL Charging Schedule for Wiltshire will be informed by the evidence gathered to support the review of the Wiltshire Local Plan.

implementation of this plan and the Wiltshire Core Strategy:

- (i) Trowbridge Bat Mitigation Strategy Supplementary Planning Document (SPD) - It is a strategy for considering the impacts of development in the Trowbridge area on the Bath and Bradford on Avon Bats Special Area of Conservation (SAC) and sets out an approach for mitigation to avoid significant adverse impacts. It is envisaged the SPD will be progressed for adoption alongside the Wiltshire Housing Site Allocations Plan following consultation February/March 2019. **In progress**

Supporting the Wiltshire Local Plan Review

4.3 The Wiltshire Local Plan Review will develop new policies and amend existing policies, where necessary, to bring them into line with the revised NPPF and current practice. It is proposed that in a number of policy areas specific guidance will be prepared to support implementation. These include:

- (i) Wiltshire Green Infrastructure Strategy - to set out a strategic Wiltshire-wide green infrastructure network that will comprise of both new and existing green spaces; walking, cycling and horse riding routes; parks, recreational spaces and play areas; water courses and water bodies; areas of high biodiversity value; and access and wildlife corridors such as inland waterways and rivers. **In progress**
- (ii) Affordable Housing Supplementary Planning Document - to set out detailed guidance on the interpretation and implementation of affordable housing policies which will be amended as part of the Wiltshire Local Plan Review in response to changes in the definition of affordable housing included in the revised NPPF. **In progress**

Annual Monitoring Report

4.4 Annual Monitoring Reports (AMR) monitor and review how well the council has performed against the timetable set out in the LDS and any changes needed to maintain an up to date LDS. The role of the AMR is also to monitor the effectiveness of the policies included in each DPD.

4.5 The Localism Act contains provisions to remove the requirement to submit the AMR to the Secretary of State for approval; it does not contain provisions to remove the need for an AMR. It is now for each council to decide what should be included in their AMR while ensuring that they are prepared in accordance with UK and EU legislation⁸. Wiltshire Council continues to produce annual monitoring data.

⁸ Letter to chief planning officers on preparation and monitoring of local plans, March 2011

Risk assessment

4.6 Risk assessment will be undertaken during the LDS period by senior managers and will consider mitigation and contingency measures that may need to be implemented to ensure that sound DPDs are prepared and developed in a timely manner. Significant risks that have been identified include:

- failure to secure consensus with members leading to significant milestones being missed
- changes to legislation and regulations delaying the plan making process
- lack of an appropriate and up-to-date evidence base
- insufficient resources (financial and staff) at critical points in the process

APPENDIX A: Document Profiles

DEVELOPMENT PLAN DOCUMENT PROFILES	
Wiltshire Housing Site Allocations DPD	
Role and subject	<p>The Wiltshire Core Strategy provides the context for the scale of growth in each community area, but it is not specific in every community about the location of growth.</p> <p>The Wiltshire Housing Site Allocation DPD will provide surety of housing delivery for the Wiltshire Core Strategy plan period and will be used to identify sites where there is a potential shortfall in supply on the horizon, or neighbourhood planning is failing to deliver the numbers required to meet local needs. In addition, the document will address the review of settlement boundaries currently outlined in the 'saved' policies of the existing district local plans.</p> <p>The document will share the same plan horizon as Wiltshire Core Strategy (i.e. 2026).</p>
Geographic coverage	Wiltshire excluding the Principal Settlement of Chippenham
Document type/status	Development plan document
Chain of conformity	Wiltshire Core Strategy, national policy
Timetable	
Stage	Dates
Initial consultation on the scope of plan	April 2014 - May 2014
Plan preparation (including evidence gathering and informal consultation)	May 2014 - June 2017
Publication of plan for pre-submission consultation	July – September 2017
Submission to Secretary of State	July 2018
Examination (including hearing and receipt of Inspector's report)	Over the period to Qtr 2 2019
Adoption	During Qtr 3 2019

DEVELOPMENT PLAN DOCUMENT PROFILES	
Wiltshire Local Plan Review (2016-2036)	
Role and subject	
<p>The purpose of the review of the adopted Local Plan will be to assess the future levels of need for new homes (including market, affordable and specialist housing and Gypsy and Traveller accommodation) and employment land over the period 2016-2036 and to provide an appropriate basis for housing, employment land and infrastructure provision over that period.</p> <p>It will involve considering if the existing adopted development strategy remains relevant, identifying new site allocations relating to housing and employment together with supporting services and infrastructure.</p> <p>It will not be the purpose of the review to change or remove strategic objectives or policies that remain in accordance with national policy and support the delivery of sustainable development.</p> <p>The review will also include:</p> <ul style="list-style-type: none"> • targeted updating of existing Wiltshire Core Strategy development management policies to ensure their continued consistency with national policy; • the introduction of further detailed development management policies as part of a review of the saved development management policies not replaced by the Wiltshire Core Strategy and • developing additional locally distinctive policies to plan positively for all town centres in Wiltshire consistent with national policy 	
Geographical coverage	Wiltshire
Document type/status	Development plan document
Chain of conformity	National policy
Timetable	
Stage	Dates
Initial consultation on the scope of plan	Commenced November 2017
Plan preparation (including evidence gathering and informal consultation)	Over the period Qtr 1 2018 to Qtr 4 2019
Publication of plan for pre-submission consultation	Starting Qtr 1 2020
Submission to Secretary of State	During Qtr 4 2020
Examination (including hearing and receipt of Inspector's report)	Commencing Qtr 4 2020
Adoption	During Qtr 3 2021

GLOSSARY

A guide to the terminology used in this document

Annual Monitoring Report (AMR) - A report on how the council is performing in terms of the Local Development Framework. It includes a review of the Local Development Scheme's timetable and monitors the success of development plan document policies.

Community Infrastructure Levy (CIL) - A charge levied by the council on new development to fund the provision of infrastructure and wider community benefits. In order to charge the levy, the council must have an adopted CIL Charging Schedule.

Community Infrastructure Levy Charging Schedule - A document that sets out the council's schedule of charges on various forms of development. The Charging Schedule must be based upon a robust evidence base (linked to the Infrastructure Delivery Plan and robust viability assessments) and subjected to meaningful consultation. The Schedule is examined by an independently appointed assessor (generally the Planning Inspectorate); and if found sound, the council can then charge CIL.

Development Plan Document (DPD) - A document setting out the council's planning policies and proposals. They are subject to community involvement, consultation and independent examination. A sustainability appraisal is required for each development plan document.

Gypsy and Traveller Accommodation Assessment (GTAA) - An assessment of the accommodation needs of gypsies and travellers.

Local Development Document (LDD) - The documents that set out planning policies for specific topics or areas, which make up the Local Development Framework.

Local Development Framework (LDF) - A portfolio of local development documents including all those policies forming the framework for future development.

Local Development Scheme (LDS) - A timetable for the preparation of local development documents.

Local Plan - development plan document(s) setting out the spatial vision and strategic objectives of the planning framework for an area. All development plan documents collectively comprise the Local Plan.

National Planning Policy Framework - The National Planning Policy Framework was first published on 27 March 2012 and revised in July 2018 and February 2019. The framework gives guidance to local councils in drawing up local plans and on making decisions on planning applications to deliver sustainable development.

Neighbourhood Planning - The Localism Act, which received Royal Assent on 15 November 2011, introduced new rights and powers to allow local communities to shape new development by coming together to prepare neighbourhood plans.

Saved Plan - Under the Planning and Compulsory Purchase Act 2004, adopted Local Plan's have the status of "saved plans" until they are replaced by local development documents.

Saved Policies - The Government has set out procedures for saving adopted local plan policies beyond the period allowed in the Planning Act for saved Local Plans, until they have been replaced by

policies in local development documents.

Spatial Planning - Includes economic, social and environmental issues as well as the physical aspects of location and land use.

Sustainability Appraisal (SA) - This is required under national legislation for emerging policy and include consideration of social and economic impacts as well as impacts on the environment. Wiltshire is producing a combined SA and Strategic Environmental Assessment (see below).

Statement of Community Involvement (SCI) - This is a document which sets out how the council will consult and involve the public at every stage in the production of the Local Development Framework. It also applies to major development control applications. The SCI is not a development plan document.

Strategic Environmental Assessment (SEA) - An appraisal of the impacts of policies and proposals on economic, social and environmental issues, required by European legislation. A combined SEA and Sustainability Appraisal is being undertaken for Wiltshire.

Supplementary Planning Document (SPD) - A Local Development Document which provides additional advice and information relating to specific policy or proposals in a Development Plan Document.

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Wiltshire Council

Cabinet

Date of meeting: 26 March 2019

Subject: Licensing and Support of Microsoft Software for Wiltshire Council

Cabinet member: Philip Whitehead - Cabinet Member for Finance, Procurement, ICT and Operational Assets

Key Decision: Key

Executive Summary

Wiltshire Council uses Microsoft software throughout the organisation including Windows and Office (Word, Excel etc) at the user level, along with server platforms and databases in our data centres, and cloud-based Office365 email and Azure services, plus software tools to administer these environments securely. In addition, the Council's Digital Programme with Microsoft and its partners, which will digitise and automate our services, will include the deployment of progressively more cloud-based Microsoft technology within the organisation.

Whilst Wiltshire Police license their own software and pay for this from their own budgets, administration of their software is carried out via the software and laptops used by the council's ICT engineers. What we do with our Microsoft software therefore has a direct impact on the provision of services by Wiltshire Police.

In summary, the Microsoft software used within the council underpins all the council's ICT systems, and impacts on Wiltshire Police's service delivery. It is relied upon for the council's service delivery from back office support functions through to frontline services to the public and police, and in the future delivery of digital services to the public.

To use this software, we are required to license it under an Enterprise Agreement (EA) with Microsoft, and supplier support is provided through an associated Premier Services Agreement (PSA), also with Microsoft. The current three-year agreement ends on 30th June 2019, although if the council **commits to renew by 31st March 2019** we will secure savings of £366k on its renewal cost.

Prior to the current EA (which makes up the larger part of the cost of the two agreements), Microsoft gave notice that it was changing its licensing model to discourage on-premises based licensing in favour of cloud licences. In response to this, the UK Government negotiated a Memorandum of Understanding with Microsoft for a period during which Public Bodies could

access a Cloud Transition Agreement and still secure premises-based licences at favourable rates. The change in approach to licencing will affect all local authorities.

Now that our current EA and the associated Cloud Transition Agreement are coming to an end, Wiltshire and many other Local Authorities are facing significant cost increases: our journey to the cloud is incomplete, and we still need some on-premises licences. To partially ameliorate this, the LGA and Socitm (Society of IT Managers) have negotiated with Microsoft to freeze the cost of the EA at September 2018 levels, thereby avoiding the further cost increases of October 2018 and February 2019. This September price will only be obtained if we sign by 31 March 2019, and still represents a significant increase on our previous agreement.

During the period of the proposed agreement the council plans, as part of the ICT & Digital Strategy, to continue its migration to delivering services on a cloud basis, thereby reducing future costs.

Proposal

That Cabinet approve the procurement of a 3-year Enterprise Agreement and associated Premier Services Agreement for Microsoft licences and support services. That this be undertaken through a competitive call off from Lot 2 of the Crown Commercial Services RM3733 framework Technology Products 2, and that authority be delegated to the Interim Director for Digital Transformation & IT to approve the award of any resulting contract for the best value solution.

The new contract would run from 1st July 2019 to 30th June 2022.

Reason for Proposal

Our existing Microsoft Enterprise Licence Contract with Bytes (the reseller) expires on 30th June 2019. If we do not have licences in place, we will have to cease using the software and essential public services will be significantly disrupted.

Alistair Cunningham - Corporate Director Growth, Investment & Place

Wiltshire Council

Cabinet

Date of meeting: 26 March 2019

Subject: Licensing and Support of Microsoft Software for Wiltshire Council

Cabinet member: Councillor Philip Whitehead – Cabinet Member for Finance, Procurement, ICT and Operational Assets

Key Decision: Key

Purpose of Report

To seek approval to competitively procure software licences and related support services for Microsoft products through Crown Commercial Services (CCS) framework contract RM3733 - Technology Products 2, under Lot 2 which is for Packaged Software.

Relevance to the Council's Business Plan

Microsoft software underpins all the technology and ICT systems in use and planned (through the Digital Programme) within the Council. These include office productivity software such as word processing, spreadsheets and email, software that operates the servers that enable customer facing solutions such as Northgate's revenues and benefits system, OLM's CareFirst for social care management, the out-of-hours emergency duty service for vulnerable members of the community, and our data centres, the information hubs of the council.

Without these products and support services the day-to-day running of the Council would be materially compromised. This would impact our service teams' ability to deliver their work to protect the vulnerable, boost the local economy and help communities to do more for themselves.

Our Premier Services Agreement, through which we get technical support, provides the capability to access Microsoft directly rather than re-sellers for additional services such as critical fault resolution for the ICT infrastructure. We also use it to access advice, guidance and information on new products and executive briefing days. This support service is also crucial for delivering the Council's Digital Programme.

Main Considerations for the Council

The Enterprise Agreements run for 3 years. Our existing agreement expires on the 30th of June 2019.

We can renew our agreement at September 2018 costs (avoiding the October 2018 and February 2019 price increases) if we commit to that renewal by 31st March 2019.

Many of the digital services being delivered by the Council's Digital Programme require software licensing and support through this agreement.

We are legally required to either license the software we use, or cease using it.

If the council increases the number of users accessing its services, our costs increase (and similarly costs will decrease if less licences are needed). This is not just related to the number of council employees but includes individuals working for the council, for example agency workers that require access to council systems. Each year the council undertakes a "true up" review to identify and pay for any licence changes in the preceding year.

Background

Councils can secure the best prices by procuring licences via the framework negotiated by CCS, a central Government organisation that achieves good value for the whole of the public sector. Wiltshire Council has used these arrangements historically, and the current supplier Bytes was secured through a competition using the CCS Framework RM1054. We currently buy a mix of cloud and on-premise licences.

In 2015 Microsoft and CCS agreed that the then-current model for licensing would cease as Microsoft transitioned its product range from on premise licences to cloud based solutions. To encourage customers to move to the new solution, Microsoft's pricing for on premise licences ceased to benefit from price discounting that had originally been available. To mitigate the impact of this shift in Microsoft strategy on UK public sector customers, Microsoft and CCS agreed a Memorandum of Understanding that enabled customers to continue to secure favourable terms for on premise licences for a period while they migrated to a Cloud solution, or considered alternatives to Microsoft products.

This agreement has now come to an end and UK public sector organisations once again face this increase in costs due to the change in Microsoft licensing strategy. To partially mitigate this, the LGA and Socitm (Society of IT Managers) have negotiated with Microsoft and agreed that any local authority whose Enterprise Agreement ends on or before the 30th June 2019 can benefit from September 2018 pricing (so avoiding the October 2018 and February 2019 price increases) providing it commits to renewal of its agreement by 31st March 2019. As the Council's agreement expires on the 30th June, this benefit is available saving approximately £366,000 over the three-year term of the agreement.

During 2018, Microsoft further changed its licensing model by changing the basis of server based product licensing from being based on physical CPU processors to being based on virtual CPU processors. This has the effect of increasing the Council's licensing costs for its current set up.

The Council's Microsoft licensing requirements should be an attractive contract for a license supplier to have in its portfolio and we therefore anticipate a competitive set of quotations from resellers.

Overview & Scrutiny Engagement

There has been no overview and scrutiny involvement in the development of this report.

Safeguarding Implications

Microsoft products currently support the provision of social care to vulnerable adults. They also enable ICT services to the MASH hub based in County Hall working alongside strategic health and police partners.

As ICT also support the provision of ICT services to Wiltshire police, due to the nature of that support and its link to police operations, safety of the general public is also affected by the ability to continue to use the products.

Public Health Implications

Various public health services rely on systems that require these licences. There are several partnership-based approaches with Health that rely on services located on Microsoft technologies, e.g. the active health programme.

Failure to procure these licences would impact the support of all policing functions involving ICT including 101 and 999 operations, placing lives at risk.

Procurement Implications

The strategic procurement hub contributed to this report and recommends utilising Lot 2 of the CCS Technology Products 2 framework RM1054. This supports a lean, fast and compliant route to procurement that accesses the central Government agreement which offers best value for money.

Equalities Impact of the Proposal

None

Environmental and Climate Change Considerations

None

Risk Assessment

A summary of the main risks is at Annex A to this report.

Risks that may arise if the proposed decision and related work is not taken

The key risk if we do not procure appropriate licences will be the failure of most council ICT services and those provided to partners, with the consequential impact on the public.

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

Failure to deliver the procurement for the target date of 30th June 2019. This has been mitigated by identifying the ICT and procurement resource required and a lean and fast procurement route through a framework.

Failure to commit to renewal by 31st March 2019 risks costs increasing by approximately £366,000 for the 3 year agreement (based on the difference between September 2018 and October 2018 pricing).

Financial Implications

The council's historic spend 2016/17 to 2018/19 on Microsoft Enterprise Agreement (licensing) and Premier Support Agreement (support) was:

Licences

- 2016/17 – 1st Year £909,921.93 (includes Azure Cloud commitment)
- 2017/18 – 2nd Year £990,044.56 (includes Azure Cloud commitment plus general growth)
- 2018/19 – 3rd Year £1,074,679.49 (includes Azure Cloud commitment, plus general growth)

Support

- 2016 - 2019 - £1,080,000 (including £450,000 contribution from Police)

The Council's proposed spend 2019/20 to 2021/22 on renewal of our Microsoft Enterprise Agreement (licensing) and Unified Support Agreement (support) **if commitment is given to Microsoft before 31st March 2019:**

Licences

- 2019/20 – 1st Year £2,081,079.96
- 2020/21 – 2nd Year £2,081,079.96
- 2021/22 – 3rd Year £2,081,079.96

Support

- 2019/20 – 2021/22 - £1,200,000 (pro-rata contribution from Wiltshire Police)

For 2019 onwards, Microsoft has redefined and reorganised the Premier Support offering, creating a new Unified Support service. This provides the same overall service as a base level, however certain aspects are now classed as 'additional' and carry an extra cost. Some of the services the Council ICT use fall into this category and are reflected in the cost of support.

If commitment is NOT given to Microsoft before 31st March 2019, the costs outlined above would be:

Licences

- 2019/20 – 1st Year £2,183,099.63
- 2020/21 – 2nd Year £2,183,099.63
- 2021/22 – 3rd Year £2,183,099.63

Support

- 2016 - 2019 - £1,260,000 (including Police contribution)

Each year a process known as “true-up” takes place as close as possible after the end of each contract year. This involves adjusting the number of user licenses per product up or down depending on increased/decreased usage during the preceding year to meet the changing needs of the council. Therefore, licensing under our EA is never a fixed total cost and final figures will be determined via the true-up audit.

Legal Implications

If the decision is taken not to approve this procurement, the time taken to move from Microsoft products onto alternative products means the council would be illegally operating software.

Legal resource and risk of challenge of renewing the agreements should be minimised by use of the CCS framework containing pre-agreed at central government T&C's.

Options Considered

1. Do Nothing.

Licensing expires and is not renewed and use of Microsoft products within the council must therefore cease. As a result, the operations of the Council will shut down and those of Wiltshire Police will be severely impacted.

2. Adopt alternative technology platforms

This would require significant time and resource to change, with potential disruption to services.

Before considering cost, alternative platforms that could provide the services within a government regulated organisation such as the council were considered.

Alternative platforms to Microsoft products do exist, some of which are open source, some commercial products:

- Laptops (Apple, Google Chromebooks, Linux-based desktop operating systems);
- End user productivity tools (Open Office, Google G Suite);
- Databases (Oracle, MySQL);
- Servers operating systems (Unix, Linux);

- Cloud services (Google, Amazon)

However, to use any of these platforms all applications, systems and ICT infrastructure components within the Council would need to be assessed to confirm if they run on the new platform.

- Where they do, the application and data would need to be ported to the new platform.
- Where an existing application does not support the new platform, a replacement application would need to be purchased and installed (if available).
- During the change-over, appropriate duplicate hardware (servers etc) would need to be purchased and installed to allow for transition to the new platform without disruption of existing service.
- Where information is stored and exchanged externally in a Microsoft format (e.g. Microsoft Word document format), an alternative data format would in many cases need to be agreed and implemented.
- Where there is ICT infrastructure shared with Wiltshire Police based on Microsoft products, a separate non-Microsoft infrastructure would need to be built and operated specifically for the Council.
- ICT staff would need to be re-trained on the alternative technology platforms.
- The UK government security accreditation of alternative solutions would need to be checked to confirm if they are appropriate for processing sensitive data.

3. Buy Microsoft licences and support

Licencing

Two options are presented based on whether the Council commits to renewal of its Enterprise Agreement before 31st March 2019 or after:

Licencing Option 1 – Commitment before 31st March 2019

Enterprise Agreement option 1: **£2,081,079.63 PA (£6,243,238.89 over 3 years)** based on September 2018 pricing.

Licences Option 2 – Commitment after 31st March 2019

Enterprise agreement option 2: Enterprise Agreement: **£2,183,099.63 PA for a 3 year agreement (£6,549,298.89 over 3 years)** based on October 2018 pricing. This cost will increase as the February 2019 price increases would need to be added when they are known.

Support and maintenance

Wiltshire Police contribute to this cost element.

Support & Maintenance Option 1 – Commitment before 31st March 2019

Unified Support Services Agreement: **£400,000 PA for a 3 year agreement (£1,200,000 over 3 years)**

The police contribute £150,000 pa towards this cost. Therefore the Council would need to commit to **£400,000** in the agreement and budget £250,000 for the net cost to the Council.

Support and Maintenance Option 2 – Commitment after 31st March 2019

Unified Support Services Agreement: **£420,000 PA for a 3 year agreement (£1,260,000 over 3 years)**

Note then that the additional cost if signing after 31 March 2019 is:

£306,000 for licences

£60,000 for support

Total: £366,000

Conclusions

Supporting a modern day sustainable and readily-supportable ICT infrastructure in a large unitary authority is, unfortunately, not cheap. Our enterprise agreement covers the core software, the platforms that the council's applications run on, many of the databases and tools that hold our information, software for the laptops we use to run the business, and the cloud-based services that do elements of the above. It is an essential prerequisite of running the council's ICT services.

The council requires software licences to operate, and Option 3 (Licencing Option 1: Commitment before 31st March 2019) offers the best means of doing so.

Alistair Cunningham - Corporate Director Growth, Investment & Place

Paul Day

Director, Interim Director for Digital Transformation & IT

Report Author: Stephen Vercella, Head of ICT,
stephen.vercella@wiltshire.gov.uk 07881 576204

Background Papers

The following documents have been relied on in the preparation of this report:

- Anticipated expenditure on Licensing Enterprise Agreement based on our current pricing put together by current supplier Byte.

Appendices

Appendix A – Risks

The following is a list of risks related to failure to secure licences. They have not been assessed using the corporate risk assessment framework since the consequences of not having licences are so significant and the mitigation so simple (purchase them) that a detailed assessment has not been considered appropriate.

Risks if not procured

- Unlicensed environment – we may be able to discover some very old perpetual licences that may enable some operations. This would be of limited value, unknown quantity and would not be Public Services Network compliant i.e. security approved.
- Continued use would be software theft, leading to significant fines and reputational damage.
- Shut down of most of the ICT infrastructure
 - Council
 - Police – back office through to 101 and 999
 - Partners
- High risk of critical data loss (non-recoverable) through shut down of Cloud services centrally from Microsoft, including Office 365 (which includes e-mail and OneDrive).
- Interruption of service to the public.
- Risk to the safety of the public.
- If some perpetual licences found, the loss of access to Microsoft for assistance in critical service failure (support and maintenance).
- Increased time to restore service during critical service failure (support and maintenance).
- Cost of service teams being incurred while unable to operate e.g. Revenues and Benefits.

To mitigate the above risks we would be required to undertake a large-scale migration of all council ICT services to alternative platforms (email, laptops, applications, data centre, databases etc). This would require the entire ICT team to be diverted from current project work and support in both Wiltshire Council and Wiltshire Police and would take 18-24 months to achieve, including training ICT staff and users in alternative technologies. This is not realistic.

The estimated cost of such a transition would be approximately £20 million, based on transformation work previously carried out for Wiltshire Police on a smaller ICT estate. We would not be able to do a change of platform on existing hardware as this level of technical re-design requires the existing hardware to be wiped, and this would prevent any area of the council and Wiltshire police from accessing any ICT services.

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Wiltshire Council

Cabinet

26 March 2019

Subject: Service Devolution and Asset Transfer Package - Chippenham

Cabinet Member: Councillor Richard Clewer – Cabinet Member for Housing, Corporate Services, Arts, Heritage and Tourism

Key Decision: Key

Executive Summary

Following the approval of the Service Devolution and Asset Transfer Policy in November 2017 Members and officers of Chippenham Town Council and Wiltshire Council have worked to finalise the detailed package of services and associated assets to transfer from Wiltshire Council to Chippenham Town Council.

The final package of services and assets to transfer to Chippenham Town Council consists of the following:

Services:

- All grounds maintenance services within the Chippenham Town Boundary
- All Streetscene services within the Chippenham Town Boundary
- Responsibility of amenity land hard areas and assets.
- Responsibility for streetscene assets on the highway
- All tree maintenance for those trees not on the Public Highway
- Management of the weekly Friday and Saturday market
- The maintenance of play areas

The responsibility to carry out services and maintenance on all land assets will be discharged by way of an Agency Agreement.

Assets to be freehold transferred:

- Neeld Hall
- Yelde Hall
- Monkton Park Open Space
- Patterdown Allotments
- Patterdown Rifle Range
- Englands Social Centre
- Territorial Army Reserves Hut (Sea Cadets)
- Monkton Park Open Space
- Monkton Park Golf Centre

- Donkey Fields

- Play areas and surrounding open space land where appropriate:
 - Audley Road
 - Westmead Terrace
 - Blackwhellams, Pewsham

Section 106

All S106 offsite contributions within the Chippenham boundary have previously been transferred to Chippenham Town Council under separate agreements. The maintenance sum will be transferred to the Town Council as part of the package.

These services and assets meet the criteria set out in the policy and are to be included in this package.

Proposal(s)

It is recommended that Cabinet:

- 1) Consider and approve the final list of services and assets listed that will be transferred to Chippenham Town Council. The inclusion of any open space land is subject to consideration of any objections received following the advertising of the disposal in accordance with statutory obligations.
- 2) Note the net revenue impact to the Council and acknowledge that the Service Devolution programme benefits of cost savings and avoidance will be realised on a cumulative basis as the programme progresses and as more Towns/Parishes complete the process.
- 3) Delegate the implementation of the transfer of assets and the service delegation to Alan Richell, the Growth & Investment Director in consultation with the Cabinet Member for Housing, Corporate Services, Arts, Heritage and Tourism, Cllr Richard Clewer.

Reason for Proposal(s)

To complete the transfer of the package of assets and services to Chippenham Town Council.

Alan Richell
Growth and Investment Director

Wiltshire Council

Cabinet

26 March 2019

Subject: Service Devolution and Asset Transfer Package - Chippenham

Cabinet Member: Councillor Richard Clewer – Cabinet Member for Housing, Corporate Services, Arts, Heritage and Tourism

Key Decision: Key

Purpose of Report

To recommend a final package of services and assets to transfer to Chippenham Town Council and to provide detailed information in relation to the financial impact this will have on Wiltshire Council.

Relevance to the Council's Business Plan

The council has a Business Plan objective to transfer packages of assets and services, where applicable, to parish and town councils.

Background

Following several decisions made by Wiltshire Council's cabinet (please see appendix 1 for copies of each cabinet report) since 2015 it has been agreed that Wiltshire Council would work with each Town Council to produce a package of services and their associated assets to be devolved to them.

Following the completion of the Salisbury City package transfer in April 2017 the Service Devolution and Asset Transfer policy was agreed by Cabinet in November 2017 (appendix 2); it sets out clear guidelines for the packages and provides a more streamlined process including the use of standardised service delegation agreements, lease agreements and freehold asset transfer documentation.

In a change to the original premise, assets associated with the transfer of a service will themselves be considered for freehold transfer, in most other cases the asset would become the responsibility of the Town Council via a service delegation agreement. The new policy also lays out criteria for those assets which would not be included in the first instance, e.g: anything considered strategic for the Council, anything with a revenue income (except for Markets) and anything which the Council holds a statutory responsibility to deliver.

From the service perspective, the policy states that the entirety of the service must be devolved to enable the best outcome for the transfer as piecemeal delegations are difficult to manage and risk disparate levels of delivery across the area.

Main Considerations for the Council

The proposal is for the transfer of the following:

- Services
 - All grounds maintenance services with the Chippenham Town Boundary
 - All Streetscene services within the Chippenham Town Boundary
 - Responsibility of amenity land hard areas and assets.
 - Responsibility for streetscene assets on the highway
 - All tree maintenance for those trees not on the Public Highway – e.g. trees located on open space land around play areas.
 - Management of the Friday and Saturday market
 - The maintenance of play areas

The responsibility to carry out services and maintenance on all land assets will be discharged by way of an Agency Agreement.

The transfer of the Grounds Maintenance and Street Scene services is on the basis of a financial contribution to the existing IdVerde contract until June 2020 or the contract expires. All future amenity and cleaning services within the town boundary will be the responsibility of Chippenham Town Council to manage.

- Assets to be freehold transferred:
 - Neeld Hall
 - Yelde Hall
 - Monkton Park Open Space
 - Patterdown Allotments
 - Patterdown Rifle Range
 - Englands Social Centre
 - Territorial Army Reserves Hut (Sea Cadets)
 - Monkton Park Open Space
 - Monkton Park Golf Centre
 - Donkey Fields
 - Play areas and surrounding open space land where appropriate:
 - Audley Road
 - Westmead Terrace
 - Blackwhellams, Pewsham

The above list has been compiled on the assumption that there are no complex legal constraints on the assets which would prevent a freehold transfer being undertaken. In such circumstances the Town Council will be given the most appropriate form of responsibility. i.e. lease or licence.

Transfer of Funding

There will be no transfer of Wiltshire Council funding as part of this package.

There will however be a financial contribution of £350,000 per annum (pro rata from implementation in June 2019) from Chippenham Town Council to Wiltshire Council in lieu of a novated contract with IdVerde. This arrangement will continue until June 2020, or the current contract expires.

Resources

Significant resource from Legal, Finance, Programme Office and Strategic Asset and Facilities Management (SA&FM) will be required to complete the transfer to Chippenham Town Council, due to necessary due diligence to ensure transfer of service and assets can proceed.

Overview & Scrutiny Engagement

In November 2017 Overview and Scrutiny Management Select Committee (OSMC) undertook a scrutiny review of the revised Asset and Service Devolution and Community Asset Transfer Policy, prior to its adoption by Cabinet.

Safeguarding Implications

None

Public Health Implications

This proposal will have a number of positive public health implications as it allows the Town Council to manage and enhance the local community services at a local level. A good example would be the redevelopment of the currently closed play areas in the Town

Procurement Implications

This proposal affects current contracts and will result in a reduced requirement in future contracts. The procurement team will be involved further where appropriate including the extension of and any variations necessary to the current contract to effect required change as well as the future re-procurement.

Equalities Impact of the Proposal (detailing conclusions identified from Equality Analysis, sections 4 and 5)

The transfer of assets raises no issues in respect of equalities impact.

Environmental and Climate Change Considerations

None

Risk Assessment

Significant resources will be required to complete the work for the transfer.

Risks that may arise if the proposed decision and related work is not taken

- Reduction in budgets due to efficiencies may result in a reduction of services being offered by the Council and potential closures of amenity spaces.

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

- A removal of the grounds maintenance for the Chippenham area may result in a pro-rata increased costs of the overall services, as overheads will not be reduced and spread across the remaining service
- Customers may be uncertain about responsibilities in some areas, but experience from Salisbury and Devizes shows this can be overcome and a positive working relationship will be formed with Chippenham Town Council
- Freehold titles may contain restrictions that impact on asset transfer, but these can be overcome by detailed due diligence and dialogue between the parties
- Contribution for ground maintenance is not sufficient to cover the actual costs of the service being delivered for the period that the contribution is in effect

Financial Implications

Ongoing Revenue

Financial analysis has been conducted to examine the impact for the council. The financial model is based on the following assumptions:

The model assumes the transfer will take effect from 1st June 2019.

Chippenham Town Council will pay a revenue contribution of £350,000 per annum from 1st June 2019 (pro-rata for part years) until the 31st May 2020 or the end of the current IdVerde contract.

HR, Legal, Finance, SA&FM, Highways staff time costs for processing the transfer are excluded from the table below.

The table below shows a full year effect of the transfer for 2020/21

	Income	Expenditure	Net
Markets	(£52,500)		(£52,500)
Buildings	(£4,000)	£11,600	£7,600
Grounds Maintenance and Street Scene	(£7,400)	£350,000	£342,600
Total	(£63,900)	£361,600	£297,700

There would be an annual Net Revenue budget saving of **£297,700** for 2020/2021 and a part year Net Revenue saving based on June 1st 2019 transfer date of **£223,300** for 2019/2020.

The current Streetscene contract expires in June 2020. There is a proposal to extend the contract to 2022 past the Service Delegation and Asset Transfer programme timetable. This will mitigate the risks of considerable rate increases for the whole contract from tendering a service in 2020 without detailed areas and locations over the contract period.

A tender in 2020 would result in a baseline service for rural maintenance, with no guarantee for urban work. Contractors would price accordingly increasing urban rates due to the risk of the loss of this work.

Tendering in 2022 would allow quantities to be known, mitigating the risks of urban rates increases. However, the loss of most of the large urban areas works, close to operational depots (such as: Devizes, Chippenham and Salisbury), will naturally increase the average rate per square meter of any new tender. This will be a challenge to the budget or provision at that time. Service Delegation savings will far exceed the cost increases of the loss of economies of scale, but currently all savings will be surrendered at the time of transfer removing funding from the future service budget.

Capital

The properties listed have a current asset value of approximately £125,000. This figure reflects the uses, restrictions and agreements that affect the assets. These values do not represent the sums that may be realised, were the properties to be offered to the market, but indicate the reduction of the Council's asset base that will result from the proposed transfers, if approved.

Section 106 monies

It is planned that all Off Site Contribution capital section 106 monies will be transferred to Chippenham Town Council prior to the package devolution.

Around £76,403 of commuted sum/maintenance money would also transfer to Chippenham Town Council.

Legal Implications

Section 123 of the Local Government Act 1972 ("the LGA 1972") imposes a general restriction on disposals by local authorities which means that Wiltshire Council cannot dispose of its land for a consideration less than the best that can be reasonably obtained in the market, except with the express consent of the Secretary of State. Disposals by way of short term tenancies are not caught by this restriction.

The power of the Secretary of State to give a general consent for the purpose of land disposals by local authorities is set out in section 128 (1) of the LGA 1972. Specific consent is not required for the disposal of any interest in land at less than best consideration where the authority considers that the disposal will help it to secure the promotion or improvement of the economic, social or environmental wellbeing of its area. However, disposal at less than best consideration is always subject to the condition that the undervalue does not exceed £2 million. Therefore, all proposed transactions where the aggregate of "undervalue" exceeds the £2 million threshold will require the specific consent of the Secretary of State.

Whilst the majority of the sites will have a de-minimus value, there are some sites that may attract a value. Social value has not been determined as part of the package, but the overall view is that these services should be delivered at a local level and for enhancement, therefore generating social value.

The model community asset transfer and leasehold documentation is drafted on the basis that the use of the property will continue for the benefit of the local community.

- **Open Space Land**

A local authority has a statutory duty to advertise its intention to dispose of open space land in a local newspaper for two consecutive weeks and to consider objections. This will be done before any final decision is taken on the disposal so that proper consideration is given to the responses that are received. This process will need to be factored into the transfer programme for Chippenham Town Council.

- **State Aid**

European State aid law is intended to avoid any state aided subsidies which could distort competition and affect trade between members states. State aid law can potentially apply to town and parish councils and third sector organisations when they receive community assets and/or financial contributions from Wiltshire Council towards the cost of delivering delegated services. State aid can only be found in the situation where the organisation receiving the aid acts on a market. Local Authorities (as well as charities) can in some of their functions be assessed as acting on a market. This assessment is unlikely to be made where the recipient is engaged in carrying out not for profit activities to meet local community need. However, the use of each individual asset or financial contribution must be considered, and Legal Services must be engaged to advise Wiltshire Council on the State aid implications for the transfer package.

If State aid has been granted without European Commission approval (either through a separate notification or by following the terms of the relevant exemption) this would be illegal State aid. The European Commission has the ability to make such orders to correct the perceived market distortion caused by the illegal aid. This could take the form of an order to the recipient to return to Wiltshire Council any assets and/or repay the value of any financial aid, plus interest from the date of the aid to the date of repayment.

Even where there is no illegal State aid in favour of the recipient, care needs to be taken to avoid accidental leakage of aid in the future when the recipient itself deals with the asset or funding. For instance, care needs to be taken by the recipient to avoid giving a third party a competitive advantage by letting a community asset at below market rate, and an EU compliant procurement process must be followed by the recipient when engaging any third party to carry out delegated services. There are clauses in the model legal documentation between Wiltshire Council and the recipient to deal with this.

- **Transfer of employees**

There are two different types of transfer of employees under the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) – Service Provision Change or a Transfer of Whole or Part of an Undertaking.

It will be necessary to consider the application or otherwise of TUPE having regard to the circumstances of the case and whether for example redundancy costs may be payable in the event that TUPE doesn't apply. These costs will need to be identified and form part of the financial analysis of the proposed service devolution.

TUPE will occur at the end of the Idverde contract, for any work delegated. As the land transfers will occur pre the expiry of the Idverde contract. Chippenham Town Council will receive all staff subject to TUPE (staff will follow the work) and the implications for redundancies (or not) will be with Chippenham Town Council following transfer.

Section 101 of the Local Government Act 1972 and supporting legislation (the Local Authorities (Arrangement for the Discharge of Functions) (England) Regulations 2012) allows the Council to decide to delegate certain functions relating to services to town and parish councils, including Chippenham Town Council.

There are two levels of service delegation proposed under this report depending on the function involved:

Delegation of service delivery. This type of delegation applies for the Grounds Maintenance and Streetscene service and may be discharged by way of an Agency Arrangement. The function is a statutory function which remains the responsibility of Wiltshire Council, however the delivery of the service may be transferred to Chippenham Town Council who will become responsible for the delivery contracted out services. This arrangement must be by way of a written agreement which clearly defines the services being transferred and any conditions to which the transfer is subject.

Delegation of service responsibility. The service (and any land, buildings or assets that are required to run the service locally) will transfer to Chippenham Town Council. This type of delegation can only apply where Wiltshire Council has a high degree of discretion about the provision of the service. Here, it will apply to maintenance of public conveniences, the Markets service and Woodland Park/Countryside services. Wiltshire Council will cease to be responsible and accountable for the delivery of these services.

It is confirmed that Wiltshire Council has the power to delegate the proposed services by s.101 of the Local Government Act 1972. There is the power for Chippenham Town Council to deliver the service however it is for Chippenham Town Council to determine its own ability to deliver the service and this was considered at a formal meeting of the Town Council before deciding to accept the service delegation

Officers will instruct Legal Services to draft the required Agency Agreement, so that terms relating to all functions to be delegated can be negotiated with Chippenham Town Council.

In respect of the Section 106 monies a process will need to be defined to ensure that there is a clear understanding of what it can be used for and the date by which it must be spent with the parties entering into legal documentation to set out the arrangements.

Proposal 'c' below in this report; " Delegate the implementation of the transfer of assets and the service delegation to Alan Richell, the Growth & Investment Director in consultation with the Cabinet Member for Housing, Corporate Services, Arts, Heritage and Tourism, Cllr Richard Clewer" Paragraph 2.2 of the Constitution sets out the issues that must be properly considered and completed when exercising delegated powers, including:

- The views of the relevant Cabinet Member, Committee Chairman and Area Boards following the application of the consultation criteria set out in the Constitution;
- The implication of any Council policy initiative, strategy or procedure. Officers need to be aware of any potential impact of a delegated decision on other services. In such cases, consultation with officers, relevant Cabinet Members(s) or Committee Chairman from any affected portfolio and local members, where the issue relates to a specific area, should take place;
- The range of available options;
- The staffing, financial and legal implications;
- The assessment of any associated risks in accordance with the Council's risk management strategy

The above list is not exhaustive. Please refer to Part 3 Section D Scheme of Delegation to Officers of the Constitution for a complete list of the issues that must be taken into consideration.

Options Considered

None

Conclusions

The council can move towards achieving its Business Plan objective to transfer packages of assets and services to parish and town councils with this transfer.

Proposal

It is recommended that Cabinet:

- a. Consider and approve the final list of assets and services listed that will be transferred to Chippenham Town Council
- b. Note the net revenue impact to the Council and acknowledge that the Service Devolution programme benefits of cost savings and avoidance will be realised on a cumulative basis as the programme progresses and as more Towns/Parishes complete the process.
- c. Delegate the implementation of the transfer of assets and the service delegation to Alan Richell, the Growth & Investment Director in consultation with the Cabinet Member for Housing, Corporate Services, Arts, Heritage and Tourism, Cllr Richard Clewer.

Alan Richell
Growth and Investment Director

Report Author: Lauren Ashdown Programme
Office

Lauren.Ashdown@wiltshire.gov.uk

20 February 2019

Background Papers

The following documents have been relied on in the preparation of this report: None

Appendices

Appendix 1 – Cabinet Papers

Appendix 2 – Service Devolution Policy

Appendix 3 – Grounds maintenance & Streetscene specifications

Appendix 4 – Plans of Monkton Park for transfer

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Appendix 1

Cabinet papers relating to CAT Programme and Salisbury City Council Transfer:

- July 2015 – Cabinet Report



Cabinet Minutes Jul
2015.pdf

- April 2016 – Cabinet Report



Cabinet Minutes April
2016.pdf

Appendix 2

- Service Devolution & Asset Transfer Policy



Service Devolution
Asset Transfer Policy

- November 2017 - Cabinet Report



Service Devolution
and Asset Transfer Ca

Appendix 3 - Grounds maintenance & Streetscene specifications

Soft Maintenance Services

Task	Comment	Conditions
Litter Picking	<ul style="list-style-type: none"> • Litter examples include: • Dead animals (road kill) • Dog/ animal faeces • Cigarette waste & cigarette packets • Beverage and drinks containers • Food containers or utensils • Publications, magazines and newspapers • Shopping and other bags • Illegal deposits of commercial and household waste which shall be cleared as fly tipping, see further below • Removal of pigeon droppings from pathways and footways • Removal of fallen branches, wood, metal and plastic objects • Removal of leaf and blossom falls to an approved programme • Other similar waste types up to 1 cubic meter 	Must be carried out on both Amenity Land and the Highway
Emptying of Litter Bins		Must be carried out on both Amenity Land and the Highway
Removal of Dead Animals on the Highway		Must be carried out on both Amenity Land and the Highway
Removal of Fly Tipping (but no enforcement related tasks)		Must be carried out on both Amenity Land and the Highway
Removal of Fly Posting (but no enforcement related tasks)		Must be carried out on both Amenity Land and the Highway
Graffiti Removal (but no enforcement related tasks)		Must be carried out on both Amenity Land and the Highway
Shopping Trolley Removal (but no enforcement related tasks)		Must be carried out on both Amenity Land and the Highway

Task	Comment	Conditions
Leaf Clearance		Must be carried out on both Amenity Land and the Highway
Balancing ponds, amenity footpaths, Streetscene assets and water courses	Monitor the condition and highlight any health and safety concerns on amenity footpaths, ponds, ditches and any amenity asset and effect their reasonable repair	Must be carried out on Amenity Land
Park and Highway Furniture	Monitor the condition of the furniture and highlight any health and safety concerns and effect their reasonable repair/replacement (subject on each occasion to WC's permission to repair/replace highway furniture)	Must be carried out on both Amenity Land and the Highway. WC's prior written permission must be given in respect of repairing and replacing Highway furniture.
Grounds Maintenance	Shrub Bed Maintenance, Maintenance of Shelterbelt/Plantation Areas/ Hedge Maintenance/ Tree/ Herbaceous Borders and any soft area maintenance.	Must be carried out on Amenity Land and the Highway. WC's consent to maintain the verges of the Highway is hereby given.
Grass Maintenance	<ul style="list-style-type: none"> • Sheltered Housing Schemes • High amenity areas • General grass areas • Low Amenity areas • Highway verge areas • Rough grass areas • Flail grass areas • Wild flower/conservation areas 	Must be carried out on the Amenity Land and the verges of the Highway. WC's consent to maintain the verges of the Highway is hereby given.
Sports Pitch Maintenance (Football and Rugby)		Must be carried out on Amenity Land
Cricket Pitch Maintenance		Must be carried out on Amenity Land
Countryside	Litter clearance and emptying of litter bins	Must be carried out on Amenity Land
Woodlands and Countryside Site	Scavenging and cleaning and/or maintenance	Must be carried out on Amenity Land
Play Areas, Multiple Use Games Areas (MUGA) and Skate Park Inspection and Maintenance		Must be carried out on Amenity Land

Task	Comment	Conditions
Allotments	General up keep and maintenance including: <ul style="list-style-type: none"> • Boundary fencing • Gates and Hedges • Tracks • Car parks • Grass areas and • Footpaths 	Must be carried out on Amenity Land (allotments)
Open Cemeteries	General up keep and maintenance including memorial testing	Must be carried out on Amenity Land (cemeteries)
Closed Churchyards	General up keep and maintenance including memorial testing	Must be carried out on Amenity Land (closed churchyards)
Car Parks and hard areas maintained by WC immediately prior to the Transfer Date	Maintenance of car parks – grounds and street cleaning (as per Idverde Scope)	Must be carried out on Amenity Land and hard areas subject to the exclusions in Column 1
Centre Litter Picking and Sweeping		Must be carried out on Amenity Land and the Highway
Weed Control (amenity hard areas and highways)	Responsibility for all weeds on the highways and service delegated areas	Must be carried out on Amenity Land and the Highway
Bus shelter maintenance	Litter collection, cleaning (graffiti, fly posting, moss etc. removal) and replacement of the structure	Must be carried out on Amenity Land and the Highway

Hard Area Maintenance Services

Type of Land	
The public open space where the hard asset is managed is:	<ul style="list-style-type: none"> • public gardens; • land used for the purposes of public recreation; • parks; • natural and semi-natural urban greenspaces • derelict open land; • sports pitches; • outdoor sports areas; • play provision; • amenity greenspace; • play areas; • skateboard parks; • outdoor basketball hoops; • and other more informal area (e.g. 'hanging out' areas, teenage shelters); • accessible countryside in urban fringe areas; • cemeteries; • closed churchyards.
For the avoidance of doubt, hard asset management would not be delegated for:	<ul style="list-style-type: none"> • Play & Display Car Parks • Highway assets (without prior agreement – see below) • Campus or Hub areas • Housing Revenue Areas
<p>The concept of the delegation would be for hard asset maintenance to be as an asset transfer.</p> <p>As such anything on the asset and anything beneath (but not adopted assets) would become the responsibility of the local council.</p> <p>Hard assets would include: fences; walls; paths; lighting; seats; fixed equipment etc.</p>	

Appendix 4 – Monkton Park land for transfer



Appendix 4
Chippenham Monkton

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Wiltshire Council

Cabinet

26 March 2019

Subject: Approach to Disposal of Assets and Property Acquisitions

**Cabinet Member: Cllr Toby Sturgis, Cabinet Member for Spatial Planning,
Development Management and Property
Cllr Philip Whitehead, Cabinet Member for Finance,
Procurement, ICT and Operational Assets**

Key Decision: Key

Executive Summary

The purpose of the report is to create a new process for the review and disposal of surplus assets, including the need to consider alternate corporate needs as part of the process. The current approach is for Cabinet approval to be sought on every individual disposal, irrespective of their size or scale. The proposed approach is to have a robust officer process to test the options for Council assets and consider re-use for either corporate or financial needs.

The Council have set out a commercial agenda and have a desire to be more business-like in its dealings, principally to mitigate the increasing financial challenge on Council revenue budgets. The council already holds commercial and strategic land and property, producing revenue to the Council, and one business-like approach would be to expand this. Clear policy framework is required to make prudent property acquisitions and this report seeks to enable such a policy.

Proposal(s)

Cabinet are being asked to:

- a. Agree that in the future that Cabinet will receive an annual report on the overall disposal programme.
- b. Agree that a bi-annual update will be provided to Cabinet for noting.
- c. Agree to maintain and enhance engagement with elected members concerning proposed asset disposals.
- d. Endorse the process for decision making for disposals, as set out in Appendix One
- e. Agree that the financial threshold for pure commercial property acquisitions or commercial developments should achieve 3% or more after borrowing costs, in line with the Capital Investment Strategy.
Acquisitions for strategic land purchases or economic development

purposes will be subject to other tests, as agreed by the Asset Gateway Group.

- f. To agree to the purchase of the investment, subject to further financial due diligence, as set out in the Part 2 paper. To delegate the decision to Corporate Director Growth, Place & Investment, after due diligence has been completed.
- g. Agree to delegate the decision to make commercial property acquisitions, subject to the threshold as set out in the Capital Investment Strategy, to Corporate Director Growth, Place & Investment.
- h. Agree that strategic property acquisitions that do not meet the threshold will be reported back to Cabinet for consideration.
- i. Endorse the Approach to Asset Management, as set out in Appendix 2

Reason for Proposal(s)

To streamline the authority process associated with the disposal of surplus land and establish a forum for all operational needs to be considered as part of the asset review process. The process will include information being reported to Cabinet to inform of progress of the overall programme.

For the council to take a more commercial approach and address the challenges of revenue pressures facing the Council, one option is to explore the expansion of the property portfolio and the proposal is to allocate funds and create a policy framework for strategic property acquisitions.

Alistair Cunningham

Corporate Director – Growth, Investment and Place

Wiltshire Council

Cabinet

26 March 2019

Subject: Approach to Disposal of Assets and Property Acquisitions

**Cabinet Member: Cllr Toby Sturgis, Cabinet Member for Spatial Planning,
Development Management and Property
Cllr Philip Whitehead, Cabinet Member for Finance,
Procurement, ICT and Operational Assets**

Key Decision: Key

Purpose of Report

1. The purpose of the report is to review the process for disposal of surplus assets and consider the option of expanding the Council land and property holding.
2. An outcome of the report is to streamline the authority process associated with the disposal of surplus land and establish a forum for all operational needs to be considered as part of the asset review process. The revised process will include information being reported to Cabinet to inform of progress of the overall programme.
3. For the council to take a more commercial approach and address the challenges of revenue pressures facing the Council, one option is to explore the expansion of the property portfolio and the proposal is to allocate funds and create a policy framework for strategic property acquisitions.
4. Cabinet are being asked to:
 - a. Agree that in the future that Cabinet will receive an annual report on the overall disposal programme
 - b. Agree that a bi-annual update will be provided to Cabinet for noting
 - c. Agree to maintain and enhance engagement with elected members concerning asset disposals
 - d. Endorse the process for decision making for disposals, as set out in Appendix One.
 - e. Agree that the financial threshold for commercial property acquisitions or commercial developments should achieve 3% or more after borrowing costs, in line with the Capital Investment Strategy. Acquisitions for strategic land purchases or economic development purposes will be subject to other tests, as agreed by the Asset Gateway Group
 - f. To agree to the purchase of the investment, subject to further financial due diligence, as set out in the Part 2 paper. To delegate the decision to

- Corporate Director Growth, Place & Investment, after due diligence has been completed.
- g. Agree to delegate the decision to make strategic property acquisitions, subject to the threshold as set out in the Capital Investment Strategy, to Corporate Director Growth, Place & Investment
 - h. Agree that strategic property acquisitions that do not meet the threshold will be reported back to Cabinet for consideration
 - i. Endorse the Approach to Asset Management, as set out in Appendix 1
5. The approach set out in this report and specifically proposals e. and f. are linked to the Capital Investment Strategy agreed by the Council.

Relevance to the Council's Business Plan

6. The disposal of assets raises capital to assist and support the Council's medium term financial plan (MTFP) which subsequently supports the Council's Business Plan and its aims and targets. Specifically, the business plan describes taking a commercial approach to managing assets as part of the Working with partners as an innovative and effective council priority.

Background

7. Since its inception in 2009 the council has sold assets in excess of £70m. There are a number of other assets in the programme which are currently scheduled to be marketed and sold between now and the end of 2020/21 and it is anticipated that they will realise in the region of £30m.
8. The current approach to declaration of surplus assets is to report to Cabinet at the start of every disposal, at which point authority to execute property deals to either a Corporate Director or Director. Whilst in some instances there may be wider issues to consider there are a larger proportion of the sale that are non-contentious and could be considered de-minimus (having low or minimal value). The de-minimus sites still need to have them declared surplus, but it is inefficient to present such site to Cabinet.

Main Considerations for the Council

9. As stated the purpose the report is to set out a new process for the declaration of surplus assets with an aim to streamline the Cabinet process for giving authority. At the same time to introduce a robust challenge process to ensure that corporate needs are considered early in any options review of assets.
10. It is essential that Elected Members, including Cabinet Members are informed of progress and the current approach does including communication with them. The production of the annual report and Bi- annual update provides members with earlier engagement with the proposed asset considered for disposal and allows members earlier notification of proposals. The delegation of the authority and introduction of the Asset Gateway Group does not change the need to communicate and it is still proposed that Members are informed at

key stages of a disposal. Summarised below are the minimum communication with Members, but this does not preclude further updates as required:

- a. Bi-annual report to Cabinet reporting on progress of the overall disposal programme, including a forward plan for disposals – February and September each year;
 - b. Seek comments from Cabinet and Divisional Members prior to assets being considered at the Asset Gateway Group;
 - c. Inform Cabinet and Divisional Members (copying Area Board Chairs) of decision to dispose – after being considered at Asset Gateway Group;
 - d. Inform Cabinet and Divisional Members (copying Area Board Chairs) that sites are being released to the open market;
 - e. Inform Cabinet and Divisional Members (copying Area Board Chairs) of completion of conditional contracts for sale; and
 - f. Inform Cabinet and Divisional Members (copying Area Board Chairs) of completion of a disposal.
11. As part of any option review, disposal or acquisition thorough due diligence is required to ensure that decisions taken are prudent and consider all the relevant information. The introduction of an Asset Gateway Group ensure that internal consultation / participation is improved and strengthen the due diligence already been undertaken by operational teams. Where necessary external professional advice will be sought to support the work being undertaken by officers. Whilst setting clear objectives and thresholds for the Disposal & Acquisition Portfolio means that the due diligence has to be sufficient to satisfy these, there is an aspiration that it will go further to justify any particular transaction.
12. The proposals and approach set out in this paper will be integral to the council's overall Approach to Asset Management which is attached this paper, see Appendix 2. The Approach to Asset Management will include the Asset Management Frameworks and other property-related policies referred to later in this report, and will be considered by the Asset Gateway Group (see para 11).
13. A key component of robust challenge and wider considerations is the introduction and formulation of an Asset Gateway Group. The Group will provide assurance that all property related matters are dealt with in a consistent manner and an appropriate degree of challenge given to property options. It will allow services to explore their property needs and consider the best financial outcome for surplus assets. In addition, the Group will provide the necessary safeguards to allow the Corporate Director Growth, Place & Investment to discharge their new delegations, as proposed in this Cabinet report. The Asset Gateway Group will also be considering the town and parish reviews as part of the Service Devolution and Asset Transfer Policy.
14. Terms of Reference for the Asset Gateway Group will be developed by officers and one of the first tasks of the Group will be to confirm the Approach to Asset Management and the relevant Frameworks that sit within it for various property portfolios.

15. The proposal includes allocation of finances and a governance structure for strategic acquisitions and commercial development. Should the funding be allocated, the Council will be required to compete on the open market for acquisitions and being able to react in a timely manner is key to being competitive. The proposal allows for officers to make initial assessments of proposals by having a clear threshold that must be met. The threshold is set at a level that shows clear financial advantages, recognising the detailed due diligence will be required prior to making a formal recommendation. Potential acquisitions will be approved by the Asset Gateway Group, after a robust financial business case has been submitted.
16. A Part 2 has been produced setting out a proposal for a commercial investment opportunity and giving an example of a redevelopment opportunity that exists within the Council's existing portfolio. These are included in a Part 2 paper given the commercial sensitivities of each site/transaction.

Overview and Scrutiny Engagement

17. Overview and Scrutiny Financial Planning Task Group reviewed the content of this report on 21st March 2019 with any comments provided as a supplementary document to this report.
18. The proposals set out in this report seek to provide a better opportunity for Overview and Scrutiny in the future and respond to the requirements of Divisional Members to have more visibility by an enhancement of the engagement process.

Safeguarding Implications

19. There are no safeguarding implications with this proposal.

Public Health Implications

20. None direct, although creating additional revenue sources for the Council will enable services to be maintained and, potentially, mitigating public health issues.

Procurement Implications

21. The decision to dispose or acquisition of the freehold interest does not have any direct procurement implications. However, when the appointment of agents to market the assets or when pre-marketing surveys and external due diligence is required, their procurement is carried out in accordance with the Council's procurement rules and policies.

Equalities Impact of the Proposal

22. None

Environmental and Climate Change Considerations

23. Where a sale envisages potential development, any environmental and/or climate change issues are best considered through the planning application process.

Risks that may arise if the proposed decision and related work is not taken

24. The MTFP for the Council is, in part, dependent on the success of the disposal of property and assets. Failure to decide to declare new freehold interests to be sold or failure to sell those that are currently declared will impact on the council's ability to achieve its business plan.
25. The revenue pressures on the council will continue to increase and finding ways to generate additional revenue will put the council in a better financial position and will assist decisions to reduce service levels.

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

26. A risk that may arise is that due to legislative or other changes a service need arises for an asset after it has been sold and the Council then has to look to acquire or rent in an asset. The introduction of the Asset Gateway Group allows for future service need to be considered in a wider approach to the council's asset base. The aim is to avoid individual services from making asset based decisions without considering the wider benefits of site sharing, thus creating efficiencies in holding assets.
27. By delegating the whole process to officers could create a perceived risk that the wider aspirations of the Council are not considered. The introduction of the Asset Gateway Group enables high levels of consultation at a senior officer level, who will give representation of these wider aspirations so they can be taken into consideration.

Financial Implications

28. As explained above, the realisation of capital from the sale of assets is used to support the MTFP and Council Business Plan. Reducing sales and the delivery of capital receipts will reduce the amount that the Council can invest in its communities and/or be used to reduce borrowings and thus free up revenue for delivering services. The disposal of surplus assets is not only integral to the council's medium term financial planning but often makes good asset management sense too.
29. Capital receipts contribute towards the overall capital programme of the Council, and targets are set for the generation of capital (either through direct sale, development or overage windfalls). The financial target for 2018/19 – 2020/21 is £24,969,320, broadly split as:

2018/19	£10,575,520
2019/20	£9,066,000
2020/21	£5,327,800

30. The purpose of the Asset Gateway Group is principally to ensure that these targets are being met, whilst seeking to explore other property solutions to improve upon individual capital return for site and thus the overall receipts of the Council. In some cases, other solutions will not be available or not provide the same level of financial return, so straight sale of assets will continue.
31. In terms of acquisition of there needs to a clear framework for individual sites to be judged against and robust due diligence to ensure acquisitions are prudent. The purpose of the Asset Gateway Group is to ensure that this framework is established and how acquisitions that including other outcomes (economic development or strategic land purchase) that sufficient tests are applied.
32. A recommendation of this report is to set a clear financial threshold for commercial property acquisitions, being proposed at 3% after factoring in borrowing costs. By setting a target in this way allows the Council to use is treasury management approach to determine how acquisitions are funding, either using prudential borrowings or windfall receipts, should they be generated over the capital receipt target set out above. This gives a clear message to the market of the financial return required. Prior to engaging with the wider market further thresholds will be established to give further clarity of the type of property being considered for acquisition.

Legal Implications

33. Where disposal of a site is considered to produce the best financial return, each asset is to be sold at or above market value, thereby ensuring that the best price properly payable will be received thus satisfying the requirements of s123 of the Local Government Act 1972. Market value will be determined by either open marketing of the sites or through an external valuation being procured to reflect any special circumstances. The assets will also be categorised as strategic assets due to their strategic importance to contribute to the MTFP and will not be available for Community Asset Transfer unless Cabinet subsequently decides otherwise.
34. By delegating the decision to dispose of surplus sites to the Corporate Director this provide them with sufficient authority to execute property transactions.
35. The Council has the legislative authority to make acquisitions, under if general power of competence, but legal due diligence will be undertaken on all proposed acquisitions to ensure that no onerous conditions or obligations are taken on.

Options Considered

36. There is the option of continuing with the current approach to disposals, but this may allow a framework to fully address the corporate needs of the organisation.
37. There is currently no framework for exploring acquisitions and thus by not exploring this, the Council will have to find solutions to address revenue pressures in other ways.

Conclusions

38. That setting a clear set of thresholds, delegating the authority to the Corporate Director and putting in place an Asset Gateway Group gives a more efficient and robust process for the considering the options for surplus assets and further strategic property acquisitions.

Simon Hendey (Director - Housing and Commercial)

Alistair Cunningham, Corporate Director – Growth, Investment and Place

Report Author: Mike Dawson, Asset Manager (Estates & Asset Use)

25 February 2019

Appendices

Appendix 1 – Disposal flowchart

Appendix 2 – Approach to Asset Management

Background Papers

The following documents have been relied on in the preparation of this report:

None

Appendix 1 – Surplus asset process

Wiltshire Council

Strategic Assets and Facilities Management

Approach to Asset Management 2019-2024

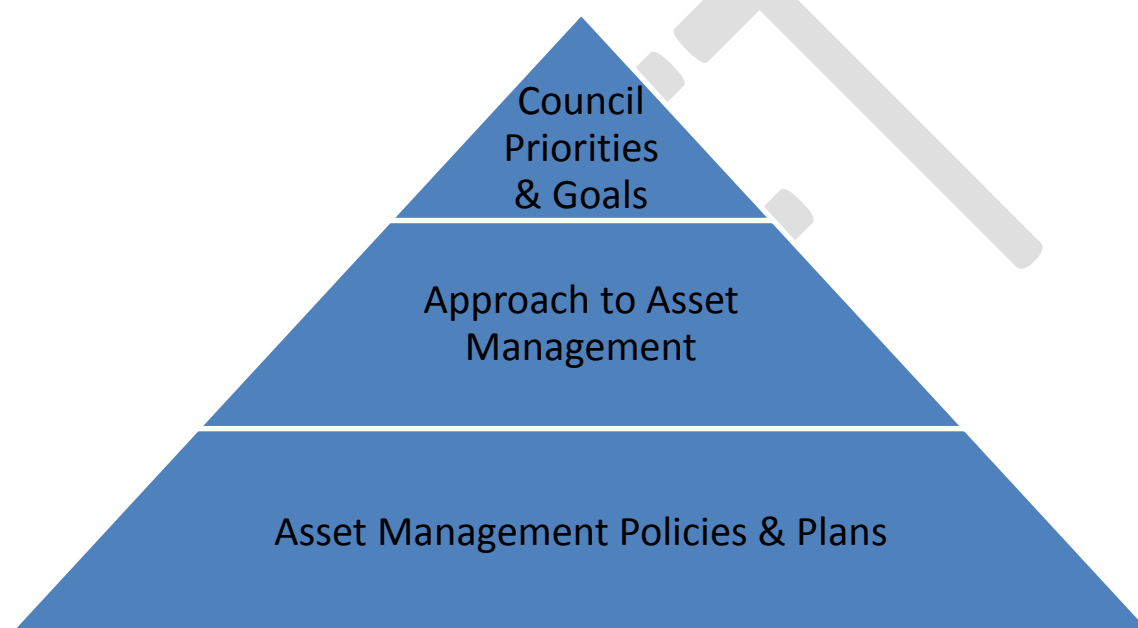


Approach to Asset Management 2019-2024

1. Document Context

This strategy describes the high-level approach employed to determine how the asset holding of the council will be used to achieve council aims and deliver against council needs. It describes how the asset holding will be managed to consistently meet the needs of the council's business and its customers. The document also describes the governance process and corporate activity that covers the management of assets.

Underpinning the approach is a range of asset management policies and plans that provide the detail for the diverse asset holding and the future activity for managing those assets.



The asset management approach, policies and plans directly support, and should be considered in the context of, the following key corporate documents:

- Capital Strategy
- Medium Term Financial Plan
- Commercial Strategy
- Treasury Management Strategy

2. Introduction

The Council is a unitary authority that was created from the merging of the former County Council and four District Authorities in 2009. The new authority became the owner of the public highway, social housing, and wide range of buildings, land and other assets including administrative offices, depots, leisure centres, libraries, schools, farms, commercial property as well as parcels of land, dedicated rights, etc.

The public highway assets are managed by the Highways service, and the social housing assets are managed by the Housing service. Each of those services holds its own strategies and plans for the management of those assets.

This paper is focussed on the land and property holdings managed by the Strategic Assets and Facilities Management service (SA&FM). This includes over 2000 buildings and pieces of land owned through a variety of tenure types and, in many cases, subject to occupational agreements.

Asset Management definition:

Strategic asset management is the activity that seeks to align the asset base with the organisation's corporate goals and objectives. It ensures that the land and buildings asset base of an organisation is optimally structured in the best corporate interest of the organisation concerned. (RICS's Public Sector Asset Management Guidelines)

There are many benefits of good asset management including:

- enabling the delivery of exceptional services for citizens, aligned with local priorities
- empowering communities
- improving the economic well-being of an area
- introducing new working practices and triggering cultural change
- reducing carbon emissions and improving environmental sustainability
- increasing co-location, partnership working, and knowledge sharing
- improving accessibility and ensuring compliance
- maximising efficiency savings, capital receipts, or revenue income
- improving the quality of the public realm.

Good asset management practice quantifies and qualifies decision-making enabling an informed choice to be made about the future of any asset.

Good asset management has a direct link to the delivery of the council's vision and priorities, and the achievement of the council's goals as set out in the Wiltshire Council Business Plan 2017-2027. The way in which assets are managed relates to the business plan in the following ways:

- *The provision of safe, secure and fit-for-purpose buildings from which council services can be delivered.*
- *Generating capital receipts from the sale of land and property to reinvest in services or assets.*
- *Generating revenue income from the estate to support the delivery of services and wider reinvestment in public services.*

- *Identifying and transferring assets and land through the Service Devolution & Asset Transfer policy to town and parish councils, and undertaking Community Asset Transfers to community groups and third sector organisations by strengthening communities and helping them to do more for themselves*
- *Contributing to fair open and honest decision making through transparency*

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3. Council Priorities and Goals

The council has stated its vision, priorities and goals in the Business Plan. The council's assets are deployed to support and enable the organisation and all of its services to effectively deliver those stated aims. The Approach to Asset Management addresses these aims both directly where the asset management activity delivers a benefit linked to a particular aim, or indirectly in providing spaces that enable all council services to deliver those aims.

Council Priorities

The Council's vision is to create stronger and more resilient communities and make Wiltshire an even better place to live, work and visit. This is supported through the achievement of three Business Plan priorities:

- *Protecting the Vulnerable*
- *Growing the Economy*
- *Strong Communities*

This document sets out how the Council's asset holding can be utilised to ensure that these priorities and the resultant goals can be achieved.

Council Needs

To be considered suitable, any building must meet legal and compliance standards, be generally of a type and condition that is acceptable for the nature of use, and compliment and improve service delivery.

To ensure that the assets are the right mix this strategy delivers the following outcomes;

1. Full definition and understanding of the reason for holding an asset and its contribution to achieving the business plan.
2. Continual review of the asset portfolio and provision of asset expertise in service-led reviews to ensure that there is informed strategic and corporate decision-making about land and property.
3. Opportunities to rationalise and optimise assets are continually sought, along with opportunities to co-locate and share space with strategic partners.
4. Ensure that asset holdings and any land/property transaction support the council's Capital Strategy, Treasury Management Strategy, Commercial Strategy, and Medium Term Financial. Maximise returns from any commercial land and property transactions in support of the revenue budget and Capital Management Strategy and Capital Investment Strategy.
5. Look at innovative ways, through land and property, to support the creation of stronger more resilient communities, including using land to enable development that would not normally delivered by the private sector

Wider Activity

Beyond the aims and needs of the authority stated above, there are wider outcomes that exist at a local, regional, national or international level, toward which the authority may need to contribute. Current asset management activity therefore includes:

- Engagement in the One Public Estate programme to make efficient use of public assets across Wiltshire
- Provide opportunities to develop resilient and future proof infrastructure developments

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4. Governance

The council's Cabinet provides the constitutional authority for all asset management activity. Through the Scheme of Sub-Delegation, authority is delegated to a Cabinet Member, Directors or SA&FM depending on the scale and complexity of the decision. Where appropriate and necessary, asset decisions will be subjected to the council's scrutiny process commensurate with the type and nature of the decision. Day to day asset decisions and authorities rest with SA&FM. The activity of the service is directed by approved asset management policies and plans.

From the corporate perspective, wider asset decisions require input from across the organisation in order to ensure that asset management suitably supports corporate and service aspirations and needs. The council operates an Asset Gateway Group (AGG), engaging senior officers of the council that have an interest in land and property. The purpose of the group is to ensure that a corporate approach is applied to all significant land and property decisions. The Group will consider service-based property decisions as well as decisions relating to disposal or redevelopment, and for strategic acquisitions of property assets.

The AGG will assist the Corporate Director Growth, Investment & Place and the Director Housing and Commercial Development in the discharge of the scheme of sub delegation in respect of assets. The AGG will also ensure that all corporate and service considerations are captured and included in update and decision papers that require Cabinet approval. Cabinet therefore has a full corporate view and options for each asset decision.

The terms of reference for the Asset Gateway Group are attached in Appendix 1.

5. Asset Management Approach

Corporate Landlord model

The key element in the approach to managing assets will be to operate a Corporate Landlord model. This essentially ensures a corporate view over all asset decisions rather than focusing exclusively on the specific needs of a particular service.

The authority will implement a ‘corporate landlord’ approach to management, and Housing & Commercial Development will oversee, commission and deliver all activity relating to this.

For an explanation of the corporate landlord model see Appendix 2. This approach has been shown to improve oversight and delivery of compliance, decreasing the risk of service continuity failure, lack of availability of facilities or related services, and risk to health and safety for the public and council staff. Improving the compliance and safety of facilities used by vulnerable will improve protection by enabling vulnerable individuals to move moved to more appropriate accommodation and reduce the risk to those individuals during occupancy.

The corporate landlord model will function best with a single, suitably competent and qualified service area overseeing all aspects. Housing & Commercial Development will maintain the necessary competencies and systems, reducing the resource impact on other council services so they are able to concentrate on service delivery.

Services will have a role in the corporate landlord model as they will be the decision makers for all non-compliance works and have the power to make decisions over repairs and improvements required for their buildings delivering services.

Provision of Facilities

Appropriate facilities in the relevant geographical area will be provided as necessary and as required by the occupying services.

The asset base needs to provide suitable facilities to discharge the statutory and discretionary services provided by the council and the asset management approach will create an environment that is adaptable to the changing service needs.

Maximise Return

All property transactions will provide the best financial return, assessed against security and risk, to the council unless there is a clear and transparent reasons for not doing so. Where service, social or other factors require an undervalue of financial return, the relevant service or “sponsor” will qualify and justify the different approach.

It is essential that financial transparency is provided across all asset deployment and decisions, including providing clarity over the asset costs associated with service delivery. Where partners are engaged to provide services that require occupation of council assets, there must be a clear recognition of the associated costs, although a service (sponsor) may

be empowered to offer concessions provided they qualify and justify the financial risk associate with such a concession.

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6. Asset Portfolio Approach

The council requires full definition and understanding of why all assets are held. To ensure this, a portfolio approach is applied to asset management. Assets are categorised into portfolios, each of those portfolios has key principles, management policies, and an overall aspiration. Assets are divided into 3 main portfolios:

Operational Portfolio

- Assets held exclusively and purposefully for the delivery of council services and delivery of Business Plan objectives.
- These assets are either owned freehold or leased from third parties.
- Includes hub buildings, leisure centres, depots etc.
- Aspiration - **to provide the right buildings in the right place to maximise efficiencies that enable the council to deliver its services and business plan goals, and to maximise opportunities for co-location of services and other public sector partners.**

Investment Portfolio

- Assets held primarily for the delivery of a financial return.
- Have no or limited wider intrinsic benefit other than generating current, or potential future income (revenue and/or capital)
- Includes commercial estate, reversionary assets etc.
- Aspiration - **to actively manage and grow the investment portfolio of high performing assets, the returns from which support or fully fund the operational portfolio.**

Disposals and Acquisitions Portfolio

- Assets in transition either leaving or coming into the council's ownership
- Includes assets being transferred through the Community Asset Transfer or Service Devolution and Asset Transfer policy.
- Includes assets being acquired, assets being developed, or assets sold for capital receipt to generate the best financial return.
- The Capital Strategy clearly sets out the approach and statutory regulations which govern this type of asset as well as the corporate indicators attached to this classification of asset.
- These types of asset will be clearly assessed with regard to security, liquidity, and yield in that order of importance.
- Aspiration - **to commercially consider the best future outcome - disposal, development, or re-use - for any asset in order to generate the best financial return, and to acquire strategic property assets that generate sustainable income.**

The 3 portfolios are further refined and subdivided as shown in the table below. Each of the categories has different characteristics, objectives and principles which further define each portfolio, the detail of which is at Appendix 3.

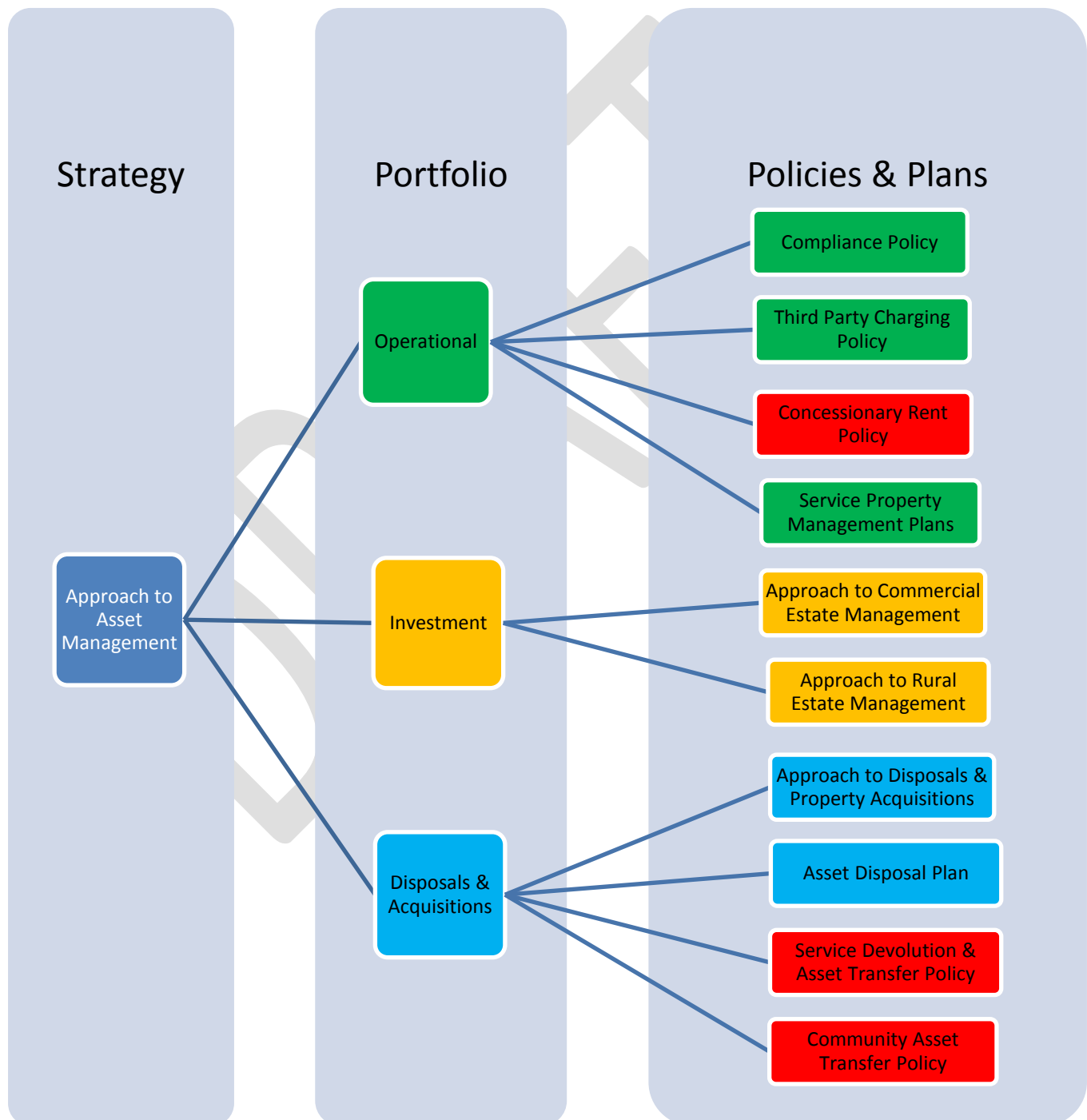
Portfolio	Characteristic	Category	Qualifying features
Operational	Council service delivery	Required	Front line delivery of Council functions Council staff in occupation
	Council staff or engaged partners in occupation	Tenanted	Premises from which third parties deliver Council functions
		Held for future use	Property held for future delivery of direct or indirect Council functions
Investment	No Council staff in occupation	Commercial	Commercial properties let out at market rent on short leases (less than 20 years)
	Held primarily for monetary purposes	Reversionary	Land and property held or let out on long leases
		Asset of Social Benefit	Land and property let out on short leases with low value rents
Acquisition & Disposal	Assets no longer required by the Council (end of life in terms of service delivery)	Market Sale	Assets being sold for at market value Restrictions on sale do not have an impact on likely capital receipt Sites being considered to re-use for
		Transferring assets	Assets being sold at less than market value or being transferred at nil consideration
		Acquisitions and development	Assets being acquired or redeveloped to deliver service or investment needs

An asset may move between portfolios and categories throughout its life, depending on its use. The reason the council is holding an asset may change. For example, an Operational asset that is no longer required by a service may move into the Disposal portfolio if it is going to be sold to generate a capital receipt.

7. Asset Management - Policies and Plans

Each of the portfolios has a range of supporting Asset Management Policies that determine how assets will be managed. Some policies will cover more than one portfolio. Further to these governing policies, Asset Management Plans (Frameworks) for each portfolio then detail what activity is planned for the assets over given periods of time. In addition, there may also be service specific plans that deal with specific service requirements and either short or long-term aspirations to make changes to the asset base.

The key policies and plans are set out below. The list of policies/plans is not exhaustive.



The Policies highlighted in red are corporate held policies that have a direct impact in the delivery of the Asset Management approach.

Asset Management Plans will consider and contain the following:

- Take a medium to long term view
- Establish clear strategic approaches to the utilisation of space and flexible working, and co-location with partners and stakeholders
- Demonstrate a clear link to the corporate vision, priorities and goals, and to all statutory requirements and explain how asset management will assist in delivering those outcomes.
- Outline the objectives for each asset
- Consider all options for each asset
- Full financial appraisal illustrating the financial implications of the plan.

DRAFT

Appendix 1

Asset Gateway Group - Terms of Reference

Purpose

The overall aim of the AGG is to aid the corporate landlord in decision making in terms of the council's existing land and property assets, including disposal or redevelopment, and for strategic acquisitions of commercial property assets.

The AGG will provide a structured forum for discussion about the deployment of the council's land and property assets. The AGG will assist the Corporate Director Growth, Investment & Place and Director Housing and Commercial Development in the discharge of the scheme of sub delegation in respect of assets.

Terms of Reference

The AGG will:

- Manage and endorse the frameworks against which the council's asset portfolio is classified and tested. Specifically, the classification of the estate as those assets which are held as '**operational portfolio**', '**investment portfolio**' or '**disposal and acquisition portfolio**' and their respective sub categories:
 - Operational Portfolio
 - Operationally Required
 - Operationally Tenanted
 - Strategic Delivery
 - Investment Portfolio
 - Revenue Assets
 - Reversionary Assets
 - Assets Held for Sale
 - Disposal and Acquisition Portfolio
 - Market Sales
 - Acquisition and Redevelopment
 - Transferring Assets

Where appropriate Asset Management Frameworks will be developed for each of the portfolios, or other policies that fall within particular sub-categories.

- Assist the Corporate Director Growth, Investment & Place and Director Housing and Commercial Development in discharging their function when it comes to the future status of assets and their place within the portfolio and assets transition between categories.
- Make recommendations to Cabinet in line with Asset Management Strategies, Policies and Plans.
- Consider the resource and cost implications of any asset category change on the:
 - Market Disposal Portfolio
 - Transfer Asset Portfolio
 - Closures/Decommissioning of operational buildings

- Service review programmes, including deliver of business plan objectives
- FM Capital Maintenance programme
- Confirm that service areas can declare assets surplus to their individual needs and be capable of re-use corporately.
- Authorise the freehold disposal of surplus assets, provided they have been recommended in line with the relevant Market Sales Asset Management Framework
- Authorise the acquisition of commercial property, provided they meet the targets set out in the Acquisition and Redevelopment Asset Management Framework. Where market conditions require an expedient decision, the Executive Members will be determine the matter in isolation, subject to framework criteria being met.
- Maximise the income from the estate both in terms of capital receipts and revenue return and assess the balance of risk across the investment portfolio.
- Consider requests for new property, either service led or acquisition for revenue purposes
- Provide an annual report to Cabinet setting out future disposals and provide an bi-annual update on capital receipts

Membership

The AGG will consist of the following permanent members, or their elected nominees:

- Corporate Director Growth, Investment & Place
- Director Housing and Commercial Development
- Head Strategic Assets and Facilities Management
- Director Economic Development and Planning
- Director Highways and Transport
- Director Waste and Environment
- Director Learning Difficulties and Mental Health
- Director Education and Skills
- Director Commissioning
- Director of Legal & Democratic (Monitoring Officer)
- Director Finance and Procurement (s151 Officer)

Membership will be extended to other service areas on a case by case basis

Executive Members

The Executive Members of AGG will be able to consider urgent matters in consultation with each other and consist of:

- Corporate Director Growth, Investment & Place
- Director Housing and Commercial Development Associate Director People and Business
- Director Finance & Procurement (s151 Officer)

- Director of Legal & Democratic (Monitoring Officer)

Frequency

The AGG will be held every 4 to 6 weeks

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Appendix 2

The Corporate Landlord model

Following the move to unitary, property budgets were centralised and handed to Housing and Commercial Development directorate, previously this was devolved down to individual services. The team are responsible for all aspects of the council's property and their remit includes...

- Maintenance of fixed assets
- Ensuring compliance obligations are fulfilled
- Managing running costs (including business rates, utilities, cleaning, energy)
- Tenant management (leases and licences)
- Acquisition and disposal of property assets
- Advice on the balance of the Investment Portfolio
- Capital maintenance of assets to improve the economic and functional life of an asset

While the consolidation of responsibility has brought with it much efficiency it has meant that services do not have an oversight of the true cost of running services. The model will include budget devolution where service areas will have direct control over non-compliance activities and hold the overall budget responsibility, whilst the provision of works will remain with SA&FM. A full trading account approach will be developed.

The overarching role of the Corporate Landlord is to understand the needs and objectives of the organisation and how this can be best met through the deployment of property assets. Under this approach each service needs to justify their requirements and accept that a flexible approach to property is required, that allows opportunities to maximise efficiency and minimise operating costs.

Appendix 3

Asset Portfolios

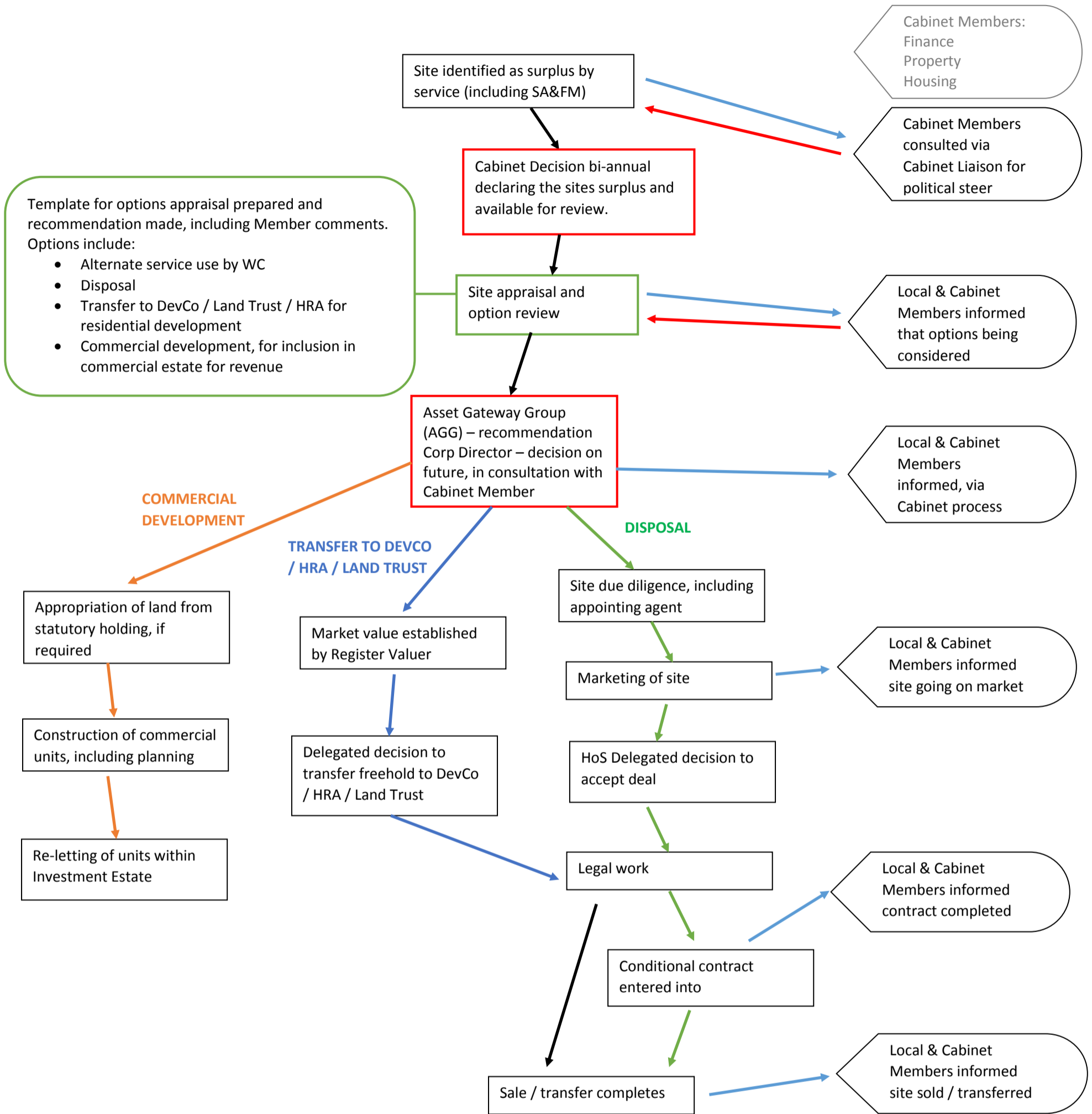
Operational Portfolio	
Aspiration	To provide the right buildings in the right place that enable the council to deliver its services and business plan goals, and to maximise opportunities for co-location of services and other public sector partners.
Category	Operational Required
Characteristics:	Used for the by front line services and other staff for services directly delivered by Wiltshire Council or and property held to fill a statutory function /purpose
Qualifying features	<ul style="list-style-type: none"> • Principally occupied by staff directly employed by Wiltshire council or land/property used to for fill a statutory (or discretionary) function • Clear link between service being delivered and the councils business plan • Third parties and partner organisations may use or occupy part of the building in an ancillary capacity subject to appropriate charges • Assets may be leased in or owned freehold
Objectives and considerations	<ul style="list-style-type: none"> • Seek to maximise efficiencies in property running costs and maintenance backlog • Property utilised to maximum capacity including sharing between services and colocation with other public sector partners via established occupation agreements and charging policy • Reduction of the number of assets leased in for occupation
Category	Operational Tenanted
Characteristics:	Used by contracted third party or commissioned providers for the delivery of council services
Qualifying features	<ul style="list-style-type: none"> • Property is wholly used by a commissioned or contracted provider • Council staff may use the building where this is ancillary to the contracted use • Occupation offered only where there is a clear link to the Council's business plan
Objectives and considerations	<ul style="list-style-type: none"> • Operating costs and liability for property transferred to third party occupier via formal lease and/ or service charge arrangements • Full market rate charged with concessionary rent policy applied where applicable • Property costs are fully reflected in the appraisal of commissioned services at the tender stage
Category	Held for Future Use
Characteristics:	Assets held for delivery of wider council service objectives
Qualifying features	<ul style="list-style-type: none"> • Proposed future for asset has a clear link to the Council's business plan and is clearly defined within a directorate service plan • The need to hold the asset is clearly defined by a credible business case which demonstrates viability and consideration of credible alternatives and impact on FM budget, medium term financial plan and capital programme and wider objectives • The future aspiration is supported by appropriate policy such – e.g adopted Core Strategy, Neighbourhood Plan or other DPD, housing strategy, relevant vision document, other council strategy or service plan
Objectives and considerations	<ul style="list-style-type: none"> • Options to manage asset prior to delivery are explored e.g manage as void, short term lease at market rent, demolition • Opportunity cost of capital receipt and calculation of NPV of proposal is a key consideration in the business case • Opportunities to minimise costs while assets are held (e.g. short-term lease)

Investment Portfolio	
Aspiration	To actively manage and grow the investment portfolio of high performing assets, the returns from which support or fully fund the operational portfolio.
Category	Revenue Assets
Characteristics	Assets held to generate revenue as part of the council's medium term financial plan
Qualifying features	<ul style="list-style-type: none"> • Assets are not linked to other corporate priorities or objectives • Operating costs and liability transferred via full repairing lease or service charge applied where applicable • Financial performance linked directly to the Councils medium term financial plan and an established return on investment • Full assessment based on security, liquidity, and yield
Objectives and considerations	<ul style="list-style-type: none"> • Assets tested against financial target to determine whether they are retained • Annual improvement of revenue income net of borrowing and operational cost
Category	Reversionary Assets
Characteristics	Land and buildings which are held for the long term due to their ability to realise capital receipt in the future
Qualifying features	<ul style="list-style-type: none"> • Asset moved to surplus when commercial advantages or development potential can be realised and marriage value can be achieved • Potential future capital value should market conditions improve or circumstances change is considered to be greater than existing investment value • Assets are not used to deliver council services or wider objectives
Objectives and considerations	<ul style="list-style-type: none"> • Maintenance and management costs reduced or transferred while asset held • Asset could be the subject of long term lease • Decisions link directly to the Councils medium term financial plan • Where opportunity exists to generate suitable levels of capital it is taken
Category	Assets of Social Benefit
Characteristics	Assets held that are held to benefit the local area or facilitate utility provisions
Qualifying features	<ul style="list-style-type: none"> • Land and property let out on short/medium term leases with low value rents • Land held to enable utility providers to deliver infrastructure requirements • Land and building held that deliver a community benefit to an area
Objectives and considerations	<ul style="list-style-type: none"> • Maintenance and management costs reduced or transferred while asset held • Assets given consideration to transfer to lower tiers of local government, assuming they are not immediate adjacent other assets held

Until this report is published, even if it is ultimately to be considered in Part I, it should not be circulated beyond the Cabinet (excepting officers writing and reviewing the paper through this process) or sent externally, and its contents should be treated as confidential.

Acquisition and Disposal Portfolio	
Aspiration	To commercially consider the best future outcome - disposal, development, or re-use - for any asset in order to generate the best financial return, and to acquire strategic property assets that generate sustainable income.
Category	Market Sales
Characteristics	Land and buildings declared surplus which can be disposed of in order to realise a capital receipt and/ or revenue saving
Qualifying features	<ul style="list-style-type: none"> • Assets which are surplus to operational need, have no value as reversionary or revenue asset • Assets which are not subject to a transfer to either town/parish council or a community group • Assets being sold for at market value • Restrictions on sale do not have an impact on likely capital receipt
Objectives and considerations	<ul style="list-style-type: none"> • Assets declared surplus are marketed in order to achieve 'best price reasonably obtainable' in order to comply with section 123 of the Local Government Act 1972 • Options to manage the asset prior to sale properly explored e.g. manage as void, short term lease at market rent, demolition • Sales target established and linked to Medium term financial plan
Category	Transferring Assets
Characteristics	Land and buildings that are being transferred to community groups or lower tiers of local government at low or nil value
Qualifying features	<ul style="list-style-type: none"> • Assets which are surplus to statutory need, but have a community benefit • Assets that do not attract a reasonable market value, for existing use or alternate uses • Assets that have been authorised for transfer under the Community Asset Transfer or Service Devolution & Asset Transfer policies
Objectives and considerations	<ul style="list-style-type: none"> • Maintenance and management costs reduced while asset held • Assets are transferred as they stand, in existing condition, as quickly as possible • All liability transferred to new owner, either by freehold transfer or full repairing lease (usually 125 years) • Acknowledged that "best consideration", as defined by section 123 of the Local Government Act 1972 is not be obtained, as social benefits are considered of greater importance
Category	Acquisition and Development
Characteristics	Assets being acquired or redeveloped to deliver service or investment needs
Qualifying features	<ul style="list-style-type: none"> • Assets in the process of being acquired that are not currently in the Council's ownership • Assets in the Council's ownership but in the process of being redeveloped for commercial purposes
Objectives and considerations	<ul style="list-style-type: none"> • That a financial threshold for commercial property acquisitions is achieved at a rate above borrowing costs. • Strategic land purchases or economic development purposes will be subject to other tests, as agreed by the Asset Gateway Group

Appendix 1 – Surplus asset process



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Wiltshire Council

Cabinet

26 March 2019

Subject: Proposal to join a Flexible Dynamic Purchasing System (DPS) for Independent and Non-Maintained Special Schools (ISS) for children with SEND.

Cabinet Member: Councillor Laura Mayes Cabinet Member for Children, Education and Skills

Key Decision: Key

Executive Summary

Where a child or young person has special educational needs and/or disability (SEND) and their needs cannot be met within a mainstream or maintained special school, a placement in an independent or non-maintained provision may be required.

For these independently provided placements, Wiltshire Council has been a partner in the West Sussex led Dynamic Purchasing System (DPS) which expired on 28 February 2019.

Wiltshire Council has engaged with a number of other Local Authorities to consider future shared procurement options in this area. Working in collaboration with other Local Authorities is considered beneficial for both the Market and Local Authority. This report is to identify and agree the appropriate partnership arrangement and DPS for Wiltshire council for the next five years for independent specialist schools.

Proposal(s)

Key decisions:

- To join the Dynamic Purchasing System arrangement (DPS), with Bristol City Council as the procurement lead on behalf of Wiltshire Council, to support the commissioning of placements from independent and non-maintained specialist provision for children with SEND aged up to the age of 16 years.
- To Delegate authority for award of contract resulting from this tendering process to Terence Herbert, Corporate Director, in consultation with the Cabinet Member for Children, Education and Skills

Reason for Proposal(s)

Working collaboratively with a range of local authorities which will assist with information sharing and enhanced provider engagement. This opportunity will also increase Wiltshire's leverage and assist in improved cost management.

Terence Herbert
Corporate Director

Wiltshire Council

Cabinet

26 March 2019

Subject: Proposal to join a Flexible Dynamic Purchasing System (DPS) for Independent and Non-Maintained Special Schools (ISS) for children with SEND.

Cabinet Member: Councillor Laura Mayes Cabinet Member for Children, Education and Skills

Key Decision: Key

Purpose of Report

1. To seek approval to join a Dynamic Purchasing System (DPS) which is being led by Bristol City Council and enter into resulting agreements. This will support the commissioning of placements for children up the age of 16 with SEND, where needs cannot be met within local special schools.

Relevance to the Council's Business Plan

2. The proposal is relevant to the following priorities and objectives laid down within the Council's Business plan:
 - Protecting the Vulnerable by ensuring good quality placement quality management
 - Joined up Health and Care (Integration) by working with regional and CCG partners
 - Working with Partners as an Innovative and effective Council
 - Commercialism by ensuring that public funds are well managed

Background

3. Wiltshire Council currently commissions placements from a number of independent specialist schools to support the needs of young people with SEND whose needs cannot be met within local special school provision.
4. To date not all providers have been through robust formal procurements, with a high proportion of these placements being commissioned as SPOT provision with basic quality checks being undertaken and limited financial audits.
5. It has been identified within the Placements Commissioning Strategy (2017-2022) that there will be an on-going demand for Specialist School provision due to increased housing developments and the movement of troops back into Wiltshire and therefore this needs to be taken into consideration moving forward.

Main Considerations for the Council

6. As this procurement is an evolving one, this is an opportunity for Wiltshire to influence and shape future specifications and requirements to meet local need.
7. Costs for joining are proposed at £3000 with an ongoing maintenance cost of approximately £800 per annum, which include of subsequent rounds within the procurement to allow for new entrants and facilitation of market engagement moving forward.
8. The key objectives of the DPS support key objectives set out within Wiltshire Council's Business Plan
9. A standard cost model will be developed to assist the LA with benchmarking of core costs and provide a cost management mechanism
10. Placements and funding arrangements are made at Complex Needs Panel and the SEND panel and the estimated contributions towards all ISS placements for 2019/20 are found in the table below:

Independent Special School Budget	Budget 19/20 £m
Education Element (DSG ¹)	£8.662
Social Care Element (Local authority)	£1.870
Health and Medical Needs (CCG)	£0.093
TOTAL Estimated Expenditure 2019/20	£10.625

Overview and Scrutiny Engagement

11. No implications

Safeguarding Implications

12. The Multi Agency Safeguarding Hub (MASH) will provide a consistent approach to safeguarding Children within Wiltshire providing a person-centred, multi-agency approach to investigating any suspected incidents of abuse and neglect and to changing outcomes. Safeguarding will form part of the Quality Assurance process within the Evaluation of tender submissions.

Public Health Implications

13. No implications

¹ Funded from the High Needs Block of the Dedicated Schools Grant (DSG) a ringfenced grant to be spent on educational needs of children with ECHPs.

Procurement Implications

14. There will be a requirement for procurement engagement with Bristol City Council's nominated procurement lead to have oversight of the process being led by Bristol and assist with any liaison required between legal teams.

Equalities Impact of the Proposal

15. Following the undertaking of the equalities analysis evidence document, risk and impact is considered low with a total equalities risk score of 1 across all identified criteria.

Environmental and Climate Change Considerations

16. Due to the nature of this procurement, there are no environmental and climate change considerations because of this paper. The decision in itself has no direct implications for the environment and/or climate change.

Risks that may arise if the proposed decision and related work is not taken

17. The risks for consideration if the proposal is not approved include:
- Increased number of SPOT placements made
 - Non-compliance with Procurement Regulations
 - Compromise in the quality of provision for children with SEND
 - Further Increase in placement costs
 - Reduced leverage across the market

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

18.

Risk	Risk management
No guarantee of Provider engagement	LAs will continue to facilitate Provider engagement events to gain 'buy-in' from key stakeholders
Lack of collaboration of LA's moving forward	Responsibilities are outlined within the partnership agreement as part of the membership and quarterly 'project' meetings are proposed within this arrangement. All potential LA's are keen to drive this project forward to achieve positive outcomes and improved cost management
Impact on resource unknown to date	The LA has a requirement to manage existing providers and this will continue, however collaborative working will assist in managing out of county arrangements
Procurement fails and not undertaken	Bristol has committed to undertake this procurement and have sign off at cabinet level. They have a requirement to address the issues regarding commissioning of

	placements and costs management within this area of the market.
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Financial Implications

19. The High Needs block (HNB) of the Dedicated Schools Grant is under pressure both nationally and locally. Wiltshire remains the 7th lowest funded local authority in the country for Schools Funding. One off additional HNB funding from the Secretary of State for 18/19 and 19/20 was most welcome but does not resolve the issue. Schools Forum have agreed to transfer £2.2 million from Schools Funding to support the HNB for 19/20 on the understanding that significant work is done across a plethora of services with a view to reducing expenditure.

Legal Implications

20. Bristol will lead the procurement process and will seek engagement with Local Authority Legal teams in relation to contractual documentation and partnership agreements being entered into.
21. The DPS will be tendered in compliance with the Public Contract Regulation 2015 (“PCR”). The “light touch” tender procedure will be used. Due to the size of the contract, the procurement process will be following the OJEU (Official Journal of the European Union) process. As a result, the advertisement of the procurement will be sufficiently widespread to alert the market to the opportunity. By following the correct process, it will ensure there is little or no risk of challenge on procurement grounds, as well as satisfying the Council’s “VFM” duty.
22. Legal Services will be involved fully within both the procurement process and contract award to ensure that any legal risks within process are minimised.

Options Considered

23. Officers have considered a number of options going forward including:
 - a. Not using a DPS
 - b. Leading our own DPS
 - c. Joining Other DPS arrangements
24. Option a was rejected due to the risks identified above.
25. Option b was rejected due to neighbouring authorities developing their own partnership arrangements, it would potentially duplicate processes that Providers would have already completed and would not have the desired leverage over the market by working in isolation.

26. Option c was considered as the preferred option as outlined within this report. Providers are keen to reduce bureaucracy and saw the initiative of collaboration of LA's as a positive step forward to assist with contract management, cost management and quality issues, therefore increasing buy-in from the market.

Conclusions

27. The Bristol DPS offers us a good way of developing contract management for Wiltshire.

Helen Jones (Director - Commissioning)

Report Author: Kelly Cullen, Category Manager (Children's Services),

Date of report 13th February 2019

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Wiltshire Council

Cabinet

26 March 2019

Subject: Adoption of a new Performance Management and Risk Management Policy

Cabinet Member: Cllr Philip Whitehead Cabinet Member for Finance, Procurement, ICT and Operational Assets

Key Decision: Non Key

Executive Summary

This report introduces an updated policy for the management of performance and risk across the Council.

Wiltshire Council uses performance and risk management alongside strong budget management to ensure that the work undertaken by the Council's services and partnerships is delivering the stated priorities of the Council; making the best use of available resources.

The new policy combines and codifies existing practice and also responds to the recommendations of the recent Corporate Peer Challenge. Among other recommendations the corporate peers suggested that in order to enable the most effective delivery of the Business Plan the Council should seek to clarify and quantify its key priorities. Sharper focus should be brought to organisational delivery and resource allocation which underpin this. Also, that the Council should more closely align financial and budget planning to organisational priorities and underpin this with a more robust planning and performance management regime. This will enable better linking of business and financial planning and further supporting a culture of openness and accountability.

A recent internal audit of Performance and Risk concluded that the most significant action required was to put in place up-to-date and comprehensive strategic documentation. The audit report also suggested that the Council should revisit its risk appetite and how this is defined.

The new policy is a response to these findings and recommendations and also formalises much of the current practice which has been developed since previous separate strategies were approved. The new policy sets out an assurance framework; including risk and linking to financial management, which through business planning, monitoring and management links all activity back to Wiltshire Council's strategic priorities as set out in the Business Plan.

Proposal(s)

Cabinet are asked to approve and adopt the new Performance and Risk Management Policy, to delegate to the Cabinet member for Finance, Procurement, ICT and Operational Assets the authority to approve amendments do not make material change to the policy and to delegate to the Director of Corporate Functions & Digital and the Director of Finance the responsibility for the policy's implementation.

Reason for Proposal(s)

Current strategies do not reflect practice which has been developed and improved in recent years. The new policy clarifies and codifies a corporate approach to performance and risk management that also meets the recommendations of the Corporate Peer Challenge and Internal Audit.

**Alistair Cunningham,
Corporate Director**

Wiltshire Council

Cabinet

26 March 2019

Subject: Adoption of a new Performance Management and Risk Management Policy

Cabinet Member: Cllr Philip Whitehead Cabinet Member for Finance, Procurement, ICT and Operational Assets

Key Decision: Non Key

Purpose of Report

1. This report introduces the new corporate Performance and Risk Management Policy that sets out an assurance framework including business planning, performance management and risk management. The Cabinet is asked to approve the policy.

Relevance to the Council's Business Plan

2. The Council's Business Plan explains that Wiltshire Council will work to become an innovative and effective Council. One of the eight key areas highlighted under this ambition is performance. Approving this new policy is a step towards delivering effective performance management driving a focus on customers and delivering better outcomes.

Background

3. Performance and Risk Management currently operates across Wiltshire Council on a set of informally agreed principles. The existing Risk Management Strategy dates from 2014 and the practice of risk management in Wiltshire Council has grown and improved beyond the boundaries set by that strategy. Performance Management operates by a process agreed and supported by the Corporate Leadership Team.
4. The Corporate Peer Challenge, undertaken by the Local Government Association at the end of 2017, identified the need *"To enable the most effective delivery of the Council's Business Plan it should seek to clarify and quantify its key priorities. In such a way a sharper focus can be brought to organisational delivery and resource allocation which underpin this."* The Council's response to this particular challenge has been to develop a comprehensive service planning approach which would form part of an Assurance Framework *"...one that more explicitly links business, risk, financial planning, and major programmes into one coherent whole with a clear and coherent 'Golden Thread' throughout"*.
5. The Corporate Policy and Assurance team have been developing this assurance framework for the last 12 months. The new Performance and Risk Management Policy ensures that the future development of that framework

and the practice it leads to addresses the needs identified by the Peer Challenge. The policy and its associated guidance have been designed to implement a standard approach across the Council while minimising the demands on services to complete reporting processes.

6. In October and November 2018 an internal audit of Performance and Risk Management in Wiltshire Council was completed at the request of the Council's Audit Committee. Overall the conclusion was that controls in place were *Reasonable*.
7. One high priority recommendation was made which was to ensure that there is appropriate strategic documentation in place to manage performance and risk across the Council. The new Performance and Risk Management Policy and its related guidance are the required strategic documentation.
8. The Audit also suggested that the Council review and set its risk appetite. Currently the Council has a blanket score level risk appetite that has not been fully reviewed since 2014. The new Performance and Risk Management Policy sets out a process by which the Council will set a more nuanced risk appetite in the future and a process for reviewing the appetite set.

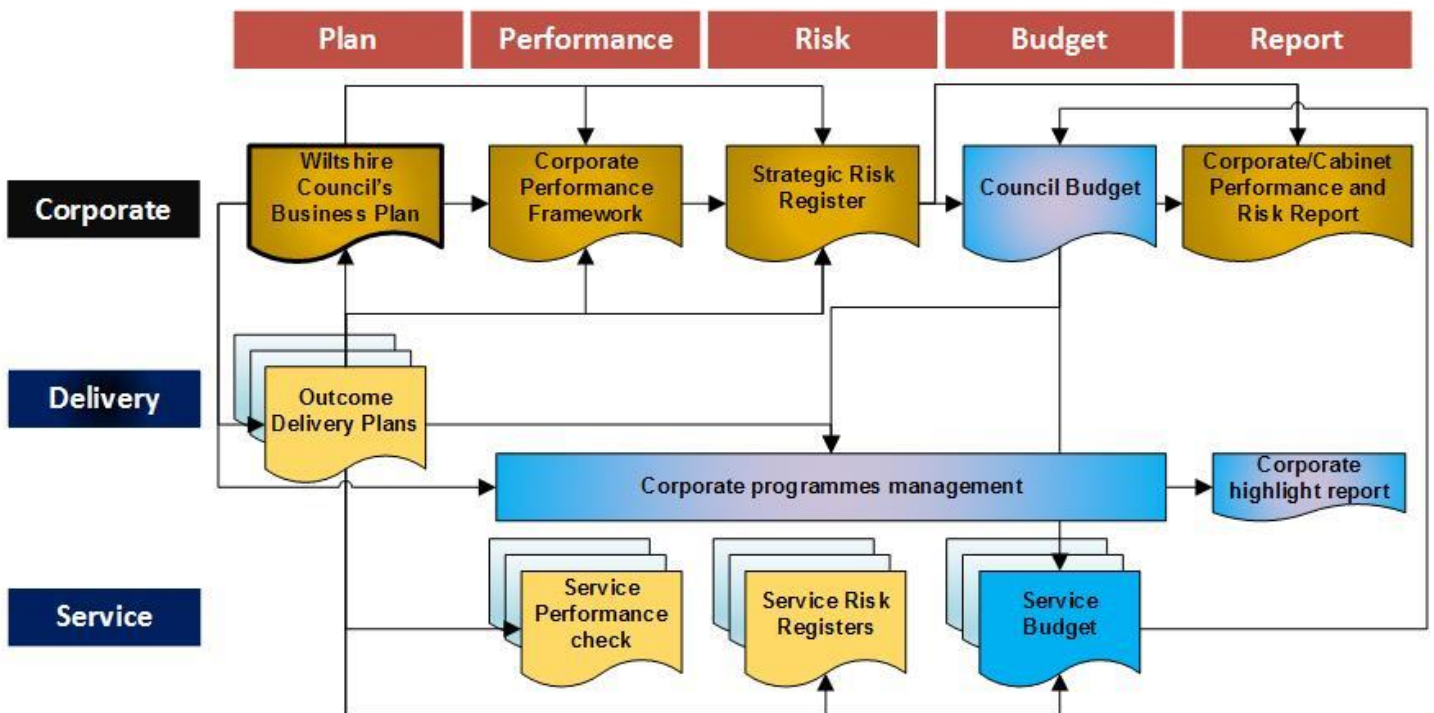
Main Considerations for the Council

9. The new Performance and Risk Management Policy aims to provide a framework that covers business planning, performance and risk management and a link with financial management. There are a number of key areas in which the new policy will shape the Council's approach to performance and risk management.

A Corporate Performance Assurance Framework

10. The new policy makes provision for a consistent approach to business planning to be the link that connects performance, risk and financial management to the priorities in the Council's business plan. Outcome delivery planning will be used to direct activities across the organisation; replacing service-based business planning. Outcomes around which delivery plans are established will be developed from Wiltshire Council's Business Plan. Each outcome plan will involve actions from a number of service areas.
11. Every service activity has a measure of success that can be used as a performance measure and the risks that prevent success are considered. Outcome plans are written with the proposed budget in mind in the final quarter of the financial year. Budget planning is informed by service planning (which covers the following four years) in the third quarter of the following financial year.

Wiltshire Council's Corporate Assurance Framework



12. The policy will apply across the whole Council and all departments will be required to follow the guidance in terms of planning, performance management and risk management. This consistency of approach is essential to ensure that the Council is able to understand how well it is performing and to prioritise resources to make changes and improvement where they are most needed.

13. A Corporate Performance Framework has been created from service plans and links specific performance measures to business plan outcomes. This will continue to be updated from outcome plans.

14. A Strategic Risk Register has been created from risks identified through the business planning process, management overview and programme management. The strategic risk register is designed to provide an overview of the major risks to the Council as a whole. These are the risks that, if they became an issue, could prevent the Council realising its strategic ambitions. The register includes significant service risks and strategic composite risks (an overview of similar risks across different services).

Roles and Responsibilities

15. The Cabinet own the policy and reviews and amendments to the policy will be approved by Cabinet in the future.

16. The Council's Audit Committee will have an opportunity to comment on and review the process by which the policy is implemented in order to be assured that performance and risk management are carried out in a robust manner.

17. The Financial Planning Task Group (a task group of the Council's Overview and Scrutiny Management Committee) will review the reporting of performance and risk on a quarterly basis.
18. The Council's Corporate Leadership Team own the Corporate Performance Framework and the Strategic Risk Register.
19. The Cabinet member for Finance, Procurement, ICT and Operational Assets will have an input into the formation and changes to the Corporate Performance Framework and the Strategic Risk Register. Other Cabinet leads will have influence through the Outcome Scorecard process.
20. Individual services have responsibility for scoring risks and compiling performance measures that belong to them. Processes designed to ease these tasks have been implemented and the corporate team is available to support services where needed.
21. Services also have responsibility to identify new risks or performance measures that may be relevant.
22. The corporate risk and performance team is responsible for the collection, collation and reporting of corporate performance and strategic risk. The team will also be providing training and support for services and managers to help ensure a consistent approach to performance and risk management across the Council.

Reporting

23. Reporting of performance measures from the Corporate Performance Framework and risk scores from the Strategic Risk Register will happen at three distinct levels.
 - a. Director – quarterly submissions of performance information and risks scores will be reviewed by directorate management teams and signed off by Directors. Score cards and risks registers for this purpose are provided by the corporate team.
 - b. Outcome – a scorecard for each Outcome Delivery Plan will be compiled on a quarterly basis to include key measures and risks. Corporate Directors have the option to use these in meetings including key members of staff and key Councillors, specifically cabinet leads.
 - c. Whole Council – the Cabinet will continue to receive a quarterly report which will summarise the Corporate Performance Framework with selected measures from the framework showing progress towards the Business Plan outcomes. The report will also include the Strategic risk register.
24. Formalising the assurance framework in the Performance and Risk policy and a change to the corporate budgeting timetable (moving the final budget setting earlier in the financial year) provides the opportunity to include financial reporting alongside performance and risk. This is a long-held aspiration.

Risk Appetite

- 25. A recommendation of the recent internal audit was to review the Council’s risk appetite.
- 26. Risk appetite is the amount and type of risk that the Council is willing to take in order to achieve its strategic objectives.
- 27. The Council’s risk appetite was last set in 2014 and at a single generic level across all risks. The new Corporate Performance and Risk Policy demands that the Council takes a more nuanced approach and sets an appetite for each of the major risk categories it employs.
- 28. Risks are scored by multiplying an impact score by a likelihood score. All risks thus have a score level between one and 16. Risk appetite is applied to the inherent risk score.
- 29. The risk appetite is shown as a score above which a risk is expected not to be tolerated by the Council. A higher risk appetite level means that the Council could be prepared to accept a greater risk in order to achieve its priorities. A lower risk appetite level means that the Council is less prepared to tolerate risk.
- 30. The Corporate Performance and Risk Team have reviewed recent risk scoring and the Corporate Leadership Team have agreed the following risk appetite.

Risk Category	Risk Appetite (Maximum Inherent Risk tolerated)	
Health and Safety	< 8	
Legal	< 9	
Staffing/ People	< 9	
Financial	< 12	
Service delivery	< 12	
Reputation	< 16	

- 31. In the agreed appetite above the Council is suggesting that it is more willing to risk damage to its reputation that it is to see health and safety compromised in pursuit of its priorities.
- 32. In future risks that fall outside the Council’s set appetite will be highlighted and reported. There will be an expectation that such risks will be treated (mitigated against), terminated or transferred rather than tolerated.

33. The Corporate Performance and Risk policy states that the Council's risk appetite will be reviewed by the Corporate Leadership Team. This review will occur once a year in the first quarter of the financial year.

Overview and Scrutiny Engagement

34. Feedback from the Financial Planning Task Group has influenced the development of practice and the approach taken in the draft policy.

Safeguarding Implications

35. There are no safeguarding implications of the decision being proposed.

Public Health Implications

36. There are no public health implications of the decision being proposed.

Procurement Implications

37. There are no procurement implications of the decision being proposed.

Equalities Impact of the Proposal

38. The Proposal does not impact on any group who share a protected characteristic more than the population as a whole.

Environmental and Climate Change Considerations

39. There are no environmental or climate change considerations.

Risks that may arise if the proposed decision and related work is not taken

40. There is a reputational and service delivery risk that if the new Corporate Performance and Risk Management policy is not approved Wiltshire Council will not be responding to the outcomes of the Corporate Peer review or of its own internal audit.

41. There is a service delivery risk that without formalising the current arrangements for performance and risk management across the Council the Council will be unable to ensure that it is managing its services, delivering against its strategic aims and prioritising its scarce resources as efficiently as possible.

42. There is a reputational risk that in not formalising a risk management process one or more improperly managed risks will become issues that do great damage to the Council's ability to deliver its strategic programme.

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

43. There is a service delivery risk that the potential for a Strategic Performance Hub, for which a business case is currently being prepared, can overtake and clash with the proposed policy. The Policy and approach have been designed in a way that they can be incorporated into a future Strategic Performance Hub should it be developed.
44. There is a service delivery risk that those with responsibility for managing performance and risk at a service level are unaware or not used to the prescribed approach. The likely outcome is that we would not achieve a standardised approach to performance and risk management across the Council. In order to prevent this the corporate Performance and Risk Management team will provide training and support to all services as required.

Financial Implications

45. Adoption of this policy provides the opportunity to link financial planning with business planning as well as linking financial reporting to performance reporting. This closer linking at a corporate level will enable the best information to be available to decision makers.

Legal Implications

46. Regular review of Performance and Risk Management Policy ensures a healthy corporate approach to management. The Development of this policy will assist in providing a consistent approach to business planning to be the link that connects performance, risk and financial management to the priorities in the council's business plan. Adherence to this policy can support the review that provides evidence for the completion of the annual governance statement.
47. Paragraph 3.1 of Part 3 section B provides that the Cabinet can Adopt on behalf of Wiltshire Council any plans, policies or strategies which do not form part of the policy framework and are not the responsibility of any other part of the local authority. This Policy meets this criteria.
48. It is recommended that regular (annual) review of this policy is undertaken to ensure that it remains fit for purpose. Annual Gove statement

Conclusions

49. Cabinet are asked to approve and adopt the new Performance and Risk Management Policy and agree the suggested risk appetite.

Robin Townsend (Director - Corporate Functions and Digital)

Report Author: Toby Eliot, Corporate Support Manager,
toby.eliot@wiltshire.gov.uk, Tel: 01225 713886

February 2019

Appendices

Appendix 1 – Performance and Risk Management Policy

Wiltshire Council Performance and Risk Management Policy

February 2019

Document control

Reference Number	1.0	Status	Draft
Sponsor(s)	Cllr Philip Whitehead Robin Townsend	Author(s)	Toby Eliot
Document objectives	To establish a unified approach to performance and risk management across Wiltshire Council		
Intended Recipients	Leaders, councillors and staff of Wiltshire Council. Specifically, Cabinet, CLT and heads of service.		
Group/Persons Consulted:	Responsible Cabinet Member Performance and Risk leads across council services Internal Audit Financial Planning Task Group		
Ratifying Body	Cabinet	Date Ratified	March 2019
Date of Issue	February 2019		
Next Review Date	March 2020		
Contact for Review	Toby Eliot, Corporate Support Manager		

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Wiltshire Council Performance and Risk Management Policy

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1 Introduction

Wiltshire Council's vision is to create stronger communities in the county. We will achieve this by growing the economy, providing the building blocks for strong communities, protecting those who are most vulnerable and becoming an innovative and effective council.

Wiltshire Council will use performance and risk management alongside strong priority based budgeting to ensure that the work undertaken by the council's services and partnerships is delivering the stated priorities of the council while maximising the use of available resources.

The purpose of Performance Management is to evaluate the efficiency and effectiveness of the work undertaken by the council, to understand where improvements can be made and to prioritise those changes to delivery.

The purpose of Risk Management is to provide decision makers with evidenced assessment of the likely impact of their decisions for the people of Wiltshire and on the council as a whole. It also enables decision makers to identify and evaluate emerging risks, consider mitigating factors and adapt plans accordingly.

Performance and risk management sit together with financial management in helping guide the decisions of Wiltshire Council and helping shape the ongoing change within the County and facing the organisation. Performance and risk management operate at the corporate level and at each outcome and service level. This policy covers all general principles for performance and risk management across Wiltshire Council.

2 Aims

The aim of this policy is to ensure delivery of our priorities by providing a clear framework for managing Performance and Risk Management across the council.

By achieving this the Council will improve its ability to:

- Articulate our priorities in terms of performance outcomes
- Prioritise what gets done within the resources available
- Provide and demonstrate value for money
- Provide excellent services for the community
- Improve delivery of outcomes
- Motivate and manage our staff who are the key resource

- Improve the way we use information to make decisions
- Enhance the link between risk and the performance of the Council

3 Objectives

This policy and its related guidance set out how Wiltshire Council will:

- Provide an understanding and overview of performance and risk across all council services to improve the corporate decision making process.
- Define an outcome based planning process to align the work of all services across the council.
- Assess, record, monitor and manage performance outturns and risk at strategic and operational levels
- Ensure that all staff have an understanding of the success of their input into the delivery of outcomes and have a clear knowledge of where there is a need to change and improve.
- Ensure that work undertaken by the council and partners is aligned to the delivery of the council's strategic priorities and that the measurement of the success of that work delivers the ambition in the council's Business Plan.
- Ensure that risks that have an impact on the council's ability to achieve its strategic priorities are identified, understood and managed at appropriate levels. And that, with the setting of appropriate risk appetites, risk management is seen as an enabler of change.

4 Principles

The following apply across Wiltshire Council:

Corporate responsibility

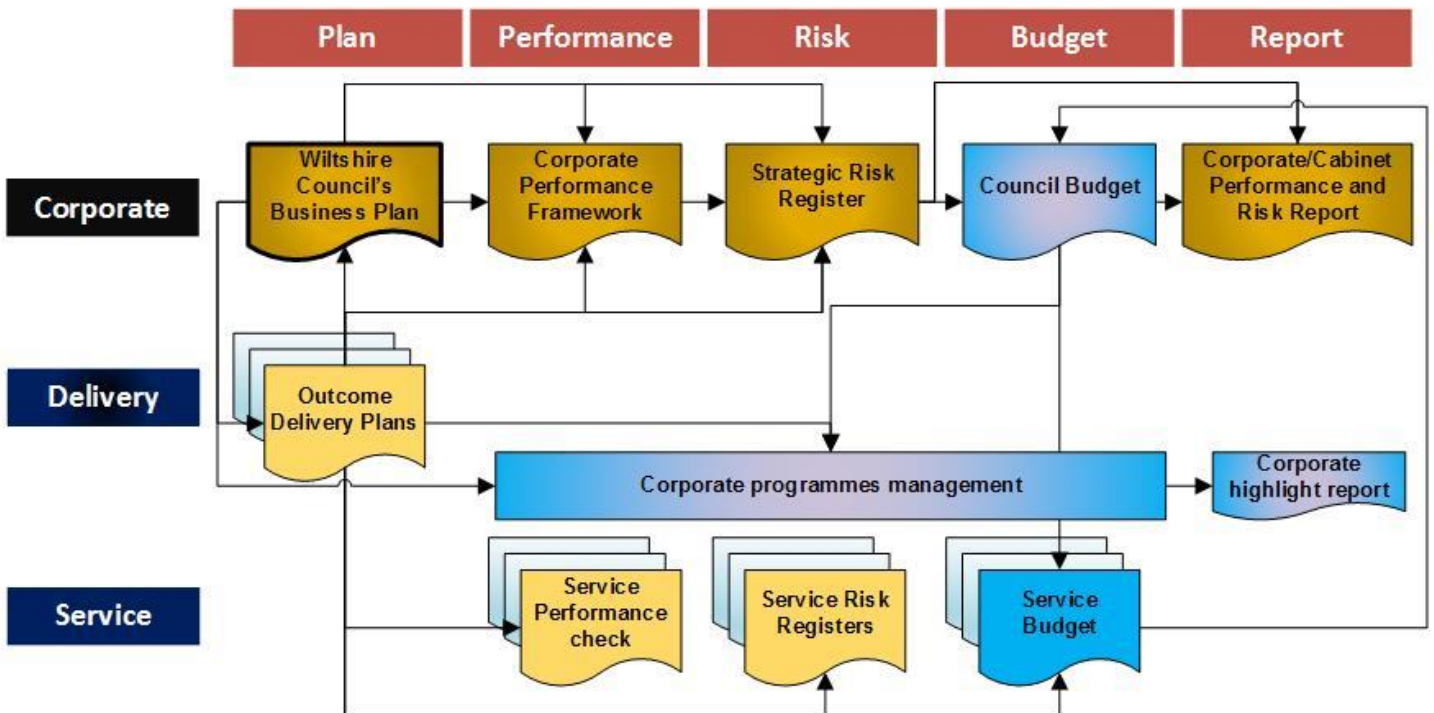
The monitoring and management of performance and risk across the council is set within a strategic context and the overview is owned by the corporate leadership team. Corporate teams will help collate the information identified and manage the corporate reporting to the Corporate Leadership Team (CLT) and Cabinet, but the accountability and responsibility of identifying, recording, monitoring and managing risk, performance and planning sits with Heads of Service and with Directors¹.

¹ The Corporate Leadership Team is also assessing the viability of establishing a Business Intelligence Hub – a professional BI community that will analyse and evaluate data and turn it into an actionable business intelligence and insight that drives transformation for our customers.

The BIH will provide a service to all parts of the organisation to help make more informed decisions that maximise productivity and operation efficiencies, encourage innovations and make services run smarter. Roles and responsibilities are subject to change based on the potential for the development of a BIH (February 2019).

The Corporate Assurance Framework (performance, risk and financial management) is described in the diagram below.

Wiltshire Council's Corporate Assurance Framework



Reporting at the highest level will be in summary and by exception. Not all the information will be reported on every occasion but all the information will be collated and available to review.

Business Planning

Outcome delivery planning will be used to direct activities across the organisation; identify risks and performance measures that inform the organisation about its ability to meet its stated priorities; underpinned by comprehensive resource planning across the council and identifies what the council will do differently to achieve its priorities with its given resources

Performance Management

Performance is viewed in relation to the stated outcomes in the council's business plan. The reporting of performance at an organisational level is viewed through the ambitions and framework of the business plan.

Data and information will be aligned (alongside priority based budgeting), reworked and studied to provide effective performance management information in order to make robust strategic decisions.

Data and information used will be accurate, timely and appropriate to the matter in hand.

Risk Management

Risks are defined in relation to the organisation's ability to achieve its stated priorities and underlying goals in the business plan. Strategic Risks will be managed at the corporate level.

Risks will be owned and managed in service areas and, through a process of defined escalation, reported at a corporate level.

5 Business Planning Process

Business planning will develop the actions to be undertaken to deliver the priorities set out in the council's Business Plan. Business planning enables CLT to ensure that resource is being allocated to deliver the stated priorities of the council while maximising the best use of available resources. The Corporate Leadership Team will ask services what they need to do to in order to help deliver the council's business plan priorities. Plans will be completed cross-service to deliver individual identified outcomes. This will enable the council to align the work of all services to deliver the agreed outcomes.

Outcomes around which delivery plans are established will be developed from Wiltshire Council's Business Plan. The planning process will be owned by CLT and individual Directors will own their respective individual delivery actions. Each outcome plan will involve actions from a number of service areas.

Business planning will take place in the final quarter of the financial year (January to March) influenced by and influencing the proposed budget for the following three years and, in turn, influencing the budget planning process in the following year.



Enablers of change will be identified, defined and underpin specific outcomes. Outcome delivery plans will cover a rolling four-year period. Change actions will be planned over those four years.

Once an action is described the resource (support from elsewhere in the organisation) and the links to the major corporate programmes will be identified. Then the governance framework (measure of success, decision gateways and risks) will be described. The information provided can then be used across the council.

Risks identified will be lodged on the appropriate register.

Corporate support will provide advice as to how to define a measure that may be added to the Corporate Performance Framework or for a Corporate Director's scorecard.

6 Performance Management Process

A continuous cycle of performance management will drive the decisions on service priorities and resource allocation across the Council. Performance information will inform planning at output, outcome and corporate level. Monitoring of performance at each of those levels will lead to revision of what is undertaken in order to deliver the council's strategic priorities.

Performance measures will be identified through the business planning process either during the annual review or at other time during the year. Output measures will be identified by those services that contribute to planned activity designed to achieve a specified outcome. A dialogue, including positive challenge, with the Corporate Performance and Risk Team allows the identified measure to be included on the Corporate Performance Framework (CPF).

The CPF is a matrix of performance measures that identify progress towards business plan priorities. Measures are recorded against specific business plan outcomes rather than the major priority or the grouped goal ensuring that the detail of the business plan is aligned to service level activity.

Measures are also grouped by what they tell the organisation. The four groups are:

- i) **Outcome.** Achieving intention. The impact that what we do is having, directly related to our expressed ambition. A measure of effectiveness. Can be framed as benefit realisation.

- ii) **Output.** Achieving a key milestone which will have a positive impact in the longer-term Outcome
- iii) **Process.** How well the system works. A measure of our efficiency of the activity planned to deliver outcomes.
- iv) **Volume/Prevalence.** The amount of work done or required. A 'number of' or a proportion or ratio for comparison

The council has a preference for outcome measures that clearly describe success. However, it's often the case that outcome measures are not available or it is difficult to draw a direct cause/event relationship between work done and the outcome and therefore it's essential to be able to use other measures that demonstrate contribution to outcome.

Measures are reported quarterly in accordance with the guidance available in the performance and risk section of SharePoint. It's understood that some measures will be reported more and some less frequently according to the nature of the measure. All measures will be available for review at a set point after the quarter end.

Measures that appear on the CPF will be fully defined including how they link to the business plan, at what level they can be reported and how an assessment of progress is made. There will be a calculated assessment of progress after each submission for each measure. The parameters of this calculation are variable in order to take account of different types of measure².

7 Risk Management Process

Monitoring, managing and responding to risks are pre-requisites if we are to have confidence in delivering our business plan priorities or to continue to improve our services.

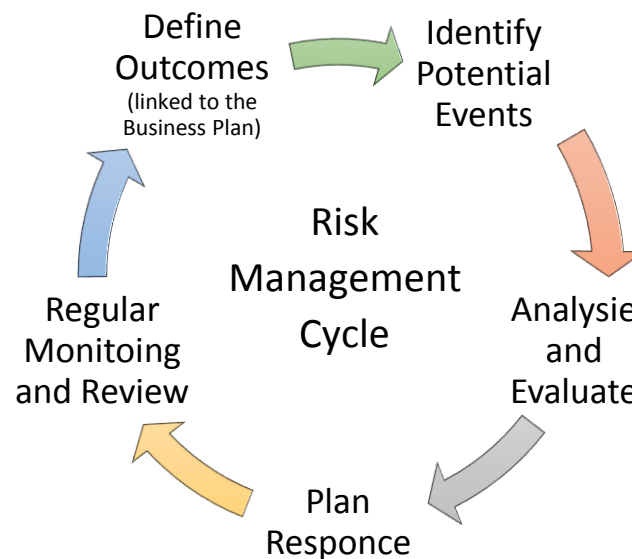
The risk management process is a cyclical process. The Council's approach to the assessment of risk is set out in the guidance available on the performance and risk management area of SharePoint.

Risk assessment is a planned and systematic process starting with the defined outcomes.

- Identifying the events that can have an impact on achieving outcomes;
- Analysing and evaluating the potential likelihood and impact of the risk;

² Ongoing work to develop a Businesses Intelligence Hub and establish the technology to support the hub will develop the recording, monitoring and reposting of performance measures from across the council.

- Planning response including: identifying and taking appropriate actions to mitigate the risk;
- Proactively monitoring, reviewing, communicating and responding to risks on a regular basis.



The assessment methodology is appropriate for use in service assessments, business cases, programmes, projects, partnerships and developing contracting / procurement exercises in supporting identification of risks and mitigating actions.

Risk management requires an assessment of the response to a risk. In some circumstances, it is appropriate to tolerate the risk as it is rather than spend resources attempting to mitigate that risk further.

The risk management assessments will be held as linked-to detailed risk action plans where appropriate.

Risk appetite is the amount and type of risk that the council is willing to take in order to achieve its strategic priorities. A risk appetite will be set for each of the major category of risk. This will be approved by CLT and reviewed on an annual basis.

All service risks will be recorded on service risk registers. These registers are held centrally and used to combine and report risk. Risk registers are living documents and therefore must be reviewed regularly and amended as appropriate. The risk registers are to be monitored at least quarterly, unless a significant event has occurred that warrants early updating and exception reporting.

Risks do not remain static, so regular reports on the Council's risks are essential for keeping all stakeholders informed of the changing conditions, our past performance in dealing with risk and our plans for dealing with future risks. This can help ensure

that any serious risk is effectively managed and promptly drawn to the attention of the relevant level of management.

Risk across the council will be reported quarterly to CLT and Cabinet in the form of a strategic risk register (SRR). This risk register will combine significant service risks and corporate composite risks. Other risk will be reported by exception.

Service, project and directorate risk registers will be used to understand and manage risks at all levels of the council.

Support for services in identifying, quantifying, assessing and managing risks will be available from the corporate Performance and Risk team.

8 Roles and Responsibilities

All members, managers and employees need to understand the role of performance management as well as the nature of risk. Everyone in the organisation should accept accountability and responsibility for managing and improving performance and reviewing and managing those risks associated with their area of activity.

Wiltshire Council's constitution identifies some responsibility for the management of performance and risk. Part 3, (3.3.1) says that the role of the Leader of the Council within the Budget and Policy framework includes probity and financial monitoring and risk management. While, section C, appendix 2 (also part 3) identifies the Cabinet member for Finance, Procurement, IT and Operational Assets as responsible for Performance and Risk.

In addition, this policy ascribes the following roles:

Cabinet members:

- Hold the Corporate Leadership Team accountable for the effective management of risks by officers and of decision making based on performance evaluation.
- Approve the Performance and Risk Management Policy.
- Review significant risks on the Council's risk register every quarter.
- Review key performance against the business plan every quarter.

Audit Committee:

- Monitor and review the effective development and operation of performance and risk management, and to receive progress reports as required;

Financial Planning Task Group

- Review the quarterly Cabinet Performance and Risk reports on behalf of the Overview and Scrutiny Management Committee (OSMC).
- Annually review the Corporate Performance Framework on behalf of the OSMC.

All members:

- Understand the principles of performance and risk management and consider performance evaluation and risk assessment as part of the decision-making process.

Corporate Directors

- Champion performance and risk management across the council.
- Make outcome planning a key part of strategic planning.

Corporate Leadership Team (CLT):

- Take responsibility for the Performance and Risk Management Policy and related guidance
- Own the business planning process.
- Consider regular reports on the Council's performance and risk management arrangements and significant performance outturns and major changes in risks with exception reports as appropriate. Own and approve changes to the Corporate Performance Framework.
- Own and approve changes to the Strategic Risk Register.
- Ensure a consistent approach to performance and risk management across the council.

Directors for Finance and Corporate Functions & Digital

- Be responsible for the effective reporting of Performance and Risk Management in combination with Financial Management.
- Ensure the outcome planning process is applied effectively and adhered to.

Directors

- Take a lead for outcome planning.
- Identify individuals to act as lead contact with the Performance and Risk team.
- Make performance and risk management a key part of the management process.
- Take ownership of directorate scorecards and risk registers.

Heads of Service and Managers

- Have an understanding of performance and risk management and their benefits; identify training requirements for their service areas and actively promote performance and risk management ensuring that the guidance is followed.
- Put in place arrangements for the effective management of risks – identifying, evaluating, managing, communicating and responding to risks through the structured approach in this Policy and the supporting Risk Management Guidance.
- Make performance and risk management the basis for changes delivered in teams.

Internal Audit

- Provide assurance on the effectiveness of the performance and risk management policy and processes.

The Performance and Risk Team:

Responsible for the effective integration and delivery of performance and risk management arrangements into the way the Council works in order to support performance improvement. Key aspects include:

- Support, challenge and inform Cabinet, CLT to ensure process is appropriate and followed.
- Produce and provide reports on performance and risk as described in the *Reporting* section of this policy.
- Support services to complete the outcome planning process then coordinate the dissemination and correlation of the data produced from that process.
- Produce detailed guidance on the process of performance management, risk management and output planning at all levels of the council.
- Promote a risk aware culture, promote risk management practice and an awareness of the council's risk appetite.
- Promote an understanding of Performance management and the role it plays in decision making at all levels.
- Provide support for service leads to report on both performance measures and risk assessment.
- Quality assure the information provided in service planning, performance and risk management.

All Staff

- Support managers in the identification, assessment and reporting of risk and report emerging risks to line managers.

- Understand the performance information the team produces and your contribution to that performance.
- Contribute to service plans and understand how individual tasks fit within it and link to the council's business plan.

9 Reporting

The reporting of performance, risk and outcome plan information will be done across all levels of the council with data, information and intelligence. Specifically, the following regular reports are produced³.

Corporate Performance and Risk Report:

- Produced quarterly and delivered at the Cabinet in the final month of the following quarter.
- Includes at least one measure that relates to each of the identified business plan outcomes and includes commentary to explain the measure, the performance and the inferences drawn. Will often include comparisons and trend information. All measures are drawn from the corporate performance framework.
- Where possible a link will be drawn between the performance reported and the quarterly budget monitoring.
- The Strategic Risk Register along with an explanation of change and commentary designed to promote Cabinet and public understanding of the risks faced by the council.
- Produced by the Performance and Risk Team with input from the Finance team and all relevant directors.
- Additional areas of focus suggested by the responsible Cabinet member or CLT.
- The report passes CLT and the Financial Planning Task Group on its way to Cabinet.

Outcome Scorecards:

- One for each identified Business Plan outcome, produced quarterly or another schedule set out by the Corporate Director.
- A combination of performance measures, service level risks and financial information.

³ The types, frequency and contents of reports is subject to change based on the potential for the development of a Corporate Performance Hub, which is currently being explored, and the ongoing Corporate Business Intelligence review. (February 2019).

- Reported to a meeting including the Corporate Director, relevant members of Cabinet and invited heads of service. Used to discuss progress, priority and resources.

Reports to the Audit Committee

- Annual report from the Performance and Risk team which covers the effectiveness of corporate performance and risk management and the changes made over the previous 12 months.

Service level reports

- Provision of up-to-date automated scorecards, risk registers and performance checks created as part of the data reporting process.
- Risk registers and performance checks to be used in management meeting to help make strategic service level decisions.

Other reporting will be available on an ad hoc basis.

10 Glossary

Corporate composite risks	Risks that show the combined risk of broadly similar hazards identified in a number of different service areas.
Corporate Performance Framework (CPF)	Measures, grouped by type, linked to outcomes in turn linked to priorities.
Data	Factual information used as the basis for decision making.
Information	Organised or structured data that has been processed and can be used for a specific purpose.
Intelligence	Interpretation of information to provide understanding in context.
Measure	Normally numerical. A set of data that is fully defined and tells the organisation something about progress towards an outcome.
Outcome	A statement of effectiveness linked to priorities and expressed in terms of customer or business purpose.
Performance Management	Evaluating work done and progress towards objects set, then making changes to future activity to ensure continued or improved progress.
Priorities	The Council's \business Plan describes three main priorities: <ul style="list-style-type: none"> • Growing the Economy • Strong Communities and • Protecting the Vulnerable.
Risk Management	Full understanding of the impacts of potential future events and making decisions about actions as a result.
Significant service risks	Risks that relate to a particular service area, but should they become an issue will impact across the whole organisation and whose mitigation is the responsibility of more than one service area.
Strategic Risk Register (SRR)	Risks that have been elevated from the service and provide an overview of the risks that have an organisational impact.

11 Related Documents

The policy is linked to the Council's Business Plan and is a response to it.

There are links to the reporting provided by the Council's Medium-Term Financial Strategy.

Service and Outcome plans are prepared and reviewed under the roles and responsibilities set out in this policy.

Appropriate guidance for officers working under the policy is provided by the corporate team.

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Wiltshire Council

Cabinet

26 March 2019

Subject: Performance Management and Risk Outturn Report: Q3 2018/19

Cabinet member: Councillor Philip Whitehead Cabinet Member for Finance, Procurement, ICT and Operational Assets

Key Decision: Non Key

Executive Summary

This report provides an update on performance against the stated aims in the Council's Business Plan 2017-27. The information provided includes key measures as well as the Council's strategic risk register.

Proposals

Cabinet to note updates and outturns

1. Against the measures and activities ascribed against the Council's priorities.
2. To the strategic risk register.

Reason for Proposal

The current corporate performance framework compiles measures used to monitor progress in service areas against planned objectives that relate to the goals laid out in Wiltshire Council's current Business Plan 2017-27.

The strategic risk register captures and monitors significant risks facing the Council: in relation to significant in-service risks facing individual areas and in managing its business across the authority generally.

**Carlton Brand, Alistair Cunningham, and Terence Herbert,
Corporate Directors**

26 March 2019

Subject: Performance Management and Risk Outturn Report: Q3 2018/19

Cabinet member: Councillor Philip Whitehead Cabinet Member for Finance, Procurement, ICT and Operational Assets

Key Decision: Non Key

Purpose of Report

1. This report provides an update on the progress against the stated aims in the Council's Business Plan. It includes measures from the corporate performance framework as well as the latest version of the Council's strategic risk register. This report covers the period October to December 2018.

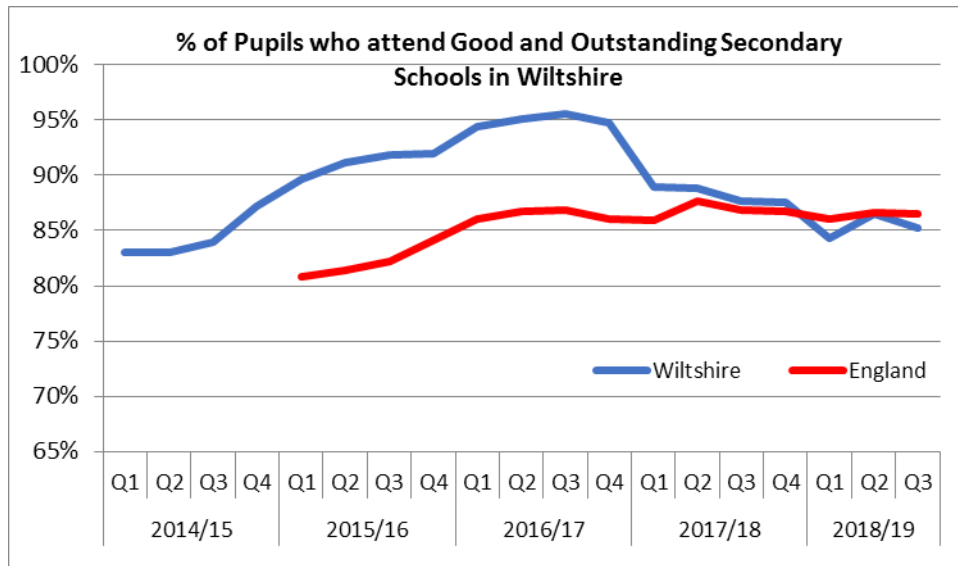
Relevance to the Council's Business Plan

2. This report updates Cabinet on the performance against each of the stated goals contained in the Business Plan 2017 to 2027 at the end of quarter three 2018/19.

Overview of outturns

Priority 1.1 Growing the Economy – Highly Skilled Jobs

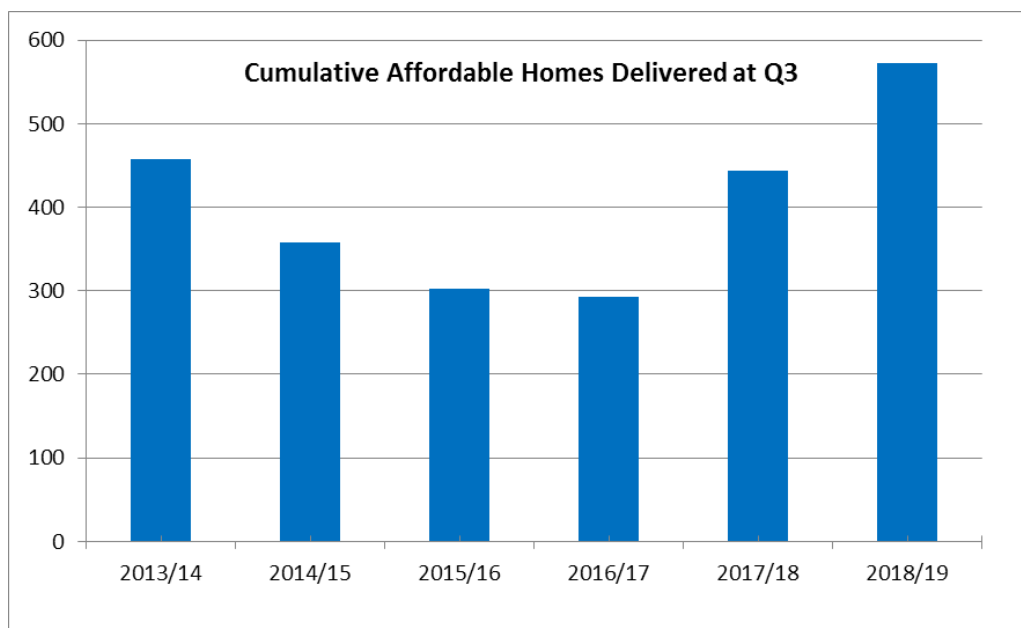
3. In order to create the workforce needed to match the demands of a future economy Wiltshire Council is keen to promote high educational standards for all children in the county. The proportion of children in good or outstanding schools is subject to the Ofsted inspection timetable and changes to the demands of inspections from quarter to quarter. However, it is clear that this measure has been in a sustained fall in the last 21 months. At the end of quarter three 85.2% of Wiltshire's children were in good or outstanding schools compared with the national average of 86.5%. The last 12 months performance in this indicator have been more akin to 2014/15 than to 2016/17.



Better performance is shown by a higher rate

Priority 1.2 Growing the Economy – Sustainable Development

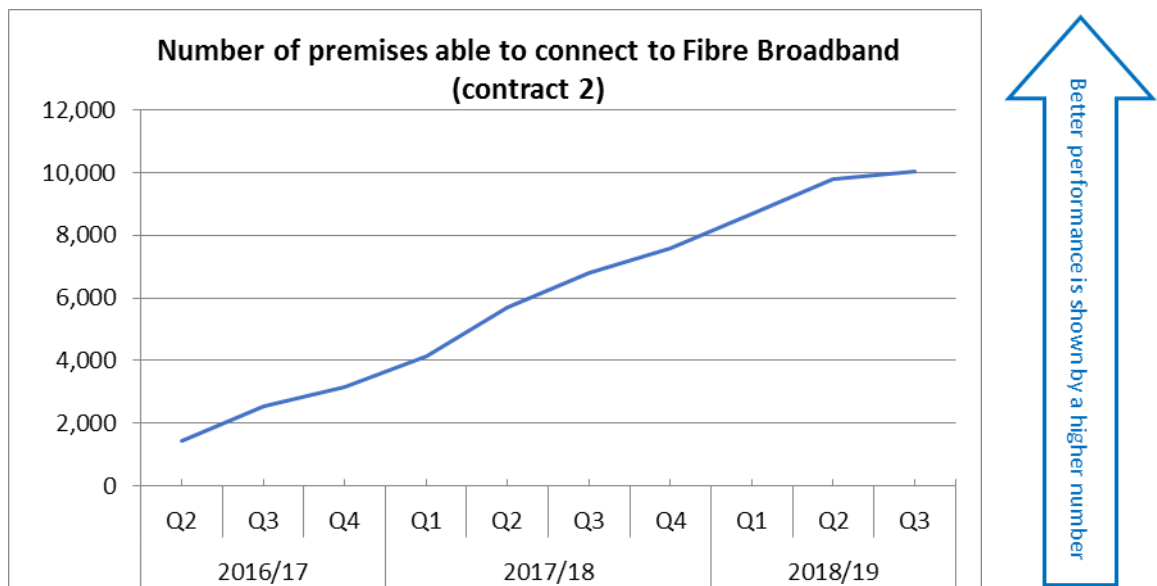
- In order to deliver sustainable development Wiltshire Council’s long-term housing plan aims to deliver more affordable homes to rent and buy. The council aims to achieve this by working in partnership with developers and social housing providers. The chart below shows the cumulative number of affordable homes delivered by the end of quarter three in each of the last six years. In the current financial year 572 affordable homes had been delivered in the 9 months to December. That represents a 28.8% improvement on the previous year and a 95.2% improvement on the same period two years ago. The Council aims to deliver 650 affordable homes by the end of quarter four and it is expected that the target will be achieved.



Better performance is shown by a higher number

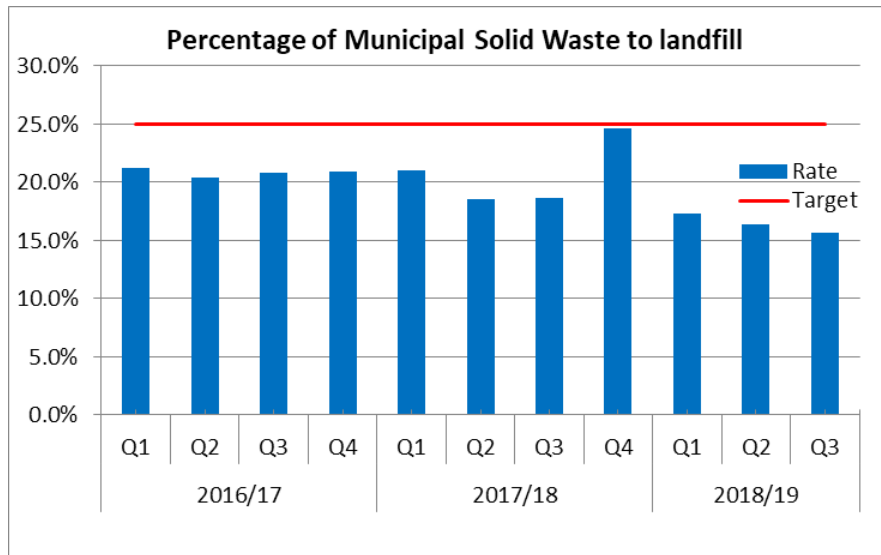
Priority 1.3 Growing the Economy – Transport and Infrastructure

5. In order to support a growing economy Wiltshire Council invests in, and promotes investment in, the county’s infrastructure. As well as roads and rail this includes communication. The Council is partnered with BT to deliver super-fast broadband across Wiltshire. The first contract ended in 2017 and saw a total of 80,321 premises connected. This quarter the number of premises provided with the ability to connect to superfast broadband (24Mbps or faster), under contract two, rose above 10,000 for the first time. Contract two is planned to deliver superfast broadband to a total of 10,490 premises and so is nearly completion. Nearly 2,500 premises have been improved under this contract in the first nine months of this financial year. Over 45% of the improved premises have taken advantage of the improved connection. This puts Wiltshire in the top 10 of local authority areas for take-up rate.



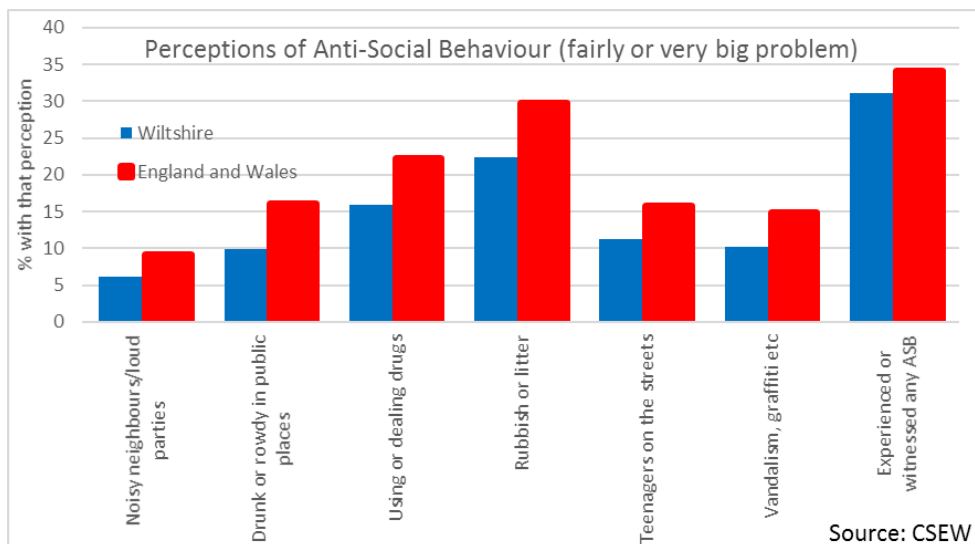
Priority 2.1 Strong Communities – Community Wellbeing

6. Wiltshire’s communities are strengthened by effective management of litter and waste. The percentage of municipal solid waste sent to landfill remains below the target maximum of 25%. In quarter three 2018/19 the rate was 15.7%, the lowest figure in at least four years and 3.8 percentage points lower than the same period last year. This success is achieved with a combination of kerbside recycling collections of household waste, waste recycled via the household recycling centres and 110,000 tonnes a year of residual waste being dealt with at two waste treatment facilities.



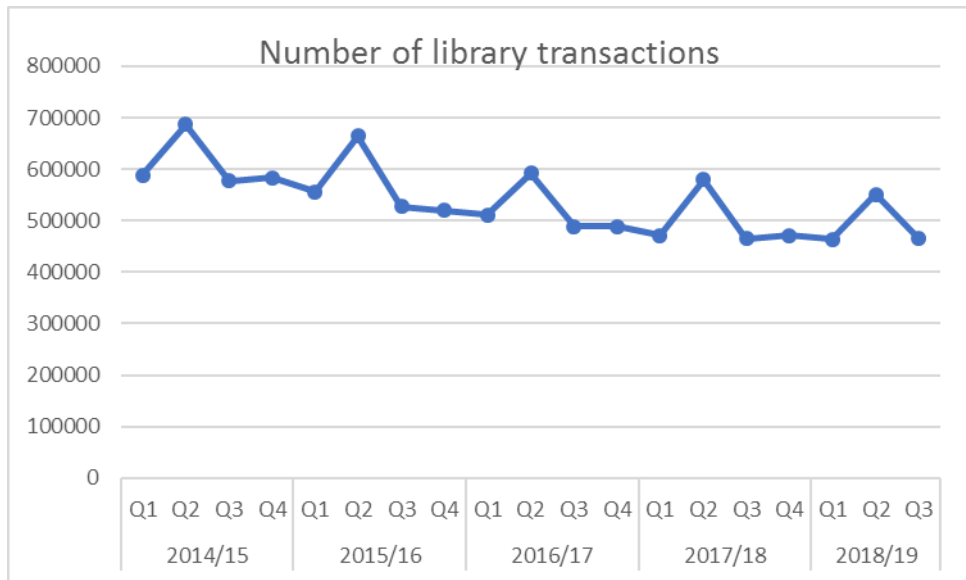
Priority 2.2 Strong Communities – Safe Communities

- It's essential that, as well as being safe, Wiltshire's communities feel safe. Wiltshire Council works in partnership with the police and community organisations and through its youth offending team to manage and reduce anti-social behaviour (ASB). The latest crime survey from 2018 shows that perception of ASB as a problem is lower in Wiltshire and Swindon (the police area) than in the nation as a whole. The Wiltshire area is lower in every category although experience of any ASB is closer to the national average than the perception of a problem.



Priority 2.3 Strong Communities – Personal Wellbeing

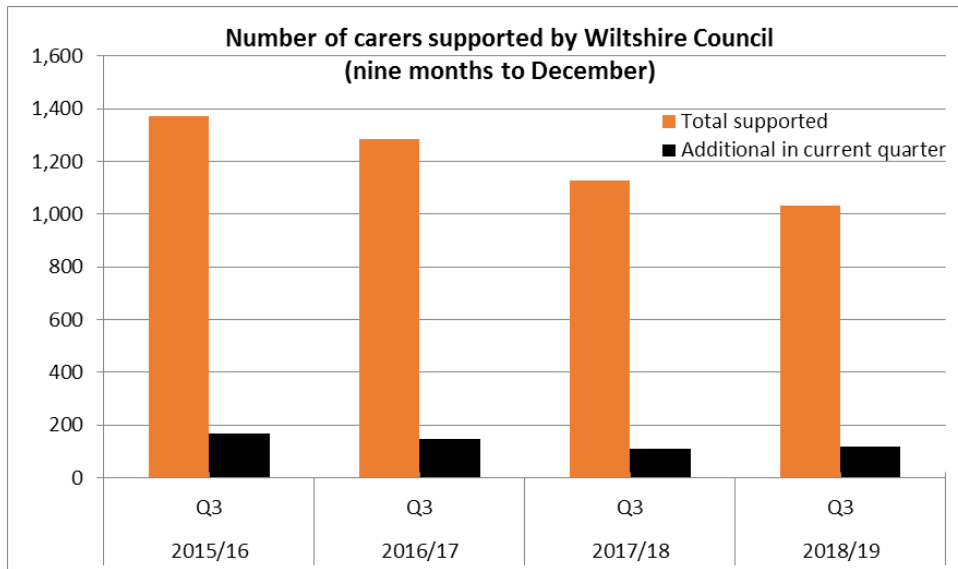
8. Personal wellbeing can be achieved in a number of ways. Wiltshire Council aims to provide opportunities for residents to engage in a wide variety of activities including those provided at campuses, sporting activities, leisure pursuits, community engagement and cultural activities. Some such opportunities are provided through Wiltshire Council's libraries. Although traditional library transactions have fallen over the last four years (the quarter three figure at nearly 465,000 is 0.2% lower than the same period last year) Wiltshire Council's library spaces are now used for a much wider range of community activity. There were more than



380,000 visits to Wiltshire libraries during quarter three.

Priority 3.1 Protecting the Vulnerable – Early Intervention

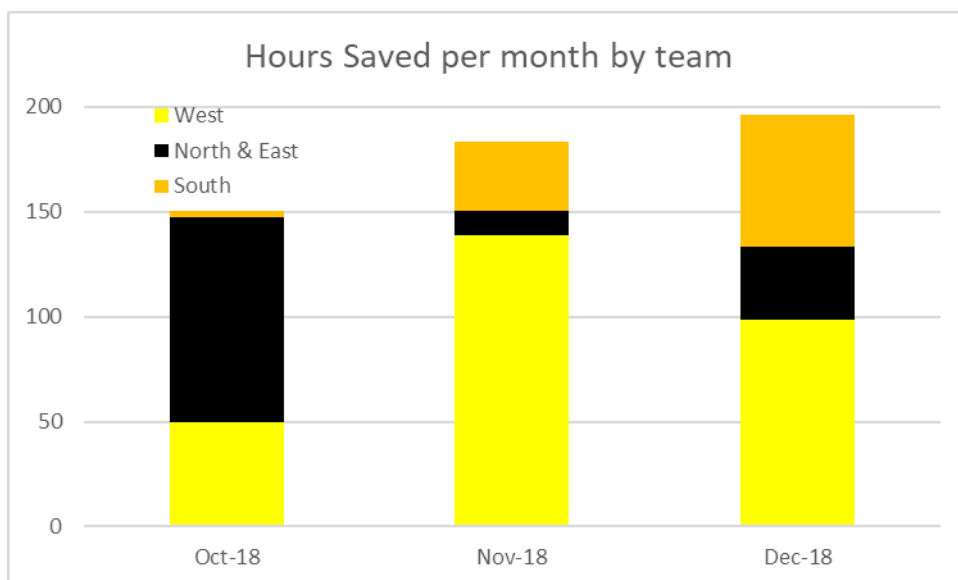
9. Helping to support carers by working with partners, including the NHS, is one way in which Wiltshire Council aims to prevent greater need for statutory services. At the end of quarter three Wiltshire Council's Adult Care teams were supporting over 1,000 carers 12% of whom were not receiving support in the previous quarter. That's a reduction of 8.3% on the same period last year and 24.7% on three years ago. While supporting more carers in the long-term will be beneficial it is the case that the lower number of carers receiving a funded service from the Council reflects the success of Carer Support Wiltshire; in finding alternative methods of supporting carers through the provision of information and advice and signposting carers to alternative services within local communities.



Better performance may be shown by a higher or lower number

Priority 3.2 Protecting the Vulnerable – Integration

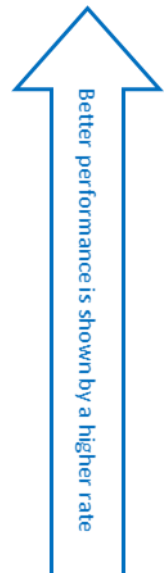
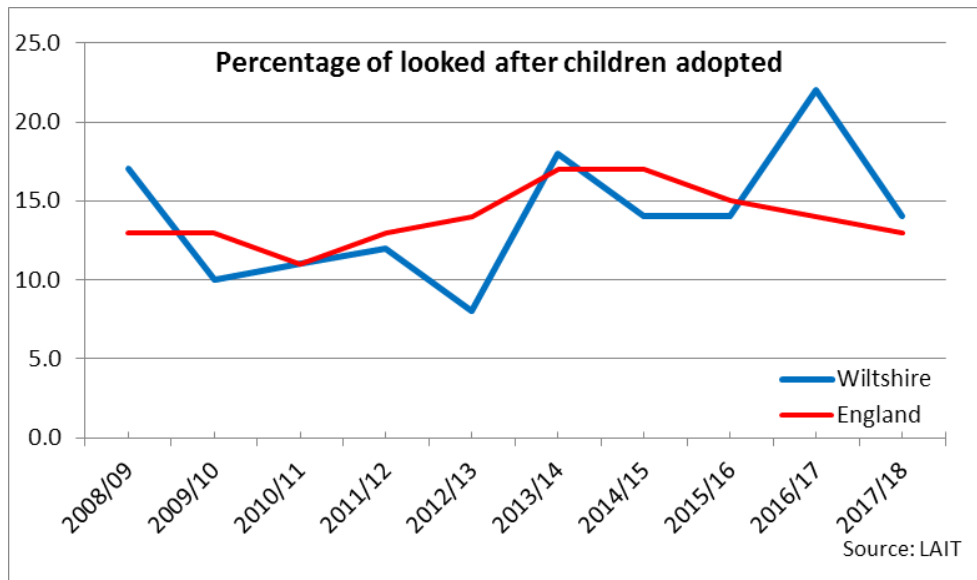
- It's a strategic goal of Wiltshire Council to support and promote the integration of health and social care to provide a single seamless service for the benefit of the people of Wiltshire. A combined health and social care service should help to rehabilitate people in need of support so that they no longer require that support. In quarter three, over 500 hours of ongoing long-term social care support has been saved by individuals receiving intermediate care services (rehabilitation or reablement from social care and/or health services). This is a significant improvement and is likely to be a direct result of the Council's new in-house reablement service



Better performance is shown by a higher number

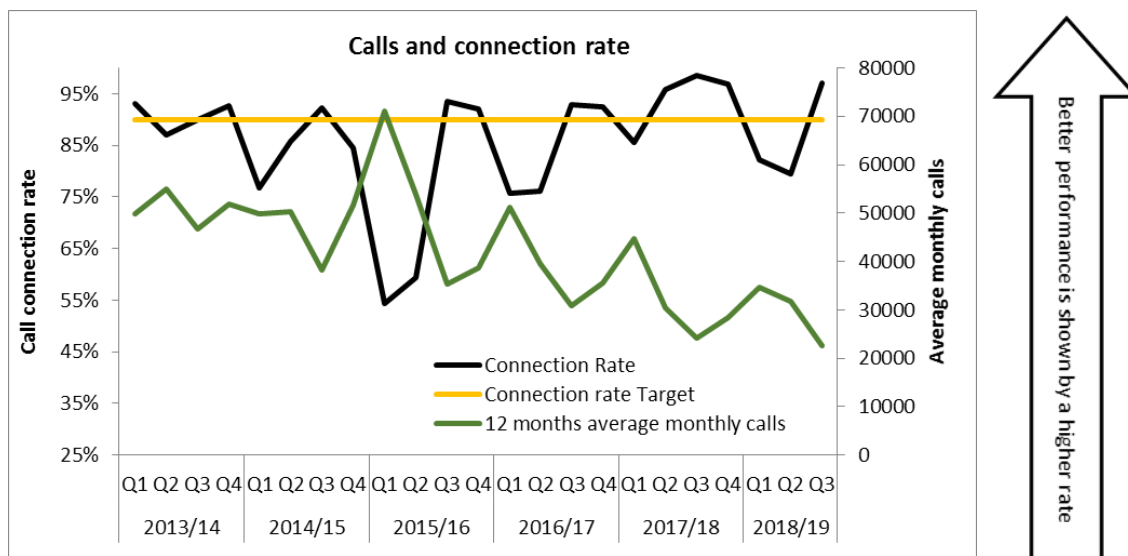
Priority 3.3 Protecting the Vulnerable – Personalisation

11. Wiltshire Council is focused on ensuring that those children it has responsibility for are safe and well and that they have the best possible life chances. Adoption for looked after children provides a permanent home, security and the constant support of a loving family. The percentage of Wiltshire looked after children adopted has been equal to or above the national average for the last three years. The average in Wiltshire for the last five years is 4.8 percentage points above the average for the previous five years suggesting a long-term upward trend.



An Innovative and Effective Council

12. It's important for Wiltshire Council to be effective in delivering services to our customers as well as with its inhouse processes.
13. Wiltshire Council is improving the efficiency of its interactions with its residents by providing more, and more efficient, ways for people to contact the Council and conduct transactions. The number of occasions where people need to interact with a member of council staff face-to-face or by telephone has reduced. The trend in the quarterly average number or telephone calls is down 6.8% on the same period last year. At the same time the connection rate of calls has moved above the target of 90%



Strategic Risk Register (as at end December 2018)

14. Delivering the Council’s Business Plan will continue to offer a significant challenge given an increasing demand for key services, such as care for vulnerable children and adults, waste management and highways maintenance, as well as rising inflation costs and smaller central government grants. The Strategic Risk Register reflects these challenges.
15. The simplified version of the current strategic risk register is provided in appendix 1. The description of how the strategic risk register works, which previously appeared at this point in the report is now available on the first page of appendix 1.
16. National risks, which mirror the most significant risks on the Cabinet Office’s [national risk register](#) and is Wiltshire’s response should these risks be realised, will be reported once a year as there is very little movement in the impact or likelihood of these risks.
17. There are four risks new to the strategic risk register this quarter.
18. Of the 12 risks listed on the strategic risk register only two have an inherent score that puts them in the ‘high’ bracket.
19. Risks associated with children’s safeguarding remain high in this quarter. The risk is owned and overseen by the Performance and Outcome Board chaired by the relevant Corporate Director. An ongoing action plan is reviewed every fortnight by the service’s senior management team.
20. The lack of certainty around the final detail of the United Kingdom’s exit from the European Union and questions about the timing have a potential impact on the Council’s resources. More resources are required to deliver contingency planning. This is a new risk to the strategic risk register and represents component risks in a number of different services areas. These include the need for the elections team to respond at short notice, contracting arrangements with non-UK firms, potential macroeconomic change and the impact on the availability of individuals to fill vacancies in key parts of the county’s workforce.

21. The other new composite risk on the register this quarter is the Income Collection risk which represents a number of service-based risks that refer to the likelihood of realising predicted income levels. The monitoring of income is now part of the regular budget monitoring.
22. There are two other new risks on the register this quarter both single service risks rather than composite risks and both in the finance service. They relate to the impact of national interest rate changes and to the future of local government financing. Both are concerned with the uncertainty about decisions taken at a national level and the impact they will have across the Council and on the ability of the Council to achieve its strategic priorities due to the uncertainty
23. The impact on southern Wiltshire's economy from the incidents in March and June 2018 is significant. The risk to the Council and its strategic aims is that economic recovery from the combined shock is slow resulting in difficulty in achieving the Council's strategic aim of growing the county's economy. The strategic response is now being led by a new team with a new director, a new head of service and staff seconded from elsewhere in the Council. The work of the team will continue until at least March 2020 and is in its early stages which is why a slow economic recovery in southern Wiltshire remains a risk.
24. The corporate composite risk of budget overspends remains at the same inherent level. Individual service risks are generally rated as low but the potential impact at an organisation level is greater. Ongoing monitoring and support including training of budget managers is in place in order to reduce the likelihood as far as possible. With greater certainty as we approach the end of the financial year the residual risk is lower than it was in the previous quarter.
25. All other risks on the strategic risk register have an inherent score of medium or low and remain at the same level as in the previous quarter.

Overview & Scrutiny Engagement

26. The Financial Planning Task Group is due to consider this report at its next meeting on 19th March 2019. The Task Group will also play a role in the development of the new performance management framework helping to ensure clear links to the Council's new business plan.

Safeguarding Implications

27. A number of indicators are regularly analysed which directly relate to the safeguarding of children and adults. Action is taken where improvements in performance are required.

Public Health Implications

28. Not applicable as no decision is required.

Procurement Implications

29. Not applicable as no decision is required.

Environmental and Climate Change Considerations

30. Not applicable as no decision is required.

Equalities Impact of the Proposal

31. Not applicable as no decision is required.

Risk Assessment

32. Not applicable as no decision is required.

Financial Implications

33. Not applicable as no decision is required.

Legal Implications

34. Not applicable as no decision is required.

Options Considered

35. Not applicable as no decision is required.

Conclusions

36. This report brings together updates performance indicators that make up the corporate performance framework as well supplementary commentary to provide further context around the Council's activities in these areas and the risks faced by the Council.

Robin Townsend
Director, Corporate Services & Digital

Report Author:

Toby Eliot, Corporate Support Manager | toby.eliot@wiltshire.gov.uk
February 2019

Appendices

- Appendix 1: Strategic Risk Register (Q3 December 2018)
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Wiltshire Council Strategic Risk Register Q3 2018/19

There are significant challenges for Wiltshire Council as it looks to build stronger communities, grow the county's economy and protect the vulnerable. The Strategic Risk Register reflects these challenges.

The Strategic Risk Register draws together information recorded on risk registers of individual services across Wiltshire Council.

Information that has significance across the council as a whole is displayed in two categories on the Strategic Risk Register.

1. Critical service risks: significant risks that sit in a single service but which, should they become an issue, will have a significant impact on the council as a whole.

2. Composite strategic risks: where similar risks exist in a number of different services which would not have a significant impact on the organisation on their own but put together represent a significant impact. These risks are compiled into a single strategic composite risk and included within the strategic risk register. These risks are scored by reviewing the service component risks.

Each risk is fully defined by the responsible service (who assess the cause, event and effect that make up the identified risk).

Each risk is scored for impact and likelihood to give an overall score. A risk is scored twice; firstly, as inherent (the current level of risk) and then as residual (the risk as it would be once all mitigating actions are in place).

The progress towards implementing mitigating actions is assessed as red, amber or green. This RAG guides the reader of the register to understand the true current risk.

A whole range of service risks are kept under observation each quarter.

Risk short name	Primary Risk Category	Secondary Risk Category	Owner	Key officers	Q3 Inherent Impact	Q3 Inherent Likelihood	Q3 Inherent Risk Rating	Q3 DoT	Q3 Actions RAG	Q3 Residual Impact	Q3 Residual Likelihood	Q3 Res Risk Rating	Q3 Comments
Critical Service Risks													
Safeguarding Children	Service Delivery	Reputation	Terence Herbert	Lucy Townsend	4	3	12	▶	Amber	4	2	8	Performance and Outcomes Board chaired by Terence Herbert oversees this risk. There is an action plan in place which is reviewed on a fortnightly basis by the Performance and Outcomes Group chaired by the Head of Service, and monthly by the Senior Management Team meetings chaired by the Director.
Safeguarding Adults	Service Delivery	Reputation	Emma Legg	Emma Townsend	4	2	8	▶	Amber	4	1	4	Ongoing focus on safeguarding issues and a multi agency approach mean that the likelihood of issues arising is being reduced as far as is possible.
Failure to revive Salisbury's economy	Reputation		Alistair Cunningham	Tom Dobrashian	3	3	9	▶	Green	3	2	6	The council's focus is now on long-term economic recovery. Progress is underway on the detail of the recovery plan. The Economic Strategy presents four areas critical to achieving long term success in the economic development of Salisbury and the surrounding area and it is envisaged that the long-term recovery plan will build on existing/ opportunities to reinvigorate the high-street sector in both Salisbury and Amesbury, develop and enhance the cultural offer, transform perception of the area and stimulate new growth across South Wiltshire.
Interest Rates Changes	Financial	Reputation	Becky Hellard	Matthew Tiller	3	2	6	New Risk	Amber	2	2	4	Borrowing levels for the council are fixed. Potential impact on future schemes and new delivery models. Current borrowing rates are low and the interest on investment out weighs risk on borrowings.
Future Local Government finance funding	Financial	Reputation	Becky Hellard	Matthew Tiller	2	4	8	New Risk	Green	2	4	8	There remains uncertainty. Wiltshire will participate in expected government consultations.

Risk short name	Primary Risk Category	Secondary Risk Category	Owner	Key officers	Q3 Inherent Impact	Q3 Inherent Likelihood	Q3 Inherent Risk Rating	Q3 DoT	Q3 Actions RAG	Q3 Residual Impact	Q3 Residual Likelihood	Q3 Res Risk Rating	Q3 Comments
Composite Corporate Risks													
Staff capacity: Recruitment and Retention	Staffing/ People	Service Delivery	Joanne Pitt	Steve Perry	3	2	6	▶	Green	3	2	6	Ongoing controls include increased staff engagement, promoting Wiltshire Council as an employer, specific strategies in areas of high concern. A new staff survey is underway and will help guide further mitigation.
Budget management	Financial	Reputation	Becky Hellard	Matthew Tiller	3	3	9	▶	Amber	3	2	6	Risk area under close review with monthly monitoring. RAG rating on savings plans. Discussed with CLT and budget managers. Changes included in update to financial plan to be adopted Feb 2019
Income Collection	Financial	Reputation	Becky Hellard	Matthew Tiller	3	3	9	New risk	Amber	3	2	6	Regular review of income collection vs budgets included in regular monitoring review
Contract monitoring and management (Composite Risk)	Service delivery	Financial	Becky Hellard	Wayne Welsby	4	2	8	▶	Amber	4	2	8	Contract management across the council is supported by an easily accessible framework and toolkit. Council contract worth over £25,000 per annum are kept under review with risks and mitigations discussed with services.
Corporate Health, Safety & Wellbeing	Health & Safety		Paul Collyer		2	2	4	▶	Amber	2	2	4	SWAP audit announced of H&S processes will help ensure controls in place.
Information Governance	Reputation	Financial	Robin Townsend	Liz Creedy	3	2	6	▶	Green	3	1	3	Awareness significantly raised through training and ensuring follow up actions taken as required.
Uncertainty over the type and timing of UK's exit from the EU.	Service delivery	Financial	Terence Herbert		4	3	12	New risk	Amber	3	2	6	The council is dealing with potential impacts on resource as additional planning is required. Actions include lobbying national government, planning for the worst eventualities and supporting partners and business across Wiltshire. These actions fall across several of Wiltshire Council's services.

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Wiltshire Council

Cabinet

26 March 2019

Subject: SWLEP governance framework update

Cabinet Member: Councillor Pauline Church – Cabinet Member for Economic Development and South Wiltshire Recovery

Key Decision: Non Key

Executive Summary

The purpose of this report is to provide an update to Cabinet on the changes to the governance arrangements to the Swindon and Wiltshire Local Enterprise Partnership (SWLEP).

The Government undertook a review of Local Enterprise Partnerships (LEPs) in 2018. One of the key recommendations to come out of this review was that LEPs should have a legal personality. Another recommendation from the review is that LEPs should have a secretariat independent of local authorities and other organisations that is answerable to the LEP Board.

The SWLEP Board took the decision in September 2018 to establish the LEP as a company limited by guarantee with the objective of being fully incorporated by 1st April 2019. The SWLEP has since incorporated on 14 January 2019.

Wiltshire Council is the Accountable Body for the SWLEP and therefore prior to incorporation all budget, assets, contracts and staff came under the Council's authority and regulatory regime.

The changes to the SWLEP's legal status, in addition to updates to the Government's Assurance Framework for Local Enterprise Partnerships, will result in changes to the current agreements between the SWLEP and Wiltshire Council. The role of the Accountable Body will change so the budget, assets, contracts and staff will now be transferred to the incorporated SWLEP. These changes require an update to the Accountable Body Agreement, the Governance Framework, and the transfer of the SWLEP business activities to the new limited company.

The transfer of those business activities is a transfer to which the Transfer of Undertakings Protection of Employment (TUPE) applies and it is proposed that the staff working predominantly on LEP related and funded activity would be transferred to the new company. Wiltshire Council is currently the employer of those staff.

There will also be a change in the representation on the SWLEP Board of Directors by Wiltshire Council to manage the relationship between the Council, its role as the Accountable Body and the interests of the SWLEP. The role of the Accountable Body should be wholly separate from any formal participation in the Company.

Proposal(s)

Cabinet are recommended to:

1. Confirm the continuing role of the Council as Accountable Body to the SWLEP to be exercised in accordance a revised SWLEP Governance Framework and Accountable Body Agreement to reflect new guidance from Central Government and the SWLEP's incorporation as a company limited by guarantee.
2. Approve in principle the transfer of any assets pertaining to SWLEP activities to the new SWLEP Ltd company on terms to be agreed and set out in a Business Transfer Agreement.
3. Approve in principle the transfer of SWLEP staff to the incorporated SWLEP under TUPE and the commencement of formal consultation with the Unions and affected staff. [This meets the objectives of the SWLEP Board; it is in line with Government objectives of LEPs having their own identity; and the staff identified already operate at arm's length from the Council.]
4. To agree that the Cabinet Member for Economic Development, supported by the Corporate Director Growth, Investment and Place will represent the Council on the Board of Directors.
5. To authorise the Corporate Director for Growth, Investment and Place, after consultation with the Cabinet Member for Economic Development and Salisbury Recovery, the Director of Finance and Procurement and the Director of Legal and Democracy to finalise the terms of the Accountable Body Agreement and Business Transfer Agreement, to execute these documents on behalf of the Council, and to take such other action as is necessary to protect the interests of the Council; and the Council in its role as Accountable Body; and secure the transfer of business and staff to the new company.

Reason for Proposal(s)

The Swindon and Wiltshire Local Enterprise Partnership, as a result of guidance from central Government, took the decision in September to establish the LEP as a company limited by guarantee with the objective of being fully incorporated by 1st April 2019.

This change has implications for the Council in its role both as a partner of the SWLEP and as the Accountable Body for the SWLEP.

This includes updates to the formal agreements and documentation between the SWLEP and the Council, the requirement to transfer some assets and liabilities to the new SWLEP company and has potential implications for the employment status of staff employed to carry out SWLEP activity.

This report therefore requests Cabinet to approve in principle a set of actions relating to the transfer of responsibilities and to delegate authority to the Corporate Director for Growth, Investment and Place after consultation with the relevant Cabinet Member, Director of Finance and Procurement and Director of Legal and Democracy, to implement the necessary changes and authorise the formal agreements required.

Corporate Director, Alistair Cunningham

Wiltshire Council

Cabinet

26 March 2019

Subject: SWLEP governance framework update

Cabinet Member: Councillor Pauline Church – Cabinet Member for Economic Development and South Wiltshire Recovery

Key Decision: Non Key

Purpose of Report

1. The purpose of this report is to provide an update to Cabinet on the changes to the governance arrangements to the Swindon and Wiltshire Local Enterprise Partnership (SWLEP) and to seek approval to implement the necessary changes required.

Relevance to the Council's Business Plan

2. The Wiltshire Council Business Plan 2017 – 2027 sets out the vision to create strong communities, with priorities for growing the economy, strong communities and protecting the vulnerable. The SWLEP is one of the key partnerships with a responsibility for delivering economic growth.
3. The amendments to the SWLEP Governance arrangements are in line with the Government's objectives for Local Enterprise Partnerships.

Background

4. The Swindon and Wiltshire Local Enterprise Partnership Limited (SWLEP) is a non-statutory partnering arrangement between the public and private sectors, established to play a central role in determining local economic priorities and undertaking activities to drive economic growth and the creation of local jobs. The SWLEP partners include Swindon Borough Council, Wiltshire Council, businesses in the area and the Military, with representatives from all these organisations on its Board. The SWLEP can access government funding to channel investment into the area and to support its strategic objectives in skills and talent, transport infrastructure, digital capability, place-shaping and business development.
5. Central government has requested that all Local Enterprise Partnerships ("LEPs") develop a single assurance framework to cover all devolved government funding received by LEPs. SWLEP has been allocated local growth deal monies from central government which can only be paid to a local authority nominated as an Accountable Body. Wiltshire has agreed that it will act as the Accountable Body in respect of local growth deal funding received by SWLEP.

6. As part of the Strengthening Local Enterprise Partnerships review, every LEP and Mayoral Combined Authority has had to submit a two-part implementation plan to Government setting out how it will respond to the recommendations in the report.

7. The Government published a formal review of LEPs in July 2018 which included the statement:

“Government will support all Local Enterprise Partnerships to have a legal personality. Where they are not already incorporated as companies, Local Enterprise Partnerships that are not in mayoral combined authorities or combined authorities should take steps to become companies. This new legal structure should be in place by April 2019, ahead of any release of further local growth funding. Ensuring that all Local Enterprise Partnerships have a legal personality reflects their more prominent role in local growth, that they are their own business-led organisations and will allow them to enter into legal commitments to take on further responsibilities in the future.”
(p20-21, Strengthened Local Enterprise Partnerships, HMG, July 2018).

8. On 19th September 2018, the SWLEP Board approved the proposal to establish the Swindon and Wiltshire Local Enterprise Partnership as a company limited by guarantee and authorised the LEP Director to implement the activities identified which would enable the SWLEP to attain a legal personality by becoming a company limited by guarantee on or before 1st April 2019. The SWLEP incorporated on 14 January 2019.

9. The change in status has an impact on the responsibilities of Directors, and the implications for public officials assuming the role of Directors of the company. The move to incorporation has involved work on governance, SWLEP operating costs and implications on SWLEP becoming a direct employer of staff.

10. Work was undertaken by SWLEP to develop a draft governance structure setting out how the Board could operate with a number of committees, groups and task groups including an overview and scrutiny function as well as a number of indirect reporting relationships.

11. There were several issues to be resolved:

- Articles of Association for the new company;
- Protection to minimise personal liability for SWLEP Board members acting as Directors of an incorporated company limited by guarantee;
- Advice on pension liability if the SWLEP became the employer of staff;
- Advice on the roles and responsibilities of company staff and the reporting requirements within the Companies Act 2006;
 - Transfer of the business of SWLEP to the new limited company;
- Changes in the role of the Accountable Body;
- The new business model including VAT advice;
- Revised Governance Framework.

12. The SWLEP Board has been advised by commercial solicitors Clark Holt. Work is ongoing to complete and finalise the Governance Framework,

Business Transfer agreement and Accountable Body agreement. Otherwise the Council understands that the remaining issues have been completed by the SWLEP.

Main Considerations for the Council

Accountable Body

13. SWLEP has been allocated Funding from central government which can only be paid to a local authority nominated as an Accountable Body. This remains the case even after incorporation. Wiltshire has agreed that it will act as the Accountable Body in respect of funding received by SWLEP.
14. The Accountable Body Agreement sets out the respective roles and responsibilities of Wiltshire acting as the Accountable Body for the SWLEP and Swindon and associated matters in relation to the application and allocation of devolved Funding by government to relevant projects and programmes.

Business Transfer

15. SWLEP proposes that in future the activities and business of the SWLEP will be conducted through the new SWLEP limited company and to that end it proposes a formalised transfer of any assets pertaining to SWLEP activities to the new company. Wiltshire Council, as the Accountable Body, has had responsibility for any such assets to date (contracts, equipment purchased, intellectual property rights, records and marketing information etc). A formal agreement has been drafted by lawyers acting for the new company to facilitate that transfer.
16. To complete this transfer clarity is required on the future split of functions between Wiltshire Council, Swindon Borough Council and the SWLEP. This is set out in the Accountable Body Agreement and the updated Governance Framework.
17. The details of the transfer agreement are currently being negotiated between Wiltshire Council and Clark Holt, lawyers for the SWLEP.

SWLEP Governance

18. SWLEP has updated its Governance Framework to reflect the changes both to its incorporated status and in line with the latest Government requirements. The Governance Framework document is an agreement between the LEP and central government that provides assurance on the SWLEP's decision-making process.
19. Changing the status of the SWLEP to a limited company has a bearing on the appropriate representation on the SWLEP Board by Wiltshire Council. Currently the Leader of the Council represents the authority's interests. This arrangement is proposed to change as the Leader would have to represent the limited company's best interests as well as the Council with the added

complexity of the Council providing the accountability as Accountable Body for all funding managed by the SWLEP. In the future the Cabinet Member for Economic Development, supported by the Corporate Director Growth, Investment and Place would represent the authority on the Board of Directors.

20. Democratic Accountability for the SWLEP is currently provided through the Joint Strategic Economic Committee. As all the SWLEP meetings are held in public and all minutes and decisions are published most of the main purpose of this Committee is no longer necessary. The SWLEP proposes to change the structure and form a Joint Scrutiny Task Group comprising four elected Councillors from each of the two Unitary Authorities to perform all overview and scrutiny functions on behalf of both Councils and the SWLEP.
21. The responsibilities are set out in the attached draft Governance Framework.

TUPE

22. The intent of the SWLEP is to become an entity that can enter into contracts and hold assets. The transfer of those business activities is a transfer to which the Transfer of Undertakings Protection of Employment (TUPE) applies and it is proposed that the staff working predominantly on SWLEP related and funded activity would be transferred to the new company. Wiltshire Council is currently the employer of those staff.
23. All TUPE transfers need to be approved by either Cabinet if it involves the transfer of 50 or more employees, or relates to a matter which is commercially, politically or strategically sensitive. If, however, the number of staff affected is lower and the impact of the TUPE transfer to the council and service area is minimal, approval can be given by the relevant Director under their delegated authority in conjunction with their Corporate Director and with support from HR.
24. The number of staff affected in this case is 16 and it is considered that in this instance the transfer arrangements may be agreed by the Corporate Director for Growth, Investment and Place under the delegated authority sought from Cabinet in this report.
25. Any roles that are deemed to be more than 50% within scope will be highlighted for potential transfer.
26. A preliminary scoping exercise for contracting out has been conducted to determine the extent of the review and what positions may be affected and assigned to the transfer and the cost implications.
27. The posts identified as being within scope are currently fully funded from the SWLEP's own budget which it receives from central government. Staff time from a number of Wiltshire Council and Swindon Borough Council posts is allocated as match to enable the cash funding to be drawn down. The SWLEP would therefore continue to fund those posts post transfer.
28. Staff assigned to the service, unwilling to become employees will have the right to object to the transfer. The effect of the refusal to transfer, would be that

their contracts of employment would be terminated without a dismissal and without the need for notice. However, the Council would make efforts to find suitable alternative employment within the Council prior to that transfer date.

29. In addition, any contract variations will be void if the reason for them is solely or principally the transfer itself or a reason connected with the transfer which is not an Economic, Technical or Organisational (ETO) reason. The pay and pension rights of staff will be preserved on transfer and SWLEP will be expected to offer a comparable pension scheme.
30. Legal advice has concluded that the Best Value Authorities Staff Transfer (Pensions) Direction 2007 does not apply to this transfer. The services involved are not Wiltshire Council services and Wiltshire Council will not require or carry on the relevant functions once the TUPE transfer has taken place.
31. If the SWLEP wishes to offer Local Government Pension Scheme (LGPS) benefits - either to former Wiltshire Council TUPE transferred staff only (a closed admission agreement) or to all its staff (an open admission agreement), it must apply to Wiltshire Pension Fund for admission as a community admission body via an admission agreement. This will mean that SWLEP employees could continue to participate in the Wiltshire Pension Fund and the SWLEP will making employer contributions every month.
32. Once Cabinet has approved the transfer in principle a letter of intent to Wiltshire Council recognised unions regarding the potential TUPE transfer of Wiltshire Council staff will be sent out.
33. Following that affected employees will be advised that TUPE is being considered and the indicative timeframe for the process.
34. For this exercise, Transfer of Undertakings Protection of Employment Regulations (2006) (TUPE) principles have been applied to the scoping exercise to ensure consistency, fairness and objectivity of process.
35. This scoping exercise is aimed at identifying the 'economic entity' (an organised grouping of resources which has the objective of pursuing an economic activity, whether or not that activity is central or ancillary) that will transfer and retain its identity post transfer. Employees within the economic entity should be 'wholly or mainly' assigned to activities and services.

Timeframe:

36. It is proposed that Wiltshire Council employees involved in SWLEP services/ activities would be transferred to SWLEP on 1st July 2019.
37. At this stage, it is not possible to identify the measures that the Council or SWLEP will take in relation to affected staff. However, these will be clearly identified to the Trade Unions and staff following discussions with the Project Group and receipt of due diligence information

Overview and Scrutiny Engagement

38. The proposed arrangements for future scrutiny of the SWLEP are set out in the attached Governance Framework.

Safeguarding Implications

39. Not applicable

Public Health Implications

40. Not applicable -

Procurement Implications

41. The SWLEP would continue to be governed by national procurement guidance as it is funded by public monies. Wiltshire Council would have a responsibility as the Accountable Body to ensure that funding is spent in accordance with that guidance however in future the SWLEP would have to seek its own advice on procurement processes.

Equalities Impact of the Proposal

42. Not applicable

Environmental and Climate Change Considerations

43. Not applicable

Risks that may arise if the proposed decision and related work is not taken

44. If the changes to the Accountable Body and business operation arrangements are not implemented, then the SWLEP will be in breach of its assurance agreement with central government and could be subject to sanctions. This could affect the delivery of current projects and affect the future ability to draw down Government funding.

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

45. The proposals support the move towards increased independence of the SWLEP (in accordance with Government guidance). This could lead to a lessening of control and influence by the Council. There are implications for Councillors becoming members of the Board of Directors of the new limited company with potential conflicts in seeking to represent both the best interests of the company and the Council. It is therefore suggested that a Cabinet Member other than the Leader represents the Council on the Board. Local Enterprise Partnerships are bound by an agreement with central government and subject to regular review by government. SWLEP will also be subject to formal scrutiny by both local authorities and are required to carry out its decision-making process in public.

Financial Implications

Accountable Body

46. The respective roles and responsibilities of Wiltshire Council and the SWLEP are set out in the Accountable Body agreement. This agreement will be approved by the Director of Legal and Democracy and the Director of Finance and Procurement / S151 Officer before being signed. A copy of the draft agreement is attached as Appendix 2.

Legal Implications

47. The Accountable Body Agreement, Governance Framework, Business Transfer Agreement and TUPE transfer of staff are all currently being reviewed by Wiltshire Council's legal, financial and HR teams.

Options Considered

48. Agree to continue as Accountable Body and transfer business assets to the new SWLEP limited company in line with decision of the SWLEP Board and Governments objectives for Local Enterprise Partnerships.

49. Delay the decision to approve continuing Accountable Body role and transfer of business assets.
This could have some operational implications for the SWLEP and existing projects currently in delivery. Temporary arrangements could be put in place, but the disruption and uncertainty could have a negative impact on the partnership and relations with Government.

50. Refuse to continue as Accountable Body or to allow transfer of assets.
Grounds for refusal should be stated to the SWLEP as such an action would go against the decision of SWLEP Board and Government objectives. The current arrangements could continue until the issue is resolved with the SWLEP. There may be impacts on staff regarding uncertainty of their future employment status. An alternative Accountable Body would have to be found and the transfer of assets would still be required however the transfer would include that new body. This could have significant negative impacts.

**Ian Gibbons (Director - Legal and Democracy),
Becky Hellard (Director - Finance)**

Report Author: Tim Martienssen, , tim.martienssen@wiltshire.gov.uk,

Date of report: 14/03/19

Appendices

- **Appendix 1 Draft Governance Framework**
- **Appendix 2 Draft Accountable Body Agreement**

Background Papers

The following documents have been relied on in the preparation of this report:

None

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Draft SWLEP Governance Framework

April 2019

Version 2: 12 March 2019



GOVERNANCE FRAMEWORK

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Governance Framework

Introduction

The Swindon and Wiltshire Local Enterprise Partnership Limited¹ (SWLEP) is a non-statutory partnership between the public and private sectors, established to play a central role in determining local economic priorities and undertaking activities to drive economic growth and the creation of local jobs. The SWLEP is a partnership between Swindon Borough Council, Wiltshire Council, businesses in the area and the Military, with representatives from all these organisations on its Board. The SWLEP is able to access government funding to channel investment into the area and in particular to support its strategic objectives in skills and talent, transport infrastructure, digital capability, place-shaping and business development.

The Swindon and Wiltshire Local Enterprise Partnership (SWLEP) Governance Framework comprises:

- A. Role and governance principles
- B. Board constitution
- C. Conflict of interest policy
- D. Scheme of delegation
- E. Finance and commissioning policy
- F. Assurance procedures for the allocation and award of funding
- G. Accountable Body agreement
- H. Code of conduct
- I. Transparency code

¹ The Swindon and Wiltshire Local Enterprise Partnership became incorporated as a company limited by guarantee on 14 January 2019.

A.Role and governance principles

1. Purpose

The Swindon and Wiltshire Local Enterprise Partnership (SWLEP) was established in 2011 with the aim of stimulating growth in the economy across the Swindon and Wiltshire area. In part it aims to do this by playing a central role in determining local economic priorities and undertaking activities to drive sustainable and inclusive economic growth. It is a primary partnership between the business community and the two local authorities; Swindon Borough Council and Wiltshire Council. In response to the Government's Strengthening Local Enterprise Partnerships report (July 2018), SWLEP became incorporated as a company limited by guarantee on 14 January 2019 with a view to becoming operational from 1 April 2019.

The role of the Swindon and Wiltshire Local Enterprise Partnership is to 'provide the clear vision and strategic leadership to drive sustainable private sector-led growth and make a significant contribution to economic growth and job creation'² in the area by:

- Ensuring that strategies for achieving sustainable and inclusive economic growth within the area reflect the needs of business; and
- Driving the successful implementation of those strategies through engagement with local and central government, business, potential investors and others.

2. Strategic Objectives

The SWLEP has five strategic objectives (January 2016):

1. Skills and talent - we need an appropriately skilled and competitive workforce to achieve our growth ambitions;
2. Transport infrastructure improvements - we need a well-connected, reliable and resilient transport system to support economic and planned development growth at key locations;
3. Digital capability - we need to deliver excellence in digital connectivity and cyber transformation to achieve business growth, innovative public services and influence societal change;
4. Place-shaping - we need to build the infrastructure required to deliver our planned growth and regenerate our city and town centres, and improve our visitor and cultural offer; and

² Local growth: realising every place's potential, HM Government 28 October 2010, page 12

5. Business development - we need to strengthen the competitiveness of small and medium sized businesses and attract a greater share of foreign and domestic investment into the area.

3. Performance

The SWLEP's performance measures are set out in its Strategic Economic Plan which is regularly reviewed. Key drivers are to:

- Increase the GVA of the area as a whole and in each of the local authority areas covered by the SWLEP;
- Create new high value and highly skilled jobs within the area and in each of the local authority areas covered by the LEP; and
- Identify housing needs.

In this context 'GVA' refers both to productivity and the size of the economy.

4. Activities

The activities which the SWLEP will undertake, in respect of the Swindon and Wiltshire area and in pursuance of the overall aims and priorities, will include:

- Investigating and reporting on the following through research, analysis and engagement with business, the unitary authorities and others:
 - the type and profile of business activity;
 - training, education and skill levels amongst the workforce and potential workforce;
 - the type and profile of skills provision;
 - the needs of business, i.e. conditions or actions which are likely to encourage growth in existing areas or development of new areas
 - the likely impact on business of particular policies, strategies or events
- Developing strategy itself and providing input into and monitoring strategy and policy developed by others, e.g. local and central government;
- Identifying and securing sources of funding which are aligned with the SWLEP's aims and activities as set out in the Strategic Economic Plan;
- Administering and/or providing grants or other funding for activities likely to contribute to economic growth and job creation;
- Promoting the benefits of the SWLEP area as a location for the expansion and creation of businesses and inward investment through engagement and provision of information;

- Providing information about strategies for economic growth and job creation, skills provision, funding and other support available for businesses and investors, and other activities aimed at achieving economic growth and creating jobs;
- Identifying additional opportunities for the UAs and other bodies to provide support for economic growth and job creation, including identifying land or other resources which may be made available to support business growth or inward investment; and
- Participating in regional and national LEP networks and activity including peer review and sharing best practice.

5. Governance principles

The LEP should be governed so as to ensure that it:

1. Operates in accordance with its Assurance Procedures (Section F).
2. Pursues activities which add value, and in particular activities which do not unnecessarily duplicate the work of the members of the partnership or the roles of other organisations with similar aims.
3. Effectively identifies, and appropriately represents the views and needs of business in the SWLEP area.
4. Effectively identifies and appropriately takes into account the views of other stakeholders (Section B, paragraph 2b).
5. Makes effective use of the resources available to it and accounts appropriately for that use as set out in the SWLEP Accountable Body Agreement (Section G).
6. Is accountable for its performance, through:
 - a. Clear decision-making by the Board;
 - b. Self-assessment by the Board of its own performance, including regular monitoring of progress, annual performance review through the Department of Business Energy and Industrial Strategy's Annual Conversation, and relevant benchmarking against other LEPs; and
 - c. Appropriate transparency through public reporting of:
 - i. Governance arrangements and the Assurance Procedures
 - ii. Decisions
 - iii. Planned and completed activities
 - iv. Engagement with business and stakeholders
 - v. Progress against the delivery of the Strategic Economic Plan.
 - vi. Scrutiny of its operation by the Joint Scrutiny Task Group.

7. Is able to meet or respond quickly to any requirements or pre-conditions set by central government with regard to transparency, accountability and robust governance.

B. Board Constitution

1. The Governance Framework may be amended by the Board at any time under the decision-making processes set out in this Constitution.

Definitions

2. In this document:
 - a. "Unitary Authorities" refers to the local authority members of the SWLEP, Swindon Borough Council and Wiltshire Council;
 - b. "stakeholders" means any person or organisation likely to be directly affected by or interested in the activities of the SWLEP, including in particular the Unitary Authorities and employers, businesses, enterprises and other persons or organisations operating or likely to operate within or otherwise concerned with the economy in the LEP area;
 - c. "external resource" means resources (including human resource) other than the resources within the SWLEP Board and Secretariat.
 - d. "The SWLEP" means the SWLEP Board plus the operation of its activities through the Secretariat.
 - e. "core policy" is a policy approved by the relevant Unitary Authority as part of its Policy Framework.

Roles and responsibilities

3. The Board is responsible for the SWLEP's performance in accordance with its Role and Governance Principles (Section A). In particular the Board shall:
 - a. produce strategic economic plans in line with government guidance;
 - b. produce an annual report reviewing progress against delivery of the SEP including a financial statement regarding funds within SWLEP's direction or control; the total amounts committed to external organisations; total amounts committed to suppliers to purchase goods, works or services; and the total amounts incurred in running the partnership;
 - c. produce an annual delivery plan and setting out priority actions for the forthcoming year; and
 - d. ensure that the SWLEP complies with its Governance Framework and the terms of the Assurance Procedures.
4. Make decisions as to actions to be undertaken by the SWLEP and the allocation of funding and other resources to activities and projects.

5. The LEP's annual report shall be agreed by the Board by 31 July each year. Prior to agreeing the work plan the Board shall carry out appropriate consultation with stakeholders and the Secretariat with regard to proposed activities and associated resource implications. SWLEP's annual delivery plan will be agreed by the Board by 31 March each year.
6. The Board shall provide information and co-operation as reasonably requested by the Unitary Authorities to enable them to carry out appropriate review and scrutiny activities in respect of matters relating to the SWLEP.
7. The Board is responsible for the allocation of the core SWLEP budget, comprising of contributions from central government, in kind and financial resources from the two Unitary Authorities and other sources of funding, with a view to ensuring efficient and effective use of those resources to manage the administration and operation of the SWLEP. Before taking decisions on the use of core financial resources, including any decision to delegate activities to the SWLEP Chief Executive Officer (SWLEP CEO) or direct the SWLEP CEO to commission external resources, the Board must consider the availability of resources and skills within the SWLEP and the likely cost and availability of external resources and skills.
8. The Board is also responsible for agreeing the allocation of external financial resources allocated to the SWLEP, such as but not limited to Growth Deal funding in line with its Assurance Procedures (Section F); its Scheme of Delegation (Section D). and its Finance and Commissioning Policy (Section E)
9. The role of a Board member is to use their skills, knowledge and experience for the benefit of the SWLEP to assist it in fulfilling its role as set out under Role and Governance Principles (Section A). In accepting their appointment, a Board member agrees to act in accordance with this Governance Framework and, in particular, to comply with the Conflict of Interest policy and the requirements of Company Law.
10. The Chair is additionally responsible for providing leadership for the Board and the SWLEP and facilitating collective decision-making by the Board as set out in her/his job description. S/He shall act with the aims of:
 - a. ensuring that the Board operates efficiently and effectively;
 - b. being an effective ambassador for the SWLEP both regionally and nationally.

11. The Secretariat of the SWLEP is the human resource which is clearly committed to the work of the partnership on an ongoing basis. As such it comprises:

- a. individuals engaged to carry out a role which solely involves working for or on behalf of the SWLEP, including but not limited to the SWLEP CEO;
- b. the Head of Strategic Growth and Place (or equivalent post-holder) at Swindon Borough Council and the Director, Economy, and Planning (or equivalent post-holder) at Wiltshire Council, to the extent that their working time is clearly allocated to work for and on behalf of the SWLEP through a written statement specifying the amount of time allocated to work for the LEP and the nature of the activities to be carried out or prioritised during that time. This is known as the 'Executive Group' of the Secretariat; and
- c. any other individuals whose working time is partly allocated to work for or on behalf of the SWLEP, to the extent that the time of those individuals is clearly allocated to working by or on behalf of the LEP through a secondment agreement or other written statement specifying the amount of time allocated to work for the LEP and the nature of the activities to be carried out or prioritised during that time;

and those individuals shall all be regarded as members of the Secretariat working together for the SWLEP regardless of the identity of the organisation(s) with which those individuals have contracts of employment and the proportion of their time allocated to working on behalf of the SWLEP.

12. The role of the Secretariat is to support the Board in performing the SWLEP's activities in compliance with its Governance Framework. This includes planning and co-ordination of the SWLEP's activities, engagement with stakeholders, administration and commissioning and management of external resource.

13. The SWLEP CEO shall be accountable directly to the Chair (on behalf of the Board) for their performance. Reporting and accountability arrangements for staff within paragraph 11.c above shall be agreed in advance with the Board and specified in the written agreement specifying the allocation of their time to the SWLEP.

14. The SWLEP has a Board of a minimum of 14³ and maximum of 20 Members and is constituted in such a way as to ensure that it is business-led, with its Chair and

³ During periods of Board Member recruitment the number of Board Members may fall below this lower limit temporarily.

at least 70% of all Members representing the business community who will be appointed on a 3 year basis (which can be extended in accordance with the company's articles of association). The Leaders of the two Unitary Authorities. are permanent members of the SWLEP Board. In addition a Board Member representing the education sector and a Board Member representing the Military will be appointed on a 3 year basis (which can be extended in accordance with the company's articles of association). The composition of the Board and the selection, appointment and tenure period for the Chair and Vice Chair Board Member are set out in full in the SWLEP Assurance Procedures. The Senior Whitehall Sponsor, the BEIS⁴ Minister who acts as the SWLEP champion and the BEIS Relationship Manager will be invited to join SWLEP Board meetings as guests but will not be able to vote.

15. In the event of a Board Member having been found to have been in breach of the Conflict of Interest Policy by the Independent Review Panel the Board has the power to remove or suspend.

16. The Commissioning Group oversees strategy development and the forward work plan of the Board; maintains strategic oversight of the delivery and financial performance of SWLEP schemes; and ensures compliance with the legal and financial terms of the Assurance Procedures. It comprises the SWLEP Chair, the SWLEP Vice-Chair, the Leaders of Unitary Authorities, the Chief Executive of Swindon Borough Council, and the Corporate Director of Wiltshire Council, supported by the SWLEP Executive Group. The Commissioning Group will:
 - a) Ensure that the arrangements put in place conform to legal requirements with regard to freedom of information, equalities, the environment and other matters.
 - b) Advise the SWLEP Board on the appropriate use of SWLEP funds.
 - c) Ensure that there is independence between scheme promoter and the decision making body in order to avoid conflict of interest.
 - d) Ensure that official records of proceedings relating to the investment decisions are maintained.
 - e) Ensure that regular progress reports and updates are scheduled with appropriate Government teams.

Board meetings

17. The Board shall meet not less than five times per year.

⁴ Department for Business Energy and Industrial Strategy (BEIS)

18. A minimum of four weeks advance public notice will usually be given of Board meetings. However meetings may be convened at shorter notice where there is a need for decisions to be taken before the next scheduled Board meeting which will be publicised as soon as possible after the meeting date is confirmed.
19. The Board will usually meet in person but it may meet and take decisions virtually (by video conference, telephone conference or exchange of emails) where there is a need for decisions to be taken before the next scheduled Board meeting and it is not practicable for the Board to meet in person within the relevant timescales. Where virtual meetings take place they must be quorate in accordance with paragraph 22.a. Decision-making by email exchange will be regarded as quorate where at least six Board members have participated in the email exchange and expressed a clear view on the decision.
20. The Board will conduct its business in an open and transparent manner, comparable to the two Unitary Authorities, which will enable interested stakeholders and members of the public to scrutinise and participate in SWLEP processes unless there are specific reasons for such discussion to be restricted from the public as set out in the Assurance Procedures, Appendix B. This includes holding meetings in public; how individuals can submit questions to the Board and the publication of the Board agenda papers and minutes. Agenda and papers for the Board will be published on the SWLEP website a minimum of five clear working days prior to the relevant meeting unless there is an extraordinary meeting called with less than five days notice.
21. The content and quality of the written materials and oral reports provided to the Board shall be sufficient to enable the Board to appropriately monitor and plan the SWLEP's activities and performance and to fully consider, discuss and reach informed decisions on any proposals or recommendations put to the Board for decision. In particular, the papers prepared for each Board meeting shall:
- a. specify clearly the purpose of the document i.e. is it for approval, discussion, for information and whether it is commercially sensitive.
 - b. identify any recommendations or proposals put forward for decision and the reasons why a proposal or recommendation is made;
 - c. in the case of any expenditure or grant of funding proposed for agreement by the Board:

- confirm that appropriate advice has been sought from the relevant Unitary Authority, in its capacity as accountable body for that expenditure or funding, as to whether the expenditure or funding is within the scope of any conditions which apply to the use of that funding and as to any onward conditions or requirements which should be attached to the expenditure or funding; and
 - attach or summarise any such advice received unless there are specific reasons for such information to be restricted from the public as set out in the Assurance Procedures, Appendix B.
- d. include appropriate reports on:
- the activities of, Board sub-groups and any other Board groups as appropriate; and
 - other delegated or commissioned activities.

22. Board meetings shall be conducted in accordance with the following provisions:

- a. The quorum for a Board meeting shall be 6, of whom at least one must be a member representing Swindon Borough Council and one must be a member representing Wiltshire Council. "Member representing" shall be interpreted in accordance with paragraph c.
- b. To support democratic accountability, Board members representing a Unitary Authority may be accompanied at Board meetings by one other elected Member of that Authority as an "Observer" who will be entitled to participate in discussions on the same basis as the Board member but will not be entitled to vote and are not counted as an attending Board member for the purposes of determining whether the meeting is quorate.
- c. Where a Board member representing a Unitary Authority is unable to attend a Board meeting s/he may nominate either the deputy leader or a member of the relevant Authority's cabinet as their representative to attend in their place to maintain this level of Members with democratic accountability responsibilities on the Board. In this circumstance, the alternate representative will be entitled to participate in discussions and vote as if s/he were a Board member.

- d. Where any other Board member is unable to attend a Board meeting s/he may nominate another Board member to comment on any matters on their behalf and exercise their vote if required.
- e. Any nominations under paragraphs c or d should be notified to the Chair and the SWLEP CEO in advance of the meeting and must be minuted.
- f. The Chief Executive of Swindon Borough Council and the Corporate Director of Wiltshire Council shall have the status of Advisors to the Board. Advisors shall not be counted when determining whether the meeting is quorate and shall not be entitled to vote. However Advisors shall be entitled to receive notice of Board meetings, receive copies of Board papers and to attend Board meetings as if they were Board members. Advisors shall be entitled to participate in discussions at Board meetings, subject only to the exercise of the Chair's general discretion as to the conduct of Board meetings.
- g. Individuals other than Board members may attend Board meetings to the extent that the Board considers that their attendance will assist the Board:
- in the conduct of the business to be conducted at that meeting;
 - in the ongoing management of the SWLEP's activities;
 - in the maintenance or development of relationships with stakeholders; or
 - to the extent that the Board otherwise considers it appropriate in the interests of transparency and maximising understanding of the SWLEP's role.

Such individuals shall be referred to as "in attendance", and may include (but are not limited to) members of the Secretariat, employees or members of the Unitary Authorities who are not Board members, professional advisers or others able to provide information or expertise to the Board. Individuals in attendance shall not be counted when determining whether the meeting is quorate and shall not be entitled to vote. Participation by individuals in attendance in discussions at Board meetings shall be at the discretion of the Chair.

- h. At the start of each Board meeting the Chair shall remind Board members of the need to declare any conflicts of interest or potential conflicts of interest in relation to specific agenda items. Board members must declare any such conflicts or potential conflicts prior to the start of discussion on the relevant

agenda item, and any declaration of interest will be included in the minutes of the Board meeting and the on the relevant member's register of interest. Such declarations shall be considered and actioned in accordance with the Conflict of Interest Policy (Section C).

- i. The SWLEP Board will aim to make decisions on the basis of consensus which is set out in more detail in section four of the SWLEP Assurance Procedures. Where consensus does not emerge from the first full discussion of any issue or proposal, subject to paragraph j and unless a decision is required urgently (such that it cannot be delayed without prejudicing the position of the SWLEP or its stakeholders) the Board will usually delay decision-making on that matter until a later date to allow for further consideration and discussion, including collation and consideration of any additional information or advice which the Board considers may be of assistance.
- j. If either Unitary Authority expresses a concern that a proposal would, if accepted, result in a risk of one or both Unitary Authorities breaching regulatory or accounting requirements, contravening a core policy of the Authority or being subject to legal challenge:
 - the Board shall delay decision-making on that proposal to allow for further consideration and discussion and to obtain appropriate advice;
 - Board members shall have due regard to the views of the Unitary Authorities, any legal or other professional advice obtained or provided to it and all other relevant factors in reaching a final view on the proposal.
- k. Where the Board has not been able to reach consensus even after it has proceeded in accordance with paragraphs i and j, or if a decision is required urgently and cannot be delayed beyond the first full discussion without prejudicing the position of the SWLEP or its stakeholders, the Board shall take a decision on the basis of a vote. Except where paragraph l applies, each Board member shall have a single vote and a proposal shall be agreed as a decision of the Board if a majority of members present and voting cast their votes in favour of the proposal.

I. Where the Board is considering a proposal to agree its annual business plan pursuant to paragraph 54 and a vote is required because consensus has not been achieved under paragraphs i and j, the plan shall not be regarded as agreed unless:

- at least 50% of the other Board members present and voting cast their votes in favour of accepting the plan.

23. Discussion and decisions at Board meetings shall be minuted and the draft minutes shall be published on the SWLEP's website no later than ten clear working days after the Board meeting with the Chair's approval, subject to any redactions or exclusions reasonably necessary on the grounds of confidentiality or commercial sensitivity.

Decision-making and delegation

24. The Board takes the decisions of the SWLEP, subject only to delegations made in accordance with this Governance Framework. Any decision or action which has not been made, approved or delegated by the Board in accordance with this Governance Framework shall not be regarded as a decision of the SWLEP.

25. The Board shall only take a final decision on any activity to be undertaken by or on behalf of the SWLEP on the basis of appropriate information regarding the resources (both staff and financial) required to carry out that activity and the availability of such resources to the SWLEP. In taking any such decision the Board shall specify the manner in which its decision is to be implemented, including any delegation of actions or decisions, the resources to be used and any finance or commissioning actions required.

26. Subject to paragraph 11, the Board may use the resources of the Secretariat and may delegate actions and decisions to the SWLEP CEO in accordance with the Scheme of Delegation. Where the Board delegates any specific actions to the SWLEP CEO, sub-group, or other Board group or authorises any external commissioning of work, the delegation shall include a clear statement of the expected outputs or deliverables for the work (including requirements as to timing of outputs). The SWLEP CEO shall report appropriately to each Board meeting in accordance with the SWLEP's Assurance Procedures on progress in respect of such delegations and commissioned work.

27. The Board may delegate decisions or actions to a sub-group or other Board working group only as provided for in the Scheme of Delegation. Any such sub-group or working group must report fully and in the manner requested to each Board meeting on actions and decisions taken under the delegation since the previous Board meeting, including in particular any actions which commit or may commit the SWLEP to future actions or to use of its resources and submission of any bids or applications made on behalf of the SWLEP.
28. A Board working group is a group of Board members (minimum of two) and such other members as the Board considers appropriate. It is a time limited task and finish group to consider or progress a particular issue or activity.
29. The Board may establish one or more Board sub-groups to carry out particular actions or activities where it is satisfied that the following conditions are met:
- a. The activities are within the SWLEP's Role and Governance Principles;
 - b. The activities are likely to facilitate delivery of the SWLEP's Strategic Economic Plan.
 - c. There is a clear statement of the proposed terms of reference, outputs and membership of the sub-group, and the scope of work proposed appears to be appropriate and reasonably practicable;
 - d. The resources required to enable the sub-group to fulfil its terms of reference have been clearly identified, including any associated costs, and those resources are available or can be secured;
 - e. It is appropriate to use the SWLEP staff and financial resources for this purpose having regard to the competing demands on the SWLEP's resources and the SWLEP's priorities as stated in its Role and Governance Principles and Strategic Economic Plan.

In this context "resources" includes both financial resources and the time of individuals (whether Board members, Secretariat staff or others). For the avoidance of doubt, the requirement in paragraph b above shall be complied with if the proposed activities are considered likely to improve the SWLEP's understanding of the needs of businesses or any particular type or category of business in the SWLEP area, or of the economic conditions affecting such businesses.

30. Any decision of the Board to establish a sub-group shall include a clear statement of the sub-group's terms of reference, membership and chairmanship.

31. The Board shall permit any sub-group to continue in operation only for as long as it continues to meet the conditions in paragraph 25.
32. The membership of a Board sub-group must include a minimum of one Board member who shall usually be the Chair of the sub-Group.
33. Each Board sub-group shall report to Board meetings as required on progress in delivering its terms of reference, including information about activities undertaken, use of resources and proposed further activities.
34. Where it is necessary to commission external resources in order to carry out the SWLEP's activities or implement decisions of the Board, this shall be done in accordance with the Finance and Commissioning Policy (Section E) and in accordance with para 7.

Financial responsibilities

35. Wiltshire Council shall act as the accountable body for funds paid or payable to the SWLEP and for expenditure, grants or other funding paid on behalf of the SWLEP as set out in the Accountable Body Agreement (Section G). The SWLEP shall provide Wiltshire Council with all information and documentation reasonably required to enable Wiltshire Council to perform the function of accountable body in accordance with all relevant legal and regulatory responsibilities and applicable guidance.
36. Subject to paragraph 35, the Board is responsible for the management and expenditure of funds available to the SWLEP. Decisions involving expenditure or grant of funds shall only be made in accordance with the Finance and Commissioning Policy (Section E).

Annual General Meeting

37. As a company limited by guarantee, SWLEP will hold an annual general meeting which will be open to its members as required by company law. There will be the opportunity for members to ask questions at this meeting.

C. Conflicts of Interest Policy

Definitions

1. In this policy "Relevant Interest" means any company directorship, trusteeship, elected office or remunerated post, any financial interest in an organisation or project likely to be affected by the work of the SWLEP or any other relevant interest.

General

2. All Board members must comply with this policy in full. By accepting appointment as a Board member, an individual indicates their acceptance of this requirement and their agreement to notify interests in accordance with this policy.
3. The Board shall conduct its proceedings so as to ensure that all conflicts and potential conflicts of interest are disclosed and that appropriate action is taken in response to such disclosures. This includes acting in the interest of the area

as a whole and not according to sectoral or geographic interests of their member organisations.

Register of Interests

4. The SWLEP CEO shall maintain a Register of Board Members' Interests which shall record all Relevant Interests of the Board members and which will be published on the SWLEP website. Board members shall supply information to the SWLEP CEO for inclusion in the register (or a nil return if appropriate) as soon as possible following their appointment and shall notify the SWLEP CEO at the earliest opportunity of any changes or additions to their Relevant Interests.
5. The SWLEP CEO shall:
 - a. send a request for information about Relevant Interests to any new Board member immediately following their appointment;
 - b. circulate to Board members at least annually a request to review their entries on the Register and notify any updates to the SWLEP CEO.
6. Subject to paragraph 8, a Board member shall not vote or participate in discussions on any matter which relates directly to an organisation or project in respect of which the Board member has a Relevant Interests, or where the matter may have a particular impact on such an organisation or project.

Conflicts of interest

7. A conflict of interest arises on a matter to be discussed by the Board where:
 - a. the matter relates to an organisation with which a Board member or their partner/spouse or family member is associated as an employee, SWLEP CEO, contractor, trustee, member or shareholder;
 - b. the matter may have a particular impact on an organisation with which a Board member or their partner/spouse or family member is associated as an employee, SWLEP CEO, contractor, trustee, member or shareholder;
 - c. the matter may have a particular impact on a Board member, their partner/spouse, family member or close friend (i.e. an impact greater than the impact on the majority of Council tax payers or other comparable individuals in the area); or

- d. the Board member has any other direct personal or financial interest in the outcome of the Board's discussion on the matter.
8. Where a Board member considers that s/he has or may have a conflict of interest in relation to a matter to be discussed by the Board, s/he must disclose the conflict or potential conflict to the Board prior to the commencement of the Board's discussion of that matter. This requirement applies regardless of whether he has previously declared the interest in the Register of Board members' Interests. A conflict of interest in relation to a Board member representing a public sector organisation would, in general terms, only arise where the public sector organisation would derive a direct financial benefit in terms, for example, of a capital receipt **or capital enhancement** being generated, as the result of the decision on the matter to be discussed by the Board.
9. Where a Board member makes a declaration under paragraph 8, unless the Board agrees that the matter declared does not fall within the definition of a conflict of interest the Board member shall not participate in or vote on the relevant matter and may, at the Chair's discretion, be asked to withdraw from the meeting.
10. A disclosure by a Board member under paragraph 8 and all decisions relating to that disclosure shall be minuted.

Breach of the policy

11. In the event of a complaint that an alleged action or actions by a Board Member or a number of Board Members contravene(s) the SWLEP Code of Conduct, the Board will convene a group of 3 independent individuals appointed by the SWLEP CEO (The Independent Review Panel), who are not Board Members, are not conflicted by the allegation and have the required skills to review the veracity of the allegation. The group is charged with making a decision as to whether the allegation is fully or partially proven or unproven. The Independent Review Panel will report to the Board on the outcome of its review, including recommending to the Board what action it should take in respect of the Board Member or number of Board members who were the subject of the complaint.
12. When a complaint is received, the Chair (or in their absence the Vice-Chair), after taking advice from the SWLEP CEO will decide whether or not they should make an immediate recommendation to the Board to suspend the member or members from attending Board meetings and Board business subject to the

complaint pending the outcome of the investigation by the Independent Review Panel and the response of the Board to the Panel's recommendations. Suspension is a neutral act enabling a full investigation to be carried out and is not intended to pre-judge the outcome of the investigation. It is expected that such investigations will be completed within 30 working days of the Board's decision to investigate. However the Board may extend the time for completion of an investigation where it considers it is necessary to do so.

Declaration of acceptance of appointment

13. All Board Members are required to make a declaration of acceptance of appointment on the form included as appendix 1 to this policy before or at the first Board Meeting after their appointment.

Appendix 1: Declaration of acceptance of appointment to the SWLEP Board

I

having been appointed as a Board Member of the Swindon and Wiltshire Local Enterprise Partnership declare that I take this role upon myself, and will duly and faithfully fulfil the duties of it according to the best of my judgement and ability.

Signed Date.....

This declaration was made and signed before me:

Signed Date.....

Proper officer of the SWLEP

D. Scheme of Delegation

1. Delegation of actions and decisions by the Board may only be made in accordance with the Constitution and this Scheme of Delegation.
2. Where the Chair is absent or unavailable, the Vice Chair may act in their place.

Standing authorisations to the SWLEP CEO and the Chair: day to day management

3. The SWLEP CEO is authorised to take such decisions as are necessary to enable her/him to carry out ongoing planning and administration tasks in relation to work already authorised by the Board within its business plan or by subsequent decisions of the Board. This includes liaison with Unitary Authorities and other stakeholders, making arrangements for Board meetings and other agreed activities and other decisions or actions which are required to implement decisions of the Board or support ongoing activities.
4. Any significant difficulties or complaints arising from use of the authority in paragraph 3 shall be reported promptly to the Chair in the first instance.
5. The SWLEP CEO shall provide a report to each Board meeting as required in relation to any significant issues or difficulties in relation to the use of the authority in paragraph 3 and shall provide further information about his/her actions on request from the Chair of the SWLEP Board.
6. The Chair is authorised to take day to day decisions in relation to the management of the work of the SWLEP CEO, and to provide financial authorisations to the SWLEP CEO as provided for in the Finance and Commissioning Policy (Section E).

Individual delegations of decision-making

7. The Board may delegate authority to the Chair to take a specified decision on behalf of the Board on an exceptional basis where it determines that such decision or action must be taken urgently prior to the next scheduled Board meeting and it will not be practicable or appropriate to arrange an additional meeting of the Board to take the decision (whether in person or virtually as provided for in paragraph 19 of the Constitution, Section B).

8. The Chair has the power to suspend a Board Member who is subject to a complaint pending the outcome of an investigation into that complaint in accordance with paragraph 12 of the Conflict of Interest Policy (Section C).
9. The Chair shall report to the Board at its next meeting on any decisions or actions made under a delegation within paragraph 7.
10. The Board may delegate authority to a Board working group, as defined in paragraph 13, on an exceptional basis to take specified decisions on behalf of the Board where the Board determines that such decision or action must be taken urgently prior to the next scheduled Board meeting and it is appropriate for it to be delegated to the Board working group rather than convening an additional Board meeting (whether in person or virtually as provided for in paragraph 16 of the Constitution).
11. The terms of any delegation under paragraph 10 shall be clearly minuted, including the scope of the Group's authority and activities and the extent to which it is authorised to take decisions on behalf of the Board.
12. The Board working group shall report to the Board at its next meeting on all decisions or actions made under a delegation within paragraph 10.
13. The Board working group is a group of Board members (minimum of two) and such other Board members as the Board considers appropriate.

Authorisation of actions to implement Board decisions

14. The Board may ask the SWLEP CEO, individual Board members, Commissioning Group, any Board Sub-Group or other working group of the Board to carry out specific tasks or actions which implement decisions taken by the Board, where it considers that this will facilitate the performance of the SWLEP's activities within its Role and Governance Principles (Section A).
15. The Board may ask other individuals or organisations to carry out specific tasks or actions which implement decisions taken by the Board where it considers that this will facilitate the performance of the SWLEP's activities within its Role and Governance Principles and in accordance with the SWLEP's Finance and Commissioning Policy.
16. A Board Sub-Group shall only carry out such activities as are specified within its terms of reference as agreed by the Board under paragraph 28 of the Board

Constitution (Section B) or amended by the Board from time to time under paragraph 14.

17. Where any matter is delegated under paragraphs 14 or 15, this shall be subject to the requirement that the person or group given delegated authority shall provide appropriate reports on their activities to the Board on request and in accordance with the SWLEP's Assurance Procedures.

E. Finance and Commissioning Policy

Standing financial authorisations

1. Where the Board has agreed a specific budget for expenditure on a particular project or activity, the Chair (or in their absence the Vice Chair) may incur or authorise any expenditure, with the agreement of the Section 151 Officer of the Accountable Body, up to the total value of that budget provided that it relates to work which is within the scope of the project or activity as originally agreed by the Board.
2. Where the Board has agreed a specific budget for expenditure on a particular project or activity to be carried out by a Board Sub-Group, the Chair of that Sub-Group may incur or authorise any expenditure up to the total value of that budget provided that it relates to work which is within the scope of the project or activity as originally authorised by the Board within the Sub-Group's Terms of Reference.
3. Subject to paragraph 4, the following persons may incur or authorise any one-off item of expenditure up to the value of £10,000 which does not fall within paragraphs 1 or 2 but which relates to the management of the SWLEP or activities within the SWLEP's Role and Governance Principles, without prior authorisation or approval from the Board or any other person:
 - a. the SWLEP CEO;
 - b. the Chair or, in their absence, the Vice Chair.
4. Paragraph 3 cannot be used either sequentially or at a single point in time to authorise multiple items of expenditure relating to the same activity, project or operational matter unless the total value of all such items is less than £10,000.
5. Expenditure beyond the limits specified in paragraphs 1 to 3 may only be incurred with the prior authorisation of the Board.
6. No expenditure or financial commitments may be made by any individual Board member other than the Chair (or the Vice-Chair if acting in the absence of the Chair). Decisions on expenditure and financial commitments may be made only in accordance with this Finance and Commissioning Policy and in accordance with the Assurance Procedures.

7. Use of the authority given by paragraphs 1 to 3 must be reported appropriately to the Board at the next scheduled Board meeting in accordance with the LEP Management Framework.

Use of Unitary Authority resources

8. Where a Unitary Authority has agreed to provide resource to the SWLEP on an ongoing basis in the form of a proportion of the time of one or more staff members employed to work within the Unitary Authority, this agreement shall be covered by a secondment agreement or comparable written agreement as specified in paragraph 11 of the Board Constitution. For the purposes of the Board Constitution, such resource shall be regarded as part of the Secretariat resources available internally within the SWLEP.
9. Additional individual arrangements may be made between the SWLEP and the Unitary Authorities for the use of Unitary Authority resources (including staff time, equipment and other resources) provided that:
 - a. these arrangements comply with legal, constitutional, financial/accounting and regulatory duties and obligations on the Unitary Authority;
 - b. the nature of the arrangements, including the details of the resources to be made available, the work to be carried out and the timing of the work, is clearly specified in writing and agreed by the Board.
10. It is the responsibility of the Unitary Authority to satisfy itself that the arrangements comply with the requirement in paragraph 9.a.
11. For the purposes of the Board Constitution, arrangements under paragraph 9 above shall be regarded as commissioning of external resource in accordance with the Constitution paragraphs 2c and 7.

Commissioning other external resources

12. In relation to the commissioning of external resource other than arrangements under paragraph 9, the SWLEP hereby adopts and shall apply the procurement and contract rules of Wiltshire Council as Accountable Body⁵.

⁵ Part 10 procurement and contract rules of the Wiltshire Council Constitution

Disbursement of grant funding

13. The disbursement of funding through a grant agreements will be subject to an application, evaluation and prioritisation process as set out in full in the SWLEP Assurance Procedures.
14. Grant funding will be held by the Accountable Body as set out in full in the Accountable Body Agreement.

F: Assurance Procedures for the Allocation and Award of Funding

Part One: Introduction and background

Introduction

1. The Swindon and Wiltshire Local Enterprise Partnership Limited⁶ (SWLEP) is a company limited by guarantee established to play a central role in determining local economic priorities and undertaking activities to drive sustainable and inclusive economic growth. The SWLEP is able to access government funding to channel investment into the area – in particular to support its strategic objectives in skills and talent, transport infrastructure, digital capability, place shaping and business development.
2. This document sets out the SWLEP's Assurance Procedures, outlining governance arrangements including the membership, roles and responsibilities of the Board, working arrangements between the partners, and arrangements for the management of delegated funding from Central Government budgets and programmes in accordance with the Central Government's LEP National Local Growth Assurance Framework 2019.⁷
3. This Assurance Procedure will support the developing confidence in delegating funding from Central Government budgets and programmes via a single pot mechanism (i.e. Local Growth Fund allocations through the Growth Deal programme) by demonstrating that there are robust local systems in place which ensure resources are spent with regularity, propriety, transparency and value for money.

Background

4. Central Government requires all Local Enterprise Partnerships (LEPs), as part of their Growth Deal, to agree and implement a single Assurance Procedure covering all Central Government funding flowing through LEPs to ensure robust value for money processes are in place. The SWLEP reviews its Assurance

⁶ The Swindon and Wiltshire Local Enterprise Partnership became incorporated as a company limited by guarantee on 14 January 2019. Registered number 11766448.

⁷ Source:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/768356/National_Local_Growth_Assurance_Framework.pdf

Procedure annually and publishes its Assurance Procedure on its website. The SWLEP Board is required to agree the finalised Assurance Procedure ensuring key partners are signed up. The accountable local authority must also sign-off the Assurance Procedure, and write to the Accounting Officer in DCLG certifying that the Assurance Procedure has been agreed, is being implemented, and that it meets the standards articulated in the national framework.

Strategic objectives

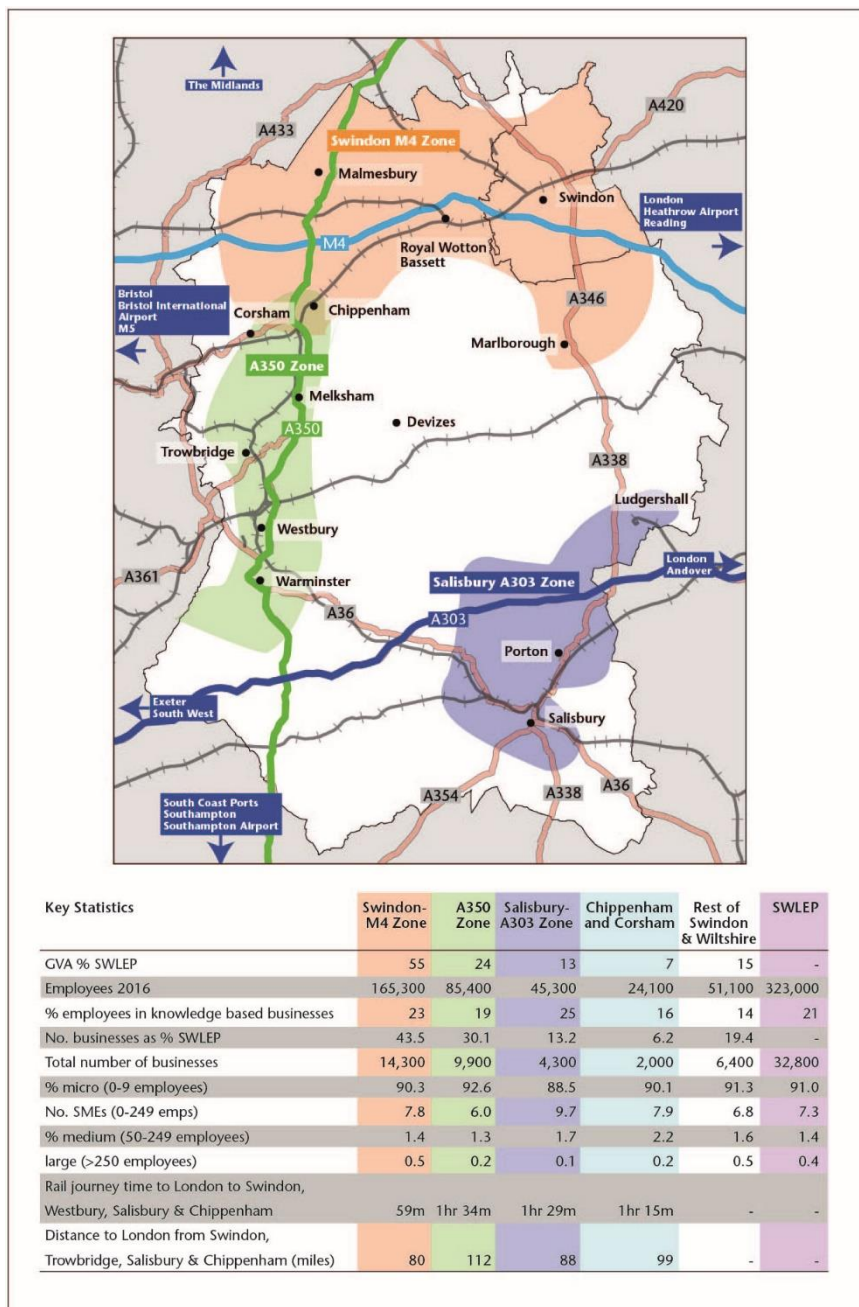
5. The Swindon and Wiltshire Strategic Economic Plan (SEP), sets out the SWLEP's strategic objectives. The latest version was adopted by the SWLEP Board in January 2016, following engagement with the public and business community. The strategic objectives are:
 - Skills and talent: we need an appropriately skilled and competitive workforce to achieve our growth ambitions.
 - Transport infrastructure improvements: we need a well-connected, reliable and resilient transport system to support economic and planned development growth at key locations.
 - Digital capability: we need to deliver excellence in digital connectivity and cyber transformation to achieve business growth, innovative public services and influence societal change.
 - Place shaping: we need to deliver the infrastructure required to deliver our planned growth and regenerate our city and town centres, and improve our visitor and cultural offer
 - Business development: we need to strengthen the competitiveness of small and medium sized businesses and attract a greater share of foreign and domestic investment into the area.

Part Two: Local Enterprise Partnership governance

Geography

- The SWLEP covers the same area as its two Unitary Authorities, Swindon Borough Council and Wiltshire Council (see Figure 1).

Figure 1: Map of Swindon and Wiltshire Local Enterprise Partnership area and its Growth Zones



The Swindon and Wiltshire Local Enterprise Partnership and Governance

7. In summary, the SWLEP is responsible for driving sustainable⁸ and inclusive⁹ economic growth across Swindon and Wiltshire; for the development and maintenance of the Strategic Economic Plan; negotiation of City Deal and Growth Deals with Central Government; and administering the Local Growth Fund and Growing Places Infrastructure Fund through its Accountable Body (Wiltshire Council). For audit purposes the responsibilities of the Accountable Body are detailed further in paragraphs 31 to 34 and 75 to 84.
8. The SWLEP has a Board with a minimum of 14 and a maximum of 20 Members and is constituted in such a way as to ensure that it is business-led, with its Chair and at least 70% of all Members representing the business community. Alongside the business community is the active involvement of Local Government through the role of the Leaders of the two Unitary Authorities as Board Members and the Commander of the Military HQ South West. The structure of the SWLEP Board is displayed in Table 1. Board members representing a Unitary Authority may be accompanied at Board meetings by one other elected Member of that Authority who will be entitled to participate in discussions on the same basis as the Board member but will not be entitled to vote and are not counted as an attending Board member for the purposes of determining whether the meeting is quorate. In addition, the Senior Whitehall Sponsor, the BEIS Minister who acts as the SWLEP champion and the BEIS Relationship Manager will be invited to join SWLEP Board meetings as guests but will not be able to vote.

Table 1: Local Enterprise Partnership Board Membership

Role	Organisation	Appointment	Length of Tenure
Chair	Private sector (mandated)	Voted by SWLEP Board	3 years, but can be extended
Vice Chair	Private sector	Voted by SWLEP Board	3 years but can be extended

⁸ [Sustainable](#) economic growth means a rate of growth which can be maintained without creating other significant economic problems, especially for future generations. Source: Economics Online https://www.economicsonline.co.uk/Managing_the_economy/Sustainable_growth.html.

⁹ Inclusive growth is economic growth that is distributed fairly across society and creates opportunities for all. Source OECD <http://www.oecd.org/inclusive-growth/>

Local Authority Board Member	Representative of Swindon Borough Council	Permanent	Permanent
Local Authority Board Member	Representative of Wiltshire Council	Permanent	Permanent
Board Member	Commander Military HQ South West	Voted by SWLEP Board	Permanent Voted by SWLEP Board
Board Member	Education sector	Voted by SWLEP Board	3 years but can be extended
8 x Board Member	Private sector	Voted by SWLEP Board	3 years but can be extended
Role (Non-Board Member)	Organisation	Appointment	Length of Tenure
Advisor	Swindon Borough Council Chief Executive	Permanent	Permanent
Advisor	Wiltshire Council Corporate Director	Permanent	Permanent

9. The SWLEP Board is responsible for:

- The development, review and refresh of the Strategic Economic Plan (SEP) and the Local Industrial Strategy (LIS);
- The successful and effective delivery of the City Deal, Strategic Economic Plan, the Growth Deal and projects resourced by the Growing Places Infrastructure Fund and;
- The approval of scheme funding on the basis of recommendations from the relevant Sub-groups.

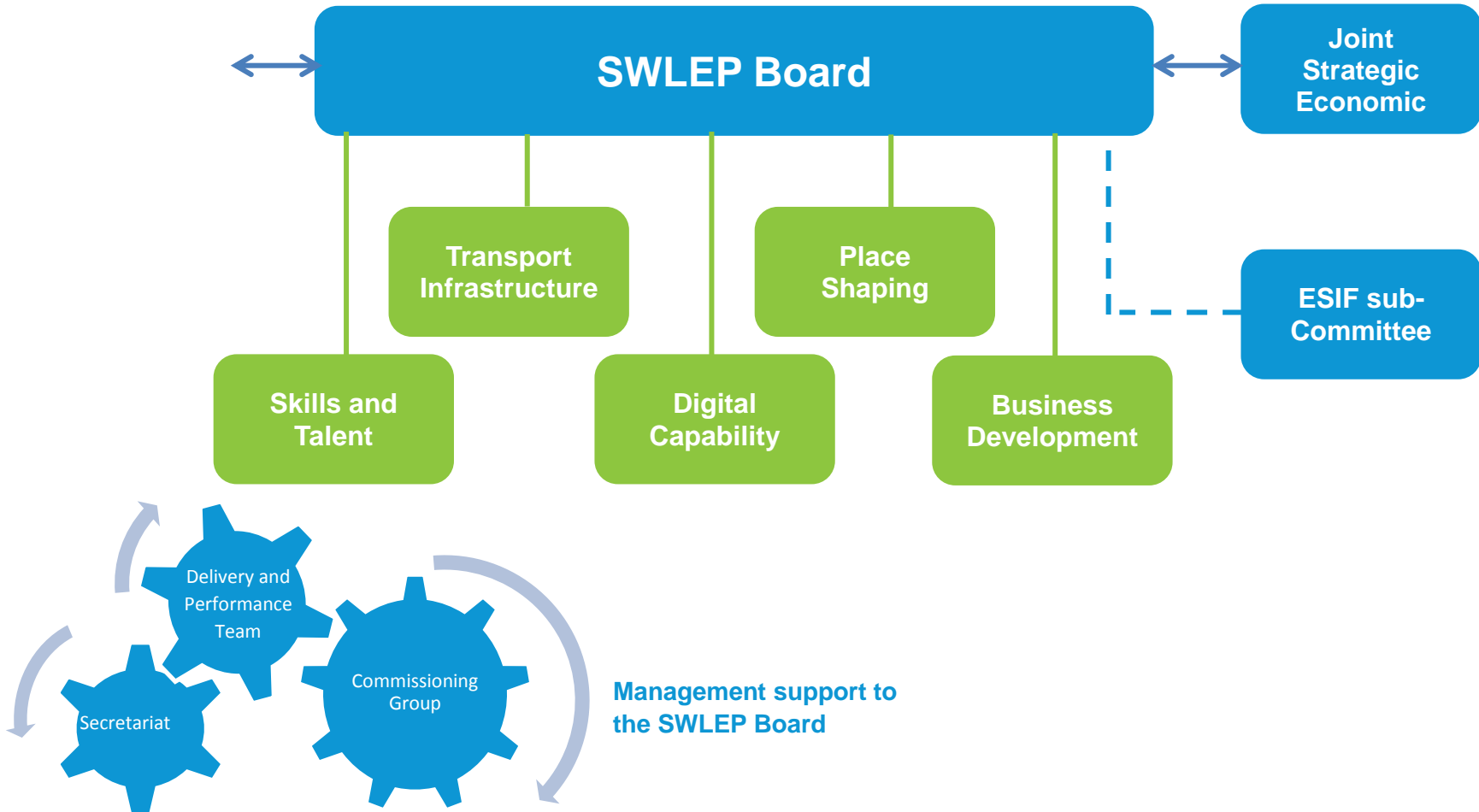
10. The Chair of the SWLEP and all business community representatives are elected by the SWLEP Board on a three year rotating basis. Permanent positions include the leaders of the two Unitary Authorities . A Vice-Chair will also be appointed who shall deputise for the Chair in their absence. As far as possible the SWLEP will conduct its business on a consensual basis. All voting will be carried out by a simple majority vote of the full Members including the Chair. Further details of the SWLEP purpose, Board Membership, and Board operations can be found in the SWLEP Constitution, which will be published on the SWLEP website.

11. Figure 2 shows the governance structure for the SWLEP which applies to the assurance of value for money with public expenditure. It shows the relationship between the SWLEP Board, Sub-groups, the Joint Strategic Economic Committee, the SWLEP Secretariat, SWLEP Commissioning Group, SWLEP Delivery and Performance Team, Accountable Body (Wiltshire Council); Joint

Scrutiny Task Group and the European Structural and Investment Funds (ESIF) Advisory sub-Committee.

12. The SWLEP operates on the principle that decisions should be taken at the appropriate level so they can be taken quickly and efficiently. Decision making can therefore take place at different levels across the LEP's governance structure within a framework agreed by the Board, for example the LEP Board may occasionally delegate decisions to its sub-groups which will be outlined in the terms of reference for each group.

Figure 2: Governance structure for the Swindon and Wiltshire Local Enterprise Partnership



SWLEP Board Sub-groups

13. The SWLEP Board is advised directly by a number of sub-groups which have been established to reflect the five strategic objectives of the SWLEP in driving economic growth (paragraph 5). Each sub-group operates under a specific terms of reference approved by the Board which will include details on membership and tenure (Appendix A). The Board will be able to establish additional sub-groups or establish task and finish groups as required to address specific issues. Sub-groups can also establish task and finish groups as required to progress the delivery of specific areas of their work.
14. The core five sub-groups are Skills and Talent; Transport Infrastructure; Digital Capability; Place-shaping; and Business Development. Each sub-group will have a SWLEP Board Member as the Chair and Vice-Chair who act as the link between the sub-group and the Board. Each sub-group will also have a Lead Officer acting as the link to the Secretariat. The Board will set the overall strategic context for the sub-groups and the responsibility for approving project prioritisation rests with the SWLEP Board. The sub-group will offer the Board advice in its specialist area and the Chair or Vice Chair of individual sub-groups will report on activity to the SWLEP Board.
15. Each sub-group will oversee the development and implementation of its own strategy and action plan, once approved by the Board, will undertake stakeholder management activity and review the delivery of projects and programmes which fall under its strategic remit. Each sub-group will have the opportunity to request funding up to an agreed amount from the Board to support strategy development and stakeholder management.

Sub-group	Overview
Skills and talent	Develop and deliver the Swindon and Wiltshire Skills and Talent Plan in response to the priority in the SWLEP's Strategic Economic Plan. Maintain oversight over SWLEP funded skills and talent projects and the delivery of European and other funded skills projects in order to inform the SWLEP board of emerging strengths and weaknesses.
Transport Infrastructure	Develop the Swindon and Wiltshire Transport Infrastructure Plan in response to the priority in the SWLEP's Strategic Economic Plan. Maintain oversight over SWLEP funded transport projects and the delivery of European and other funded transport projects in

	<p>order to inform the SWLEP board of emerging strengths and weaknesses.</p> <p>This sub-group replaces the former Swindon and Wiltshire Local Transport Body.</p>
Digital capability	<p>Develop and deliver the Digital Capabilities Plan in response to the priority in the SWLEP's Strategic Economic Plan.</p> <p>Maintain oversight over SWLEP funded digital capability projects and the delivery of European and other funded digital capability projects in order to inform the SWLEP board of emerging strengths and weaknesses.</p>
Place Shaping	<p>Develop and deliver the Swindon and Wiltshire Place-Shaping Plan in response to the priority in the SWLEP's Strategic Economic Plan.</p> <p>Maintain oversight over SWLEP funded place-shaping projects and the delivery of European and other funded place-shaping projects in order to inform the SWLEP board of emerging strengths and weaknesses.</p>
Business development	<p>Develop and deliver a Swindon and Wiltshire Business Development Plan in response to the priority in the SWLEP's Strategic Economic Plan.</p> <p>Maintain oversight over SWLEP funded business development projects and the delivery of European and other funded business development projects in order to inform the SWLEP board of emerging strengths and weaknesses.</p> <p>The Chair, with the support of the Vice Chair, to act as the representative of Small and Medium Enterprises on the SWLEP Board.</p>

Governance groups of the Swindon and Wiltshire Local Enterprise Partnership

16. The following groups have been established to provide overall governance of the SWLEP activities:

Joint Strategic Economic Committee

17. In order to ensure appropriate governance, a Joint Strategic Economic Committee (JSEC), has been established between Swindon Borough Council and Wiltshire Council under sections 101(5), 102 of the Local Government Act 1972, section 9EB of the Local Government Act 2000 and Regulation 11 of the Local Authorities (Arrangements for the Discharge of Functions (England) Regulations 2012. The purpose of JSEC is to provide local oversight of the

Swindon and Wiltshire Strategic Economic Plan/LIS, the use of the Local Growth Fund, and other related funding streams.

18. The membership of the Joint Strategic Economic Committee comprises six voting Members, including the Elected Leader, Deputy Leader and the Cabinet Member holding the Economic Development Portfolio of each Unitary Authority. In addition, the Chair of the SWLEP and two other SWLEP Board Members shall attend as non-voting Members. In the event of any circumstance where the Joint Strategic Economic Committee cannot reach agreement on an issue pertaining to the Strategic Economic Plan or Local Industrial Strategy (LIS), the issue in hand will be referred back to the SWLEP Board for review. If the issue cannot be resolved the matter will be referred to the Secretary of State for Business Energy and Industrial Strategy for resolution.
19. The Joint Strategic Economic Committee will be chaired by the Elected Leader of one of the Unitary Authorities and the role will rotate annually between Swindon Borough Council and Wiltshire Council.
20. The primary tasks of the Joint Strategic Economic Committee are to:
 - Act as a single voice for Local Government in Swindon and Wiltshire in relation to the delivery of the Strategic Economic Plan/LIS and local Growth Deals.
 - Facilitate and enable collaboration between the two Unitary Authorities on economic development and related matters as per the requirements of the national Local Growth Assurance Framework.
 - Provide local oversight of the delivery of the Strategic Economic Plan/LIS and the use of public resources to fund the implementation of the Strategic Economic Plan/LIS and Local Growth Deals (including supporting Wiltshire Council's role as the Accountable Body).
 - Provide political oversight of the marshalling and co-ordination of Local Government's contribution to the delivery of the Strategic Economic Plan/LIS and Local Growth Deals.
 - Act as formal link between Local Government and the SWLEP.
21. A key role of the Joint Strategic Economic Committee will be to scrutinise key decisions and actions of the SWLEP Board in an open, transparent and publically accessible environment, subject to the statutory provisions on access to information in relation to confidential or exempt items of business. The Joint Strategic Economic Committee will operate alongside the SWLEP Board.

SWLEP Executive Group of the Secretariat and the Secretariat

22. The key source of advice to the SWLEP is the Executive Group of the Secretariat which comprises the SWLEP CEO and the two senior officers responsible for leading on working with the SWLEP from each of the two Unitary Authorities. The Executive Group of the Secretariat meets every four weeks to manage actions following SWLEP Board, sub-groups and Governance Group meetings. It develops policy and strategy proposals and manages operational links to external bodies.

23. Building on the process adopted during the development of the first Strategic Economic Plan, the Executive Group will hold a Secretariat meeting with staff as required from the two Unitary Authorities and SWLEP responsible for leading on the delivery of different elements of Strategic Economic Plan every four weeks.

SWLEP Commissioning Group

24. The SWLEP Commissioning Group is responsible for the effective commissioning and delivery of the Growth Deal programme and has strategic oversight of the delivery and financial performance of SWLEP schemes. It oversees compliance with the legal and financial terms of the Assurance Procedures for the award and allocation of funding and oversees strategy development. It comprises the SWLEP Chair, the SWLEP Vice-Chair, the Leaders of Unitary Authorities, the Chief Executive of Swindon Borough Council, and the Corporate Director of Wiltshire Council, supported by the SWLEP Executive Group. The Commissioning Group will be accountable to the SWLEP Board and will have responsibility for advising the SWLEP Board on future Local Growth Deal propositions supported by material provided through the SWLEP Delivery and Performance Team.

25. The Commissioning Group will:

- Check that the arrangements put in place conform to legal requirements with regard to freedom of information, equalities, the environment and other matters;
- Advise the SWLEP Board on the appropriate use of SWLEP funds; and
- Check that there is independence between scheme promoter and the decision making body in order to avoid conflict of interest.
- Check that official records of proceedings relating to the investment decisions are maintained.
- Check that regular progress reports and updates are scheduled with appropriate Government teams.

SWLEP Delivery and Performance Team

26. The SWLEP Delivery and Performance Team (DPT) leads the programme management activities of the Growth Deal. It meets every two weeks and is chaired by the SWLEP Programme Manager. The DPT comprises a delegated Growth Deal Programme Manager from each of the Unitary Authorities and the SWLEP Programme Manager. The SWLEP's Programme Manager will have overall reporting responsibility for the Growth Deal, but it is each Unitary Authority that is responsible for the delivery of its programme of schemes or 'projects'. If there are projects not being delivered by either of the Unitary Authorities, these will be project managed by the SWLEP Programme Manager or by an alternative Project Manager with the agreement of the SWLEP Secretariat (paragraph 28).
27. The DPT forms the key reporting mechanism on progress, risks, issues and benefits realisation and will provide highlight reports to the Commissioning Group every two months. The DPT will also provide the Commissioning Group with information and detail relating to future schemes and negotiations. In addition, relevant finance, Higher Futures and ESIF leads or their nominees attend the DPT meetings every four weeks.
28. The day-to-day responsibility for ensuring effective delivery of the projects funded by the Local Growth Fund will lie with the relevant scheme promoters. Each project will have an identified Project Manager and Senior Responsible Officer responsible for ensuring value for money. Where a scheme promoter is not a Unitary Authority the SWLEP Programme Manager will identify and agree a Project Manager for each project.
29. There are schemes which have been or will be approved and funded through the Growth Deal programme which are being or will be led by a third party. These will include a wide range of schemes which meet the objectives of the SWLEP's strategic economic plan.
30. These third parties will report through the SWLEP Delivery and Performance Team to the SWLEP Commissioning Group. Third parties will also be asked to attend SWLEP Commissioning Group and SWLEP Delivery and Performance Team meetings as and when appropriate.

Accountable Body

31. Wiltshire Council is the Accountable Body for the SWLEP. One of the primary roles of the Accountable Body is to hold devolved funding on behalf of the SWLEP and make payments to scheme promoters as per the grant agreements in place for each project or programme.

32. The Accountable Body will hold the SWLEP funds in separately identifiable Ledger Accounts and provide the SWLEP with financial statements as required. Interest shall accrue on the funding which shall be held by Wiltshire and as agreed between Wiltshire Council, Swindon Borough Council and the SWLEP and will be distributed, taking into account the reasonable costs of Wiltshire for acting as the Accountable Body. The relationship between Accountable Body and the SWLEP Board is set out in the Accountable Body Agreement (Section G) which will be reviewed and agreed annually.

33. The Accountable Body also has the following responsibilities conducted in line with the grant agreements in place between the Accountable Body, SWLEP and scheme promoters:

- Ensuring that the decisions and activities of the SWLEP conform with legal requirements with regard to freedom of information, equalities, social value, the environment, state aid, procurement, and other matters;
- Ensuring (through the Section 151 officer) that funds are used appropriately;
- Ensuring that the Assurance Procedure is adhered to;
- Ensuring the official record of SWLEP proceedings is maintained and having access to all relevant SWLEP documents;
- Taking forward and enacting decisions of the SWLEP in approving schemes (e.g. if subjected to legal challenge) as per the Accountable Body agreement and Grant Agreements between the Accountable Body, SWLEP and scheme promoters; and
- Ensuring the arrangements for local audit of funding allocated by the SWLEP are at least equivalent to those in place for spend by the Unitary Authorities, as well as decision making and openness of reporting.

34. In relevant circumstances, the role of Accountable Body and scheme promoter will need to be kept strictly independent of each other to provide assurance that there is no conflict of interest.

Role of the S151 Officer

35. The S151 officer undertakes a range of Accountable Body functions covering both strategic and operational activities.

- **Strategic activity**
 - a. Ensuring effective financial controls are in place and expenditure is used appropriately, economically, efficiently and effectively and where required make recommendations for improvement;

- b. Supporting the development and implementation of the SWLEP's financial plan to deliver its strategic objectives whilst remaining financial sound over the short, medium and longer term;
 - c. Compiling an annual declaration of SWLEP compliance with its Governance Framework which includes the Assurance Framework;
 - d. Making provision for a regular risk and control audit of SWLEP processes and decision making;
- **Operational activity**
 - a. Compiling the financial statement for the SWLEP annual report;
 - b. Compiling audited accounts from 2018/19 onwards;
 - c. Compiling financial summary report for each Board meeting;
 - d. Undertaking value for money checks and sign-off of full business cases;
 - e. Ensuring financial due diligence checks on applicants for GPIF loan agreements are undertaken;
 - f. Signing off receipt of LGF funding at the start of each financial year;
 - g. Signing off of LGF claims as a true and accurate record of expenditure; and
 - h. Attendance and participation in the SWLEP Annual Performance Review with the Cities and Local Growth Unit (CLOG);
 - i. Writing a formal statement of the SWLEP's compliance with the Assurance Procedure as part of the Annual Performance Review to be published on the SWLEP website by the end of February each year;
 - j. Writing to the Permanent Secretary of the Department of Communities and Local Government by the 28 February of each year confirming the SWLEP's performance against the requirements of the National Local Growth Assurance Framework; and
 - k. Holding the SWLEP's register of interests.

Joint Scrutiny Task Group

36. The Joint Scrutiny Task Group (JSTG) acts as a critical friend developing an overview of strategies and plans and provides independent scrutiny of the work of the SWLEP Board and Joint Strategic Economic Committee (JSEC, paras 17 to 21). The JSTG is comprised of elected cross-party Members from the two Unitary Authorities who are not Cabinet Members. The Task Group comprises four elected Councillors from each of the two Unitary Authorities, giving a full Membership of eight. In order to maintain appropriate separation of responsibilities, Swindon Borough Council manages the joint scrutiny process, whilst Wiltshire Council acts as the Accountable Body for the SWLEP. The Joint Scrutiny Task Group will:

- Develop an overview and scrutiny framework and operational protocols which meet the requirements of democratic accountability for the use of public funds by a partnership body which is led by the business

community under a mandate from the then Secretary of State for Business, Innovation and Skills.

- Whilst developing the framework, the JSTG will carry out trial activities to scrutinise the outcomes and work of the SWLEP. In fulfilling this role the task group will:
- Perform all overview and scrutiny functions on behalf of both Councils in respect of the SWLEP and JSEC;
- Appoint such sub-groups as it consider appropriate to fulfil those functions;
- Review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the SWLEP and JSEC functions;
- Make reports and recommendations to the Councils' relevant partner in connection with the discharge of any functions;
- Approve a forward work programme, including the programme of any sub-groups it appoints so as to ensure that the JSTG and sub-groups' time is effectively and efficiently utilised; and
- Foster and encourage an inclusive, structured, non-partisan and non-adversarial approach to overview and scrutiny which is reliant on evidence rather than anecdote.

Swindon and Wiltshire ESIF sub-Committee

37. In 2014, the SWLEP endorsed the Swindon & Wiltshire LEP Structural and Investment Fund (ESIF) strategy which will see €48.3m invested in the area. The ESIF sub-Committee is as an advisory body (and sub-Committee) to the national Growth Programme Board (GPB). The Department for Communities and Local Government carries out the function of secretariat to the sub-Committee on behalf of the GPB. Because of these separate governance arrangements, the sub-ESIF Committee sits outside the scope of SWLEP Assurance Procedure.

38. The SWLEP is however represented on the ESIF sub-Committee and will offer advice and influence as best it can to ensure that advice reflects the overall context of the Swindon and Wiltshire Strategic Economic Plan and that delivery aligns where possible with the delivery of other funding under its control, such as LGF.

39. When required the SWLEP will also use its influence with Government to improve the delivery of the ESIF strategy and in particular with each of the three Managing Authorities. As an ESIF Committee Member, the SWLEP will work to adhere to the ESIF sub-Committee terms of reference, and in particular

advising the Managing Authorities on the strategic fit of proposals made in response to calls for projects.

40. Updates on the delivery of the ESIF programme will be made regularly to the SWLEP Board, Secretariat and Delivery and Performance Team.

Part Three: Transparent and accountable decision making

Transparency and Local Engagement

41. The SWLEP Board will conduct its business in an open and transparent manner, which will enable interested stakeholders and members of the public to scrutinise and participate in the SWLEP processes. In particular, scheme sifting and prioritisation, and sign off of business cases, will be reviewed at SWLEP Board Meetings and will be covered in the public part of the meeting (Part1) by default, unless there are specific reasons for such discussion to be restricted from the public under the criteria set out in Appendix C.
42. Where items for discussion at formal SWLEP meetings contain information relating to the financial or business affairs of any particular person (including the authority owning that information), items may be restricted from the public with the agreement of the Accountable Body Monitoring Officer or their delegate by virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.
43. The SWLEP has a dedicated website which includes information and documents relating to the SWLEP's activities and how the public and business community can engage in SWLEP processes. Documents and information that are published on the website include:
- Constitutional Documents
 - a. Governance Framework including Constitution, Transparency Procedure and Complaints Procedure
 - b. Assurance Procedure
 - c. Accountable Body Legal agreement between SWLEP, Wiltshire Council and Swindon Borough Council
 - d. Scheme assessment, prioritisation and approval process
 - Working Meetings
 - e. Board meeting papers and minutes which includes financial accounts at each meeting prepared by Accountable Body
 - f. Subgroup papers and minutes
 - Key Documents
 - g. The Swindon and Wiltshire Strategic Economic Plan and Local Industrial Strategy related materials
 - h. Central Government agreements (e.g. Growth Deal, City Deal)
 - i. Funding calls
 - j. Scheme business cases
 - k. Scheme awards

- l. Monitoring and evaluation framework template
- m. Evaluations and case studies
- n. Major research and data
- o. Strategies and plans
- p. SWLEP Annual Report
- q. SWLEP Annual Delivery Plan

44. The website also includes links to relevant information on other websites (e.g. statutory processes that are required to implement schemes) and to the relevant decision making processes of Swindon Borough Council and Wiltshire Council (e.g. planning and Cabinet reports). In addition, the SWLEP will produce an annual report which will be published by July of each year.
45. Key stakeholders who are not SWLEP Board Members are invited to attend SWLEP Board meetings to make a representation on a scheme(s) or agenda item(s) when appropriate. If key stakeholders wish to be invited to additional SWLEP Board meetings to present information, applications should be made via the SWLEP CEO a minimum of 35 clear days in advance of the Board meeting date.
46. SWLEP Board meetings are open to the public and members of the public and business community can make direct verbal representations at the discretion of the Chair.
47. Individuals or organisation may submit up to two questions at any one meeting and each question may be sub-divided into no more than two related parts. Questions are to be submitted in writing or by electronic mail to the SWLEP Executive Assistant (administration@swlep.co.uk) no later than 5pm four clear working days before the meeting. This means that for a meeting held on a Wednesday, questions must be received by 5pm on Wednesday of the preceding week (less any intervening bank holiday). The period of notice is to allow sufficient time for a response to be formulated.
48. In exceptional circumstances and in cases of urgency the Chair may allow questions without the full period of notice having been given where he or she is satisfied there is sufficient justification. In these circumstances, there is no guarantee that a full reply will be given at the meeting. Notice of each question must include the name and address of the questioner, (in respect of an organisation, the name of the organisation and the questioner's position within the organisation).

49. In order for the public and business community to play an active role, it is expected that Scheme Promoters will engage them at the appropriate stages during the scheme identification and development processes to gather views and opinions on potential projects. The public and business community will also have the opportunity to raise points at Board Meetings as identified in paragraphs 45 and 46.
50. In maximising social value, it is important that the public and business community understand the importance of the strategic and prioritised objectives of the Strategic Economic Plan and Local Industrial Strategy. It is against these strategic priority objectives that the strategic case for schemes will be assessed, in part to maximise the social value of investment.
51. SWLEP Board Members representing the business community are encouraged to engage local businesses to understand their needs and views, as well as encourage the business community to directly identify schemes; provide feedback on scheme sifting, prioritisation and business cases; engage in consultation on strategic plans and policies; and make other written and oral representations at SWLEP Board and Subgroup meetings.
52. Plain English summaries of business cases will be provided by scheme promoters, the relevant Independent Technical Advisor will also provide plain English summaries of their assessments of scheme identification, sifting, prioritisation, and business case assessment.

Working arrangements and meeting frequency

53. The SWLEP Board has a minimum of five scheduled meetings a year to:
- take the initial decision on the prioritisation of the scheme programme based on information provided by the SWLEP Commissioning Group and SWLEP Board Sub-groups;
 - consider scheme business cases;
 - make scheme approval decisions;
 - discuss overall programme delivery; and
 - amend the Procedure as per the legal agreement with the Accountable Body.
54. A special meeting of the SWLEP Board can be held in exceptional circumstances or when an urgent decision is required.
55. The meeting dates of the SWLEP Board will be published on the SWLEP website with a minimum of four weeks advance public notice (except for special

SWLEP meetings which will be publicised as soon as possible after the meeting date is confirmed).

56. Agenda and papers for the SWLEP Board meeting will be made available on the SWLEP website a minimum of five clear working days prior to the relevant meeting. Minutes will be published¹⁰ no later than ten clear working days after the relevant meeting and will be published in draft if they have not been finalised. All Board meetings will be open to the public.

57. An Annual General Meeting of SWLEP Limited will also be held for members of the company and will include the opportunity for questions to be posed to the Board.

Equality and Diversity

58. The SWLEP is committed to meeting its obligations under the Public Sector Equality Duty. In devising policy and taking decisions, all emanations of the SWLEP [Secretariat, Board and its Subgroups, Commissioning Group and JSEC, as well as ESIF sub-Committee] will take due regard of the Equality Duty to:

- eliminate unlawful discrimination
- advance equality of opportunity
- foster good relations.

59. The SWLEP recognises its role to advance equality, and in particular acknowledges the nine protected characteristics. The SWLEP will meet its obligations by working to understand how its policies and decisions affect people differentiated by age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. It will actively take steps to reduce any discrimination of people or communities with these characteristics, by using all reasonable endeavours to:

- Remove or minimise disadvantages suffered by people due to their protected characteristics.
- Take steps to meet the needs of people from protected groups where these are different from the needs of other people.
- Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

¹⁰ This may be in draft pending approval; final minutes of Board meetings will be published within ten clear working days of being approved

60. The SWLEP is a signatory to the Wiltshire and Swindon Equality & Human Rights Charter, which ensures that it partakes in promoting equality and tackling discrimination.
61. Wiltshire Council, in acting as the SWLEP's Accountable Body also has a duty to ensure that any steps that the SWLEP ought to take in promoting equality and tackling discrimination and obligations under the Public Sector Equality Duty under the Equality Act, are taken.
62. A member of the Board will have the additional role of Equality Champion whose responsibilities will include playing an active role in Board recruitment; monitoring the diversity of the Board to meet government targets and milestones in terms of representation and reporting this to the Board on an annual basis. This includes the requirement that by 2020 the women on the Board will represent least 30% of the total and 50% by 2023.
63. Furthermore, the SWLEP Board will seek to recruit its private sector members from businesses which vary in size and which operate in a wide range of sectors including SEP/LIS priority sectors. The SWLEP will work with its partners to engage with the wider business community through a range of media including their business engagement leads at its Unitary Authority Partners.
64. The Chair of the Business Development Subgroup will be act as the named Board Lead for Small and Medium Sized Enterprises.
65. The SWLEP Subgroups will lead on sector based engagement and will establish task and finish Sector Engagement Groups as required to progress the delivery of the SEP/LIS priorities and engage in consultation exercises. The Business Development Subgroup will, through the Growth Hub, work with relevant businesses to establish sector engagement groups linked to the priority and "ones to watch" business sectors identified in the strategic economic plan. The sector engagement groups will cover:
- Advanced manufacturing;
 - Health and Life Sciences;
 - Digital and ICT;
 - Financial and Business Services;
 - Land-based industries (provided through the Rural Economy Sector Group);
 - Visitor economy including the creative and cultural industries;
 - Adult Health and Social Care

- Low carbon; and
- Construction

Freedom of information

66. As the Accountable Body, Wiltshire Council will deal with requests to the SWLEP under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004 in line with its standard procedures. In some instances, however, it is appropriate for the promoting authority of a scheme to deal with these matters rather than the Accountable Body. These issues will be reviewed and agreed on a case by case basis by the Accountable Body Monitoring Officer or their delegate.

67. The SWLEP will adhere to the Local Government Data Transparency Code (available from <https://www.gov.uk/government/publications/local-government-transparency-code-2015>).

Data and privacy

68. SWLEP will adhere to its data and privacy policy which is published on the SWLEP website and Growth Hub landing page. These arrangements are in line with the Data Protection Act 1998, the General Data Protection Regulations (GDPR) and the Data Protection Act 2018. SWLEP is also the data controller for Board Member's data and any other data collected including data around projects and programmes. No personal data will be sold by SWLEP for commercial purposes.

Conflicts of interest

69. It is vital that SWLEP Board Members act in the interest of the area as a whole and not according to the sectoral or geographic interests of their member organisations. The decisions that the SWLEP Board make to drive economic growth are, therefore, based on an analysis of robust process; business cases produced by the scheme promoter(s); and are assisted in this respect by Independent Technical Advisors.

70. The SWLEP Governance Framework includes in Section 3 a Conflicts of Interest Policy and full members of the SWLEP Board and its Subgroups are required to disclose at Board meetings and using the SWLEP's Register of Interests form any potential conflicts of interest or pecuniary interests (e.g. direct financial interest in a scheme through employment or personal gain including any interest as a result of close personal relationships or friendships)

which may prevent them from making an impartial decision (Appendix D). Depending on the nature of this interest, there may be the need to co-opt another suitable member on to the SWLEP Board for the purpose of making the decision in question.

71. Publicly elected Members and senior staff (or those staff advising on decisions) of the SWLEP will declare their interests using the SWLEP Register of Members' Interests form in addition to their respective local authority's register of interests. Senior staff of the SWLEP are to review the Register every six months. Elected Members must abide by their respective authority's code of conduct and the SWLEP code of conduct when conducting SWLEP business. In the event of a complaint that an alleged action or actions by a Board Member or a number of Board Members contravene(s) the Code of Conduct, the Board will convene a group of 3 independent individuals (The Independent Review Panel), who are not conflicted by the allegation and have the required skills to review the veracity of the allegation. The group is charged with making a decision as to whether the allegation is fully or partially proven or unproven. The Independent Review Panel will report to the Board on the outcome of its review, including recommending to the Board what action it should take in respect of the Board Member or number of Board members who were the subject of the complaint.

72. Access to available registers of full member interests will be available to the public via links on the SWLEP website.

Code of Conduct

73. All members of the SWLEP Board, its Subgroups and officers shall, when carrying out any duties or responsibilities on behalf of the SWLEP, abide by the 7 principles of public life: selflessness; integrity; objectivity; accountability; openness; honesty; and leadership as defined in section 28 of the Localism Act 2011.

Gifts and hospitality

74. As defined in the explanatory information for the Register of Interests, members of the Board should not accept any personal gifts or hospitality from any individual or organisation (including contractors and/or outside suppliers) which has or may have a specific interest in any major scheme.

75. Using the Register of Interests form, each member must reveal the name of any person from whom they have received a gift or hospitality with an estimated value of at least £50 which they have received in their capacity as a member of the SWLEP. This information will be maintained by SWLEP and published on the SWLEP website.

Complaints and whistle-blowing

76. Any individual or organisation is entitled to make a complaint about the work of the SWLEP if they feel that it is not being conducted in accordance with the Governance Framework. All complaints and whistle blowing will be dealt with by the Accountable Body using the SWLEP's Complaints and Whistle-blowing policies (Sections L and M of the SWLEP Governance Framework).

Part Four: Accountable decision making

Legal and Operational Arrangements

77. A legal agreement is in place between Wiltshire Council as the Accountable body and Swindon Borough Council and the SWLEP and the SWLEP Constitution and the SWLEP Assurance Procedures have been developed. Combined these documents define the workings of the SWLEP; the financial and operation arrangements associated with the SWLEP Secretariat and technical support functions; the responsibilities of the partner organisations and Members; financial contributions to support the Accountable Body role; and commitments to fund the reasonable costs of employing the Independent Technical Advisors for management and moderation meetings.

Status of the SWLEP and the role of the Accountable Body

78. Democratic accountability for the SWLEP and its decisions are provided through the Unitary Authority representation on the SWLEP Board, and the Joint Strategic Economic Committee. Wiltshire Council will be the Accountable Body for the SWLEP.

79. One of the primary roles of the Accountable Body is to hold the devolved major scheme funding and make payments to scheme promoters as per the Grant Agreements in place for each project or programme. The Accountable Body also has the following responsibilities conducted in line with the Grant Agreements in place between the Accountable Body, SWLEP and scheme promoters:

- Holds all funds allocated to the SWLEP, regardless of source, in separately identifiable Ledger Accounts and provide the SWLEP with financial statements as required
- Ensures that the decisions and activities of the SWLEP conform to legal requirements with regard to freedom of information, equalities, the environment and other matters;
- Ensures (through the Section 151 Officer) that funds are used appropriately using the same checks that Wiltshire Council does of its own funds and in line with any grant conditions in the grant condition letter through a Section 31 Grant Determination (and not for its own purposes or without consent of the SWLEP);
- Ensures that the Assurance Procedure is being adhered to;
- Ensures the official record of SWLEP proceedings is maintained and has access to all relevant SWLEP documents;
- Advises SWLEP on the legality of its decisions and provides support in responding to any challenges in public or private law;

- Responsible for the enactment and enforcement of the Legal Frameworks and Agreements between the Accountable Body, SWLEP and scheme promoters; and
- Ensures that there are arrangements for local audit of funding allocated by the SWLEP, as well as decision making and openness is comparable to Wiltshire Council's own arrangements for local authority spend

80. For the allocation of funding, clarity of responsibilities for delivery and monitoring will be specified in the Grant Agreement between the Accountable Body and scheme promoters. Specification will include the requirement for the provision of delivery and performance information from programme managers every two months in line with the Monitoring and Evaluation Framework and Implementation Summary Reports and compliance to relevant legal agreements. This is primarily to monitor spend to budget, time and to scope of inputs by project.

81. The role of Accountable Body and Wiltshire Council as a scheme promoter will need to be kept strictly independent of each other to provide assurance that there is no conflict of interest. The Accountable Body Legal Agreement will specify the procedures for ensuring no conflict of interest and clarity of roles, responsibilities, communications, monitoring and reporting.

82. The Accountable Body will complete any decision-making and review of any SWLEP Board decision within a reasonable timeframe as defined in the Legal Agreement between the Accountable Body and SWLEP.

83. Where the Accountable Body deems its responsibilities cannot be met due to a decision made by the SWLEP Board, the issue will be raised to the SWLEP Board and the Joint Strategic Economic Committee. The process for resolution will be through a meeting of the Accountable Body with the SWLEP Board. If a satisfactory solution cannot be found, then the issue will be referred to the Joint Strategic Economic Committee for its view which will be passed back to the SWLEP Board. This process does not preclude the Accountable Body from making higher complaints or whistle-blowing in line with Wiltshire Council's own complaints procedure. If the issue cannot be resolved the matter will be referred to the Secretary of State for Business Energy and Industrial Strategy.

84. In the event of concerns being raised about the actions or decisions of Wiltshire Council acting as the Accountable Body for the SWLEP, the matter will be reviewed by the Director of Law and Democratic Services at Swindon Borough Council. The results of the investigation will be reported back to the SWLEP Board as soon as is practicable. If a satisfactory solution cannot be found, then

the issue will be referred to the Joint Strategic Economic Committee for its view which will be passed back to the SWLEP Board. If the issue still cannot be resolved the matter will be referred to the Secretary of State for Business Energy and Industrial Strategy.

85. If the Accountable Body or SWLEP Delivery and Performance Team deem that scheme delivery is not meeting requirements and cannot be rectified then it will discuss the situation with the SWLEP Commissioning Group and subsequently with the SWLEP Board. In line with the Accountable Body Grant Agreement, a decision may be made by the SWLEP Board to either claw back funding or to discontinue further allocations from the quarter in which the SWLEP Board decision has been made.
86. The Accountable Body will notify the Scheme Promoter of the issue and process escalation, as well as notifying the Scheme Promoter to cease work on the scheme and of the decision of the SWLEP Board. The opinion of the relevant Independent Technical Advisor should also be sought to inform decision making.
87. The SWLEP Board will then reallocate funding aligned with its over-programmed priority list of schemes in accordance with the Accountable Body Heads of Terms Agreement and subject to HM Government conditions and delegation of grant funding management in this manner.

Audit and scrutiny

88. As the Accountable Body, Wiltshire Council will appoint independent qualified auditors in accordance with the arrangements set out in the Accountable Body Agreement to establish that the SWLEP is operating effectively within the terms of the Assurance Procedure. The SWLEP will consider any recommendations of the auditors and take necessary action to remedy any identified shortcomings.
89. The specific roles of the SWLEP in driving sustainable and inclusive economic growth are to:
- Develop strategic economic plans and policies, including amendments to the Swindon and Wiltshire Strategic Economic Plan/LIS;
 - Identify a prioritised list of schemes within the available budget including under / over programming to enable prudent management;
 - Make decisions based on the scrutiny of individual scheme business cases;

- Approve the release of funding in consultation with the Accountable Body Section 151 Officer and in accordance with the Accountable Body Agreement to the relevant scheme promoter in line with any grant conditions in the grant condition letter through a Section 31 Grant Determination;
- Ensure value for money is achieved;
- Monitor progress of scheme delivery and spend;
- Ensure on-time delivery of schemes to the programme; and
- Actively manage the devolved budget and programme to respond to changed circumstances.

90. Other relevant objectives are included in a variety of local documents including Local Plans, Local Transport Plans for Swindon and Wiltshire, and the Swindon and Wiltshire City Deal. With the refresh of the Strategic Economic Plan and development of the Local Industrial Strategy, key strategic and prioritised objectives may change.

Part Five: Ensuring value for money – prioritisation of schemes

Candidate Schemes

91. To date, the majority of candidate schemes have been identified as part of the Strategic Economic Plan, Local Plan, and Local Transport Plan processes undertaken by Swindon Borough Council, Wiltshire Council and the SWLEP. Henceforth candidate schemes will be identified through the SWLEP running a formal open call for schemes against the priorities in its strategic economic plan or local industrial strategy. In advance of a call, the SWLEP will publish the full methodology and criteria against which schemes will be assessed (based on the strategic objectives of the SEP and meet the SWLEP's value for money requirements) and the indicative timeline in which this will be undertaken. These calls will be actively promoted and supported to gain wide business interest. In doing so, the SWLEP will draw on current best practice published by relevant departments and non-departmental public bodies depending on the nature of the call¹¹. Calls may be issued in response to a new funding programme being announced or in order to develop a pipeline of schemes in anticipation of future funding coming on stream. Broadly each scheme will need to demonstrate that it meets the following criteria:

- Description: a short description of the scheme and the geographical area covered.
- Purpose and objectives: an outline of how the scheme relates to the Strategic Economic Plan (in particular its strategic objectives and priority actions), and other relevant key plans and strategies such as Local Plans and Transport Plans;
- Problems and opportunities: a short description of the identified problems or opportunities being addressed;
- Evidence: a short description of the available supporting evidence;
- Consultation and public acceptability: an outline of what consultation has taken place and what degree of consensus has been achieved;
- Key risks: an outline of the key risks associated with the scheme and its delivery; and
- Financial: an estimate of the capital and revenue scheme costs and income (if applicable), and the potential funding sources

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https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/768356/National_Local_Growth_Assurance_Framework.pdf

92. Based on the information provided, a simple documented assessment of the strategic fit, commercial fit and deliverability of each scheme will be undertaken against the following criteria:

- Is there a strong strategic fit with the SEP/LIS and relevant adopted policies and strategies, and does the scheme solve a recognised problem or help realise opportunities?
- What is the indicative amount and source of any non-SWLEP related funding?
- Are any associated revenue costs likely to be fundable (e.g. through income receipts, operators, or developer contributions)?
- Can the scheme be delivered within relevant funding and planning timescales?
- Is the scheme likely to be publically acceptable and supported by key partners/stakeholders (and any evidence)?

93. The results of the above shortlisting process will be signed off by the SWLEP Board. Projects that are not taken forward will not necessarily be rejected outright but the relevant scheme promoter may be requested to have further development work carried out so that the project(s) could be re-considered for future rounds of funding.

94. The ability to fund typically more significant cross-Local Enterprise Partnership boundary schemes will depend on pooled funding and securing additional third-party funding. Given the additional complexities associated with cross-boundary working, candidate schemes need to be identified at the earliest possible stage in association with neighbouring Local Authorities and Local Enterprise Partnerships.

Independent Technical Advisors

95. To comply with Central Government requirements and to provide further transparency and accountability, Independent Technical Advisors (ITAs) will be engaged by the SWLEP to provide scrutiny, and be experienced experts in their field (e.g. transport, housing and planning, skills, business support) and in Central Government appraisal approaches and methods.

96. At the initial scheme assessment and strategic outline business case stages, the Independent Technical Advisors will advise on scheme sifting and prioritisation, assessment of individual scheme business cases, and overall programme management. In addition, the independent advice will be commissioned to advise the Board on the overall prioritisation of all projects against the criteria of the respective funding scheme and undertake an options

analysis in event of an allocation below the submitted bid to the funding authority. The Independent Technical Advisors need to be a suitable independent specialist consultant (i.e. one that does not act as a term consultant for either Unitary Authority). At the full business case stage, the Independent Technical Advisors, SWLEP Secretariat, Programme Manager and Scheme Promoters will be expected to work closely together, including identifying and resolving any issues.

97. Reasonable costs related to the assessment of schemes for scheme sifting and prioritisation purposes and the review of individual scheme business cases by the Independent Technical Advisors will be charged to the relevant scheme promoting. This will be in relation to work specifically carried out on an individual project. The SWLEP will select and appoint a suitable ITA for each scheme to be assessed. General costs for any Independent Technical Adviser work carried out across a number of projects (for example moderation meetings) will be borne by the SWLEP.

Stage 1: Initial scheme assessment, sifting and prioritisation

98. All shortlisted schemes seeking future funding will be put through a process of assessment and sifting using a modified version of the Department for Transport's Early Assessment and Sifting Tool (EAST) process (one format for transport projects and a separate format for non-transport projects). The use of the modified EAST forms the initial part of SWLEP's appraisal process.

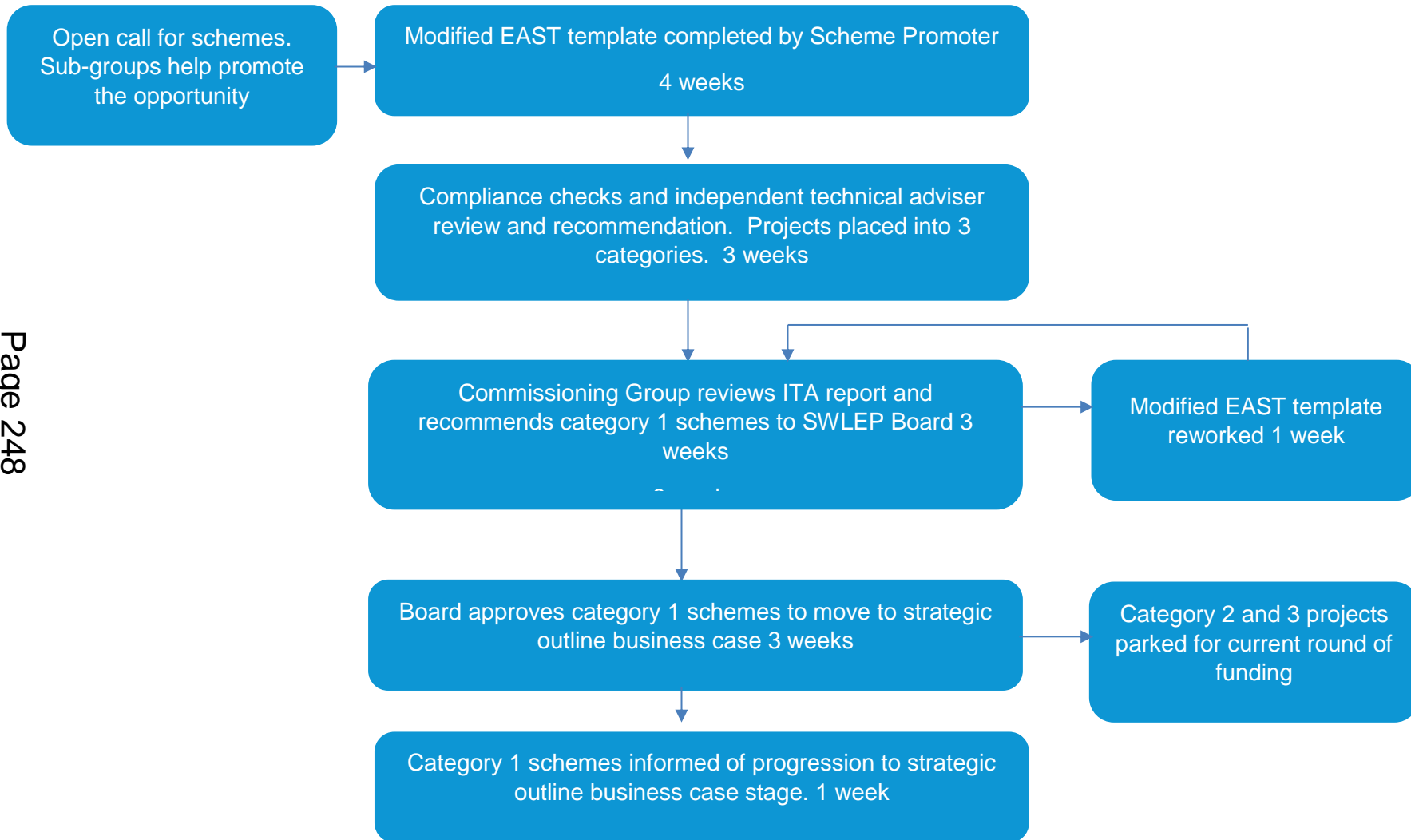
99. The modified EAST form follows the five cases of the 'Green Book', Her Majesty's Treasury's guidance on appraisal and evaluation and is an assessment process that provides equal weighting across all policy areas.

100. The 'five cases' are:

- The 'strategic case' – the scheme is supported by a robust case for change that fits with wider public policy objectives;
- The 'economic case' – the scheme demonstrates value for money;
- The 'commercial case' – the scheme is commercially viable;
- The 'financial case' – the scheme is financially affordable; and
- The 'management case' – the scheme is achievable.

Scheme promoters are responsible for providing the necessary high level information and supporting evidence to enable the SWLEP prioritisation process to take place (Figure 3).

Figure 3: Stage 1 Initial scheme assessment, sifting and prioritisation, 10-11 weeks from closing date of call.



101. The relevant Independent Technical Advisor will review, moderate and score EAST assessments using the average score for each case, factored for the level of risk or uncertainty, and rank schemes against each of the five cases.
102. An independent and professional recommendation will be made of an overall ranked scheme list giving more preference to schemes with stronger strategic and / or economic cases. The ranked list will be referred to the SWLEP Board for review and approval.
103. A light touch review of the scheme assessment and sifting process will be undertaken as required with a comprehensive review taking place when significant new funding opportunities are identified, or when the SWLEP Board identifies new projects that should be taken account of, for example, as a result of a call for schemes, a SEP refresh/development of the LIS or Local Plan review.
104. The sifting process will produce a short-list of potential schemes that will be subject to further prioritisation by the SWLEP Board through business case development. The Independent Technical Advisor will work with each scheme promoter to recommend a suitable and proportionate approach to business case development which will assure value for money and a satisfactory level of deliverability.

Business case development

105. Business case development must follow Her Majesty's Treasury's 'Green Book: Appraisal and Evaluation in Government process or relevant Government Department guidance such as the Department for Transport's WebTAG process for transport schemes. Each scheme should have a named individual responsible for ensuring value for money.

A. Proportionality

106. It is important that the approach and method used for appraisal and business case development is proportionate. Proportionality is with regard to the value of the scheme and the impact of the scheme. A small scheme with a low impact does not exempt the business case from adhering to the relevant Central Government departmental or agency guidance, rather the detail of the analysis and evidence need not be so rigorous.

B. Business case development costs

107. The scheme promoter is responsible for all up-front costs at each stage of the business case development. However, if a scheme is approved for implementation, the scheme promoter will be able to claim back preparatory

costs that are considered to be 'capital' providing these costs have been included in the overall scheme cost articulated in the business case and subject to the details of the Grant Agreement with the Accountable Body.

C. Provision of local match funding

108. Scheme promoters should demonstrate that they have explored all possible sources of match funding when putting forward a scheme for assessment. While a high level of contribution will not necessarily increase a scheme's level of priority in the programme, it may be considered a factor where there are marginal differences between schemes.

D. Business case publication

109. Once shortlisted by the SWLEP Board, priority schemes will be consulted on at the Outline Business Case (SOBC) stage. Details of each prioritised business case will be made available, in full for transport schemes and with overview posted for non-transport schemes with links on the SWLEP website together with the comments of the Independent Technical Advisors for public comment and review for a minimum of 4 weeks prior to submission to the SWLEP Board.

Stage 2: Strategic Outline Business Case

110. Scheme promoters of shortlisted schemes will be required to develop a proportionate Strategic Outline Business Case (SOBC) or equivalents defined by relevant guidance (for example the DfT's WebTag guidance) for their schemes (Appendix B) and submit these to the SWLEP for review. The Strategic Outline Business Case sets out the need for intervention (the case for change) and how this will further the SWLEP's objectives (its strategic fit) (Figure 4).
111. The SOBCs will be assessed by the relevant Independent Technical Advisor through a defined and universal process of assessment. This will help ensure consistency of approach and fair assessment.
112. Feedback will be provided to the scheme promoter and the SWLEP through a Strategic Outline Business Case Assessment Report. The report will make recommendations for scheme business case progression or improvement and will contain an assessment of each of the five cases (paragraph 96). At this stage the main focus will be on making the strategic economic case for the investment.
113. The Independent Technical Advisors may recommend that a scheme is not prioritised as part of a ranked package of schemes and is amended for the

same or a later bidding round; or included in a ranked priority list of schemes for funding.

114. Completed SOBCs together with the Independent Technical Advisor Strategic Outline Business Case Report should be reviewed and signed off by the Commissioning Group before being presented to the SWLEP Board for priority list review and potential approval (Figure 3).
115. If approved by the SWLEP Board, no further work is required on the business case until Government funding has been allocated to the scheme. The scheme will be allocated to a priority list of schemes alongside other priority schemes. Scheme promoters may continue to develop the business case at their own risk if they so choose.
116. If funding is not approved, the scheme promoter may bring the scheme back for Stage 2 reassessment within the financial year. If time does not permit, the SWLEP Board will agree how to reallocate the funding to the over-programmed and prioritised list of schemes or postpone the scheme in accordance with the Accountable Body Agreement and notifying Government subject to Government's conditions and delegation of grant funding management in this manner.
117. Where funding for a scheme has been approved by Government at Stage 2: Strategic Outline Business Case, a grant agreement between the scheme promoter and the Accountable Body (including its Section 151 Officer) based on the information provided in the SOBC and the SOBC Case Assessment Report will lead to a formal agreement between the SWLEP and the scheme promoter. The development of an Outline business Case and/or Full Business Case may be a requirement of this grant agreement depending on the nature of the scheme. All transport schemes will be required to develop an Outline Business Case.
118. The grant agreement will set out the conditions under which the devolved funding is to be spent and the respective responsibilities of all parties. The scheme promoter is responsible for informing the SWLEP of any significant changes to a scheme's scope, costs and implementation timetable.

Stage 3: Outline business case

119. If successful in receiving a funding allocation from Government, scheme promoters will be requested to develop their scheme to Outline Business Case. The Outline Business Case includes a full economic and financial appraisal,

and develops the commercial and management cases. The Outline Business Case will follow the Strategic Outline Business Case process for approval.

Stage 4: Full business case

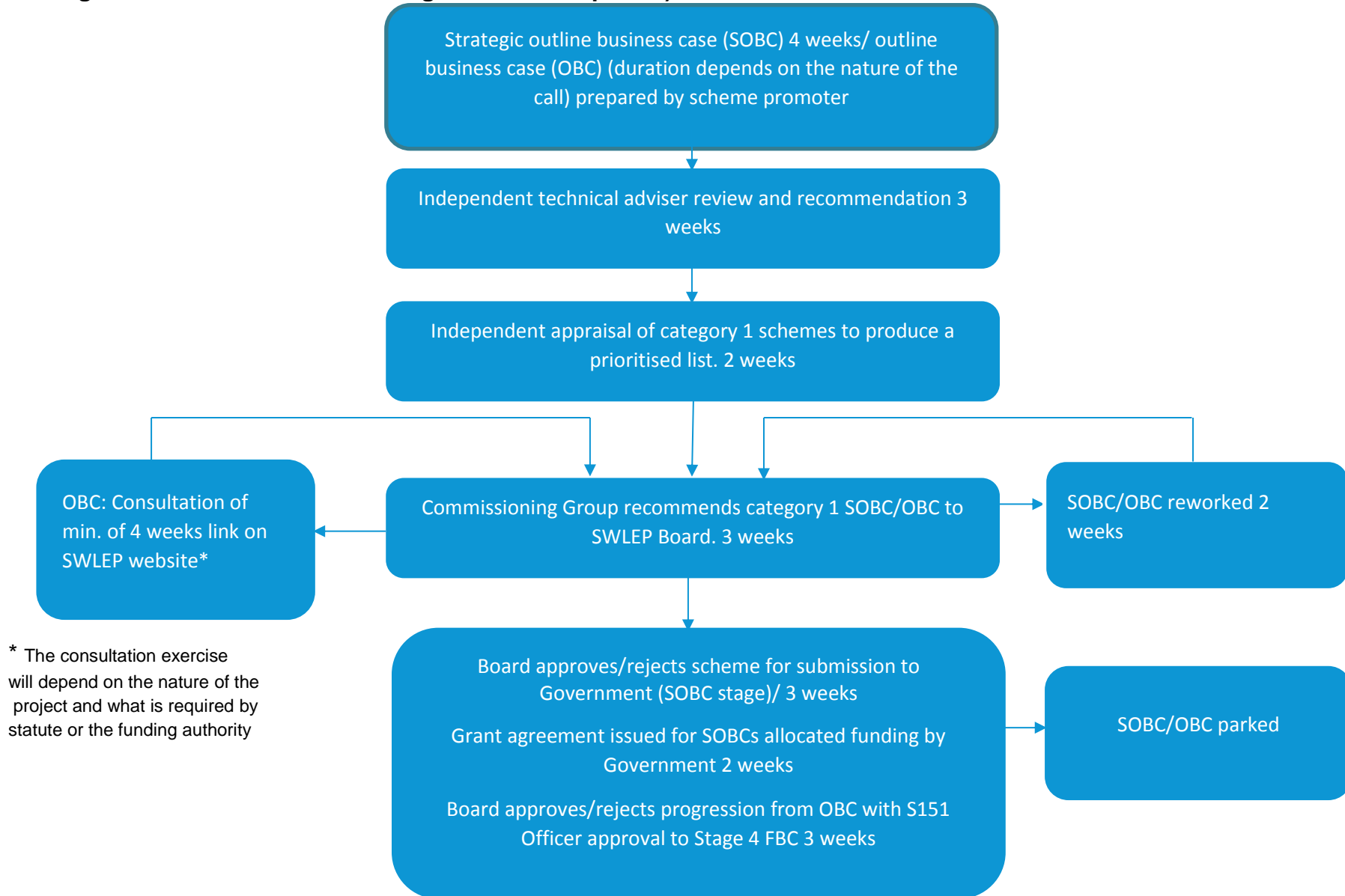
120. If successful in receiving a SWLEP Board approval at Outline Business Case stage, transport scheme promoters will be requested to develop their scheme to Full Business Case (FBC). The development of the FBC has a far greater emphasis on commercial, financial and management cases, ensuring arrangements are appropriate for effective delivery, including necessary statutory and procurement requirements (as appropriate).
121. The FBCs will be reviewed by the SWLEP and Accountable Body with the support of the relevant Independent Technical Advisor, with feedback provided to the scheme promoters, SWLEP and the Accountable Body Section 151 Officer through a Full Business Case Assessment Report. The Full Business Case Assessment Report will follow the format set out in the Outline Business Case Assessment Report.
122. Approval of the FBCs will be required by the SWLEP Board and the Accountable Body (including its Section 151 Officer). Based on the information provided in the FBC and the Full Business Case Assessment Report the grant agreement between the SWLEP and the scheme promoter may need to be updated. The scheme promoter is responsible for informing the SWLEP of any significant changes to the scheme's scope, costs and implementation timetable.
123. If funding is not approved, the scheme promoter may bring the scheme back for Stage 4 reassessment within the financial year. If time does not permit, the SWLEP Board will agree how to reallocate the funding to the over-programmed and prioritised list of schemes or postpone the scheme in accordance with the Accountable Body Legal Agreement and notifying Government subject to Government's conditions and delegation of grant funding management in this manner.

Value for money

124. The Value for Money assessment should provide a Benefit Cost Ratio (BCR) of the scheme using monetised impacts in line with guidance. While it is expected that most schemes will need to have a Benefit Cost Ratio of 2:1 and over to gain approval, account will also be taken of a scheme's wider economic, environmental and social / distributional impacts. This means that a scheme with a low or medium BCR may still be considered for approval if wider objectives provide a compelling case (as determined by the Independent

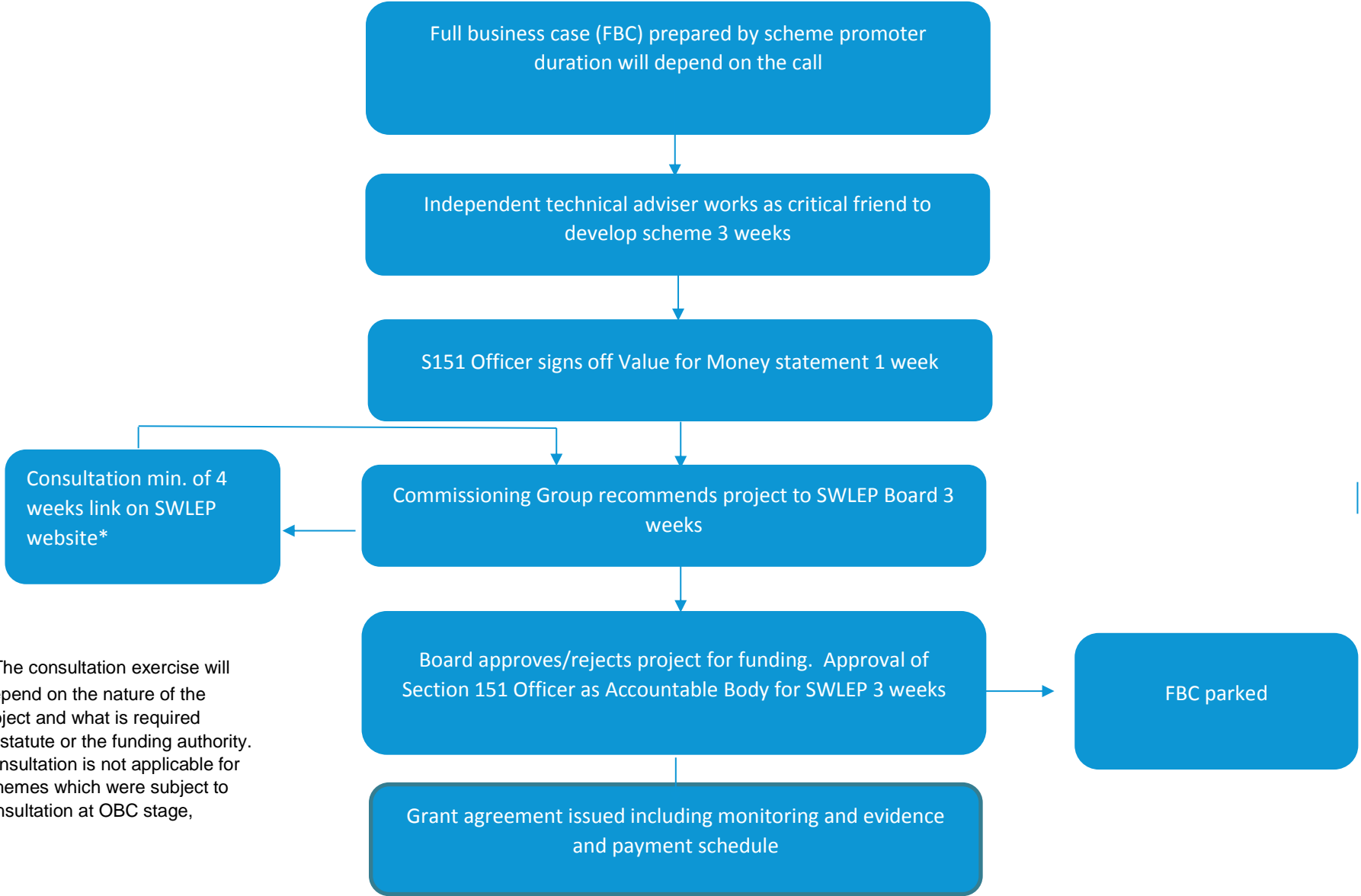
Technical Advisors) taking into account broader appraisal evidence in relation to:

Figure 4: Stage 2 Strategic Outline Business Case (17-19 weeks) and Stage 3 Outline Business Case (11-13 weeks from closing date of submission excluding consultation period)



* The consultation exercise will depend on the nature of the project and what is required by statute or the funding authority

Figure 5: Stage 4: Full business case, 10 weeks from closing date for submission excluding consultation period



* The consultation exercise will depend on the nature of the project and what is required by statute or the funding authority. Consultation is not applicable for schemes which were subject to consultation at OBC stage,

- Schemes with a Benefit Cost Ratio between 1:1 and 2:1 to be considered for funding approval where there is an overwhelming strategic case on economic / development related, social, and / or environmental grounds (with minimal risk in the other cases).
- Where scheme benefits are notoriously difficult to appraise in monetary terms and there are qualitative benefits which if monetised, the adjusted Benefit Cost Ratio would most likely increase above 2:1; and
- Where schemes are less than £2.0m and high value for money is estimated, but to conduct further quantified and monetised economic appraisal would be disproportionate.

125. The Scheme Promoter will be required to produce a Value for Money Statement in line with the relevant Government department or agency's guidance at each stage of the business case assessment and prioritisation process. The economic case (including the Value for Money Statement) will then be reviewed and updated as necessary to reflect changes in the scheme's scope, cost, and benefits in line with guidance and as per the Accountable Body Legal Agreement. The relevant Independent Technical Advisor will advise on submitted Value for Money Statements as part of their reporting, and make recommendations to the SWLEP Board at Stage 4 - Full Business Case.

126. The Value for Money Assessment and Statement will be signed off as true and accurate by the Section 151 Officer of the scheme promoting authority and of the Accountable Body. The SWLEP will approve the business case based on the Value for Money Assessment and Statement, and other evidence as appropriate. The Independent Technical Advisors will provide independent review of the Value for Money Assessment and Statement prior to sign off by the Accountable Body Section 151 Officer.

127. Scheme Promoters will need to provide a detailed funding profile for review by the Accountable Body Section 151 Officer as part of Full Business Case development. This will be used to ascertain funding arrangements as per the Legal Agreements in place with the Accountable Body.

128. Scheme Promoters must monitor and evaluate their scheme's progress in line with the SWLEP Monitoring and Evaluation Framework which is available on the SWLEP website. Each scheme will also have an Implementation Summary Reporting containing delivery milestones.

Release of funding, cost control and approval conditions

129. The Accountable Body will not release any funding to the scheme promoter until a proportional level of business case has been approved by the SWLEP Board, JSEC and the Accountable Body in the form of the Section 151 Officer, and that the grant agreement conditions of use of the funding have been accepted by the scheme promoter.
130. Preparatory costs that are considered to be 'capital', providing these costs have been included in the overall scheme cost, will be paid upon approval. In addition, according to the conditions of each award up to a maximum of 10% of monies awarded will be released at the start of the scheme. All other payments will be made a quarter in arrears, based on profiles and following successful audit of claims required in accordance with the conditions of each award. If the claim differs from the agreed funding profile then the scheme promoter will also need to explain this in their submission for audit.
131. The SWLEP scheme contribution will be capped at the level set out in the award letter; therefore, any cost increases will need to be borne by the scheme promoter. Where there is a forecast underspend, or a scheme is not progressing, any monies held will be returned to the Accountable Body, and the further release restricted to new schemes only, unless the scheme promoter seeks and gains approval for a re-profiling of the scheme spend.
132. The scheme promoter will be responsible for submitting financial claim forms (signed by the Section 151 officer or equivalent) to the Accountable Body.
133. The Accountable Body will advise the SWLEP of any concerns or irregularities. The SWLEP and/or the Accountable Body reserves the right to suspend funding at the end of any quarter, or request the return of previous funding payments, if it believes that there is a misuse of funds.


Programme and risk management

134. Scheme promoters will be required to provide an initial programme for each prioritised scheme. The programme should include estimated timescales for the following:
- Production of business cases;
 - Completion of associated technical work;
 - Progress of outline and detailed design;
 - Statutory orders;
 - Public consultation;
 - Procurement; and

- Construction of scheme.

135. The SWLEP CEO will be the responsible officer for the management of risk within the LGF programme under the scrutiny of the Commissioning Group. At an operational level, the SWLEP Programme Manager or nominated Programme Manager will meet the Scheme Promoter to discuss the progress of schemes. The frequency of these meetings may depend on the complexity and scale of the scheme as well as the stage of preparation / construction and any risk issues previously identified and will be agreed in advance of a formal funding agreement being signed.
136. Scheme and programme risk levels will be closely monitored on a regular basis by the SWLEP Delivery and Performance Team. The default position is that the scheme promoter is expected to manage risk within the scheme and its funding envelope. Any significant issues that affect the programme as a whole will be referred to the next Commissioning Group meeting and SWLEP Board meeting, including proposed modifications to the programme in the light of scheme progress.
137. Potential risks to the delivery of the scheme programme, such as overspend and delays to timescales, must be highlighted immediately in line with the tolerances set out in the Grant Agreement with the Accountable Body. Scheme promoters should also produce and maintain risk registers for their schemes and set out how they will manage potential risks.

Appendix A: Subgroup Terms of Reference

	<h3>SWLEP Subgroups Terms of Reference</h3>
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1. Purpose

- 1.1. In March 2016 the SWLEP Board approved the implementation of a structure of subgroups aligned to the strategic objectives of the Strategic Economic Plan (SEP). In order to provide robust Board oversight of the implementation of the SEP, it is proposed that the Board establishes five Subgroups to reflect its strategic objectives.
- 1.2. The Subgroups are responsible for overseeing and providing strategic direction, advice and support to the SWLEP Board to ensure the Swindon and Wiltshire Local Enterprise Partnership's strategic objectives are delivered successfully.
- 1.3. There are 5 Subgroups:
 - Skills and Talent;
 - Transport;
 - Digital Capability;
 - Place Shaping; and
 - Business Development.

2. Governance

- 2.1. The Subgroups shall be accountable to the SWLEP Board and must operate at all times within the parameters of the SWLEP Governance Framework. The decisions and business of each subgroup shall be subject to the overview and scrutiny function set in place for the SWLEP.
- 2.2. Each Subgroup will have a SWLEP Board Member as the Chair and Vice-Chair who act as the link between the sub-group and the Board. Each subgroup will also have a Lead Officer acting as the link to the Secretariat and the Officers Group. The Board will set the overall strategic context for the sub-groups and the responsibility for approving project prioritisation rests with the SWLEP Board. The sub-group will offer the Board advice in its specialist area and the Chair or Vice Chair of individual sub-groups will report on activity to the SWLEP Board.

3. Scope

- 3.1. The Chair, with the support of the Lead Officer will manage the operation of each Sub-group to deliver the priority actions identified in the SEP/LIS for each of the strategic objectives. The sub-groups will:
- 3.1.1. Oversee the development, implementation and delivery of the SWLEP’s strategic objectives that will support long-term sustained growth in the local economy;
 - 3.1.2. Provide advice and support to the SWLEP Board on relevant policy matters and issues relating to the subgroup focus that require strategic action and consideration including consideration of the implications of national Government policy changes on programmes and projects as they arise;
 - 3.1.3. Analyse performance information pertaining to their areas of focus and advise the SWLEP Board on emerging implications and opportunities;
 - 3.1.4. Ensure strategic linkage and close working with other SWLEP subgroups and relevant Unitary Authority teams;
 - 3.1.5. Through strong links with the SWLEP Communication Manager, support the implementation of the SWLEP’s marketing and communication strategy;
 - 3.1.6. Undertake such other functions as prescribed or agreed upon by the Subgroup and agreed by the Board;
 - 3.1.7. Oversee the development and implementation of its own strategy, undertake stakeholder management activity and review the delivery of projects and programmes which fall under its strategic remit (Table 1); and
 - 3.1.8. Request funding, if required, up to an agreed amount from the Board to support strategy development and stakeholder management.

Table 1: Overview of sub-group activity

Sub-group	Overview
Skills and talent	Development and delivery of the Swindon and Wiltshire Skills and Talent Plan in response to the priority in the SWLEP’s Strategic Economic Plan. Maintain oversight over SWLEP funded skills and talent projects and the delivery of European and other funded skills projects in order to inform the SWLEP board of emerging strengths and weaknesses.
Transport Infrastructure	Develop the Swindon and Wiltshire Transport Infrastructure Plan in response to the priority in the SWLEP’s Strategic Economic Plan. Maintain oversight over SWLEP funded transport projects and the delivery of European and other funded transport projects in order to inform the

Sub-group	Overview
	<p>SWLEP board of emerging strengths and weaknesses.</p> <p>This sub-group replaces the former Swindon and Wiltshire Local Transport Body.</p>
Digital capability	<p>Develop and deliver the Digital Capabilities Plan in response to the priority in the SWLEP’s Strategic Economic Plan.</p> <p>Maintain oversight over SWLEP funded digital capability projects and the delivery of European and other funded digital capability projects in order to inform the SWLEP board of emerging strengths and weaknesses.</p>
Place-Shaping	<p>Develop and deliver the Swindon and Wiltshire Place-Shaping Plan in response to the priority in the SWLEP’s Strategic Economic Plan.</p> <p>Maintain oversight over SWLEP funded place-shaping projects and the delivery of European and other funded place-shaping projects in order to inform the SWLEP board of emerging strengths and weaknesses.</p>

4. Sector Engagement Groups

4.1. The Business Growth Subgroup will work with relevant businesses to establish sector engagement groups linked to the priority and “ones to watch” business sectors identified in the strategic economic plan:

- Health and Life Sciences;
- Digital and ICT;
- Financial and Business Services;
- Advanced manufacturing;
- Land-based industries (provided through the Rural Economy Sector Group);
- Visitor economy including the creative and cultural industries;
- Adult Health and Social Care
- Low carbon; and
- Construction

5. Membership

5.1. The Chair and Vice Chair for each sub-group will be private sector Board members who will be supported by a Lead Officer and administrative assistance from the SWLEP core team.

- 5.2. The Chair will hold the post for 3 years, or for the period which is co-terminus with their remaining Board tenure whilst the Vice Chair will rotate annually amongst Board Members. If the Chair is not present at any meeting the Vice Chair will preside.
- 5.3. The Lead Officer will liaise regularly with the Chair, help manage the work of the Subgroup and ensure reports for the Board are prepared in a timely and accurate manner and will co-ordinate additional support when required. In addition, the Lead Officer will liaise with the SWLEP's Communications Manager over communication and engagement matters.
- 5.4. Each subgroup will include at least three businesses representatives with relevant experience of the sub-group theme, without having a proprietary or potential pecuniary interest. The role of these additional representatives is to provide advice to the Chair and Vice-Chair from a business perspective.
- 5.5. The Subgroups will determine additional attendees such as experts and temporary members according to need.

6. Conflict of interest

- 6.1. The SWLEP Governance Framework includes in section 3 a Conflicts of Interest Policy and members of the SWLEP Subgroups are required to disclose at Subgroup meetings and using the SWLEP's Register of Interests form any potential conflicts of interest or pecuniary interests (e.g. direct financial interest in a scheme through employment or personal gain including any interest as a result of close personal relationships or friendships) which may prevent them from making an impartial decision. Depending on the nature of this interest, there may be the need to co-opt another suitable member on to the SWLEP Subgroup for the purpose of making the decision in question.
- 6.2. Publicly elected Members will continue to declare their interests using their respective local authority's register of interests. They must also declare any additional interests outside their own authority's area but within the SWLEP area boundary by completing the SWLEP Register of Interests form. Elected Members must abide by their respective authority's code of conduct when conducting SWLEP business.

7. Code of Conduct

- 7.1. All members of the SWLEP Subgroup and officers shall, when carrying out any duties or responsibilities on behalf of the SWLEP, abide by the 7 principles of public life: selflessness; integrity; objectivity; accountability;

openness; honesty; and leadership as defined in section 28 of the Localism Act 2011.

8. Quorum

8.1. The quorum for a meeting shall be half the total membership plus one to include either the Chair or Vice Chair and one external business. No business shall be transacted unless a quorum is present. If a quorum ceases to be present during a meeting the meeting shall be adjourned to a date to be agreed or determined by the Chair.

9. Meetings

9.1. The Subgroups will meet bi-monthly and at such other times as may be agreed. The agenda for any meeting shall be agreed by the Chair in consultation with members of the group. The agenda and supporting papers shall be circulated electronically to the members of the group at least five working days before the meeting. Meeting notes will be distributed within ten working days following the meeting. The time commitment for the members of the sub-groups is circa 30 hours a year.

10. Variation and dissolution

10.1. These terms of reference shall be reviewed by the SWLEP Board on an annual basis but can be amended as required to meet the current and evolving needs of the Sub-Groups with the agreement of the Board.

10.2. The dissolution of any Sub-Group can be made by the SWLEP Board or by the unanimous agreement of the Members and then ratified by the SWLEP Board.

11. Agreement

11.1. The above Terms of Reference for the SWLEP Sub-Groups have been agreed and signed by:

XXXX, Chair

Sub-group

Date

Appendix B: Transport specific requirements

Reference paragraph 100 of the Assurance Procedure

1. The modelling and appraisal of schemes contained in business cases must be developed in accordance with the guidance published by the Department for Transport in WebTAG at the time the business case is submitted to the SWLEP for approval.
2. Where applicable, associated transport modelling work should be based on forecasts which are consistent with the definitive version of the Department for Transport's National Trip End Model (NTEM). Alternative planning assumptions may be used and/or required by the SWLEP as sensitivity tests.

Appendix C: Exclusion of Access by the Public to Meetings and / or Reports

Reference paragraph 41 of the Assurance Framework

B1: Confidential Information – Requirement to Exclude the Public

The public must be excluded from meetings whenever it is likely in view of the nature of business to be transacted or the nature of proceedings that confidential information would be disclosed.

B2: Exempt Information – Discretion to Exclude the Public

The public may be excluded from a meeting whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed.

B3: Meaning of Confidential Information

Confidential information means information given to the SWLEP by a Government Department, a local authority, partners, business or another agency on terms which forbid its public disclosure or information which cannot be publically disclosed by Court Order.

B4: Meaning of Exempt Information

Exempt information means information falling within the following categories (subject to any condition):

Category	Qualification
One: Information relating to any individual	Exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
Two: Information which is likely to reveal the identity of an individual	Exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information
Three: Information relating to the financial or business affairs of any particular person (including the	<ul style="list-style-type: none">• Exempt information if as so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

<p>authority holding that information)</p>	<ul style="list-style-type: none"> • Information falling within paragraph 3 is not exempt information by virtue of that paragraph if it is required to be registered under: <ul style="list-style-type: none"> a) The Companies Act 1985 b) The Friendly Societies Act 1974 c) The Friendly Societies Act 1992 d) The Industrial and Provident Societies Acts 1965 to 1978 e) The Building Societies Act 1986 f) The Charities Act 1993
<p>Four: Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the SWLEP and employees of, or office holders under, the SWLEP</p>	<p>Exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p>
<p>Five: Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings</p>	<p>Exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p>
<p>Six: Information which reveals that the SWLEP proposes:</p> <ul style="list-style-type: none"> a) To give under any enactment a notice under or by virtue of which requirements are imposed on a person, or: b) To make an order or direction under any enactment. 	<p>Exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p>
<p>Seven: Information relating to any action taken or to be</p>	<p>Exempt information if and so long, as in all the circumstances of the case, the public interest in</p>

taken in connection with the prevention, investigation or prosecution of crime	maintaining the exemption outweighs the public interest in disclosing the information.
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Information falling within any of the above paragraphs is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

B5: Exclusion of Access by the Public to Reports

The SWLEP may exclude access by the public to the whole or any part of a report which relates to items during which, in accordance with B1 to B4 above, the meeting is not likely to be open to the public. Such reports or parts of reports will be marked “Not for Publication” together with the category of information likely to be disclosed.

Appendix D: Register of Members Interest and Conflict of Interest Policy

Reference paragraph 66 of the Assurance Framework

Register of Interests: Explanatory Note

1. The SWLEP operates within an assurance framework that requires robust systems to be in place to ensure that public funds are spent with regularity, propriety, transparency and value for money.
2. SWLEP Board Members must act in the interests of the SWLEP area as a whole and not according to the sectoral or geographic interests of their member organisations. Decisions must follow a robust process and be based on a sound analysis of business cases produced by scheme promoter(s) and any advice from relevant advisers, including Independent Technical Advisors.
3. The SWLEP's Constitution includes a Conflict of Interest Policy, which is set out at Appendix 1 of this form. This policy requires SWLEP Board Members (other than unitary authority members – see paragraph 7 below) to notify the SWLEP CEO in writing of any relevant interests for inclusion in a Register of Interests maintained by the Executive.
4. A relevant interest is any company directorship, trusteeship, remunerated post or any significant personal financial interest in an organisation or project likely to be affected by the work of the LEP or in receipt of SWLEP sourced funding.
5. Each Board Member shall review their individual register of interests before each board meeting and decision making committee meeting, submitting any necessary revisions to the LEP and S151/S73 Officer at the start of the meeting. Any recorded interests relevant to the meeting should also be declared at this point.
6. Even if a meeting has not taken place a Member must, within 28 clear working days of becoming aware of any change to the interests specified below, provide written notification to the LEP and S151/S73 Officer, of that change.
7. Board members must not vote or participate in discussions on any matter which relates directly to an organisation or project in respect of which they have a relevant interest.
8. Senior staff of the SWLEP or those staff involved in advising on decisions should also complete the form and report interests and are to review the Register every six months.
9. All members of the SWLEP Board should, in particular, note and observe the following requirements:

- Dealing with conflicts of interests under paragraphs 8-11 of the Conflict of Interest Policy;
- Maintaining confidentiality;

Information provided to a Board member must only be used for the purposes of the SWLEP. Board members must not disclose any information given to them in confidence without the written consent of a person who is authorised to give it, or unless required by law to do so. Board members must seek the advice of the Executive before disclosing any information given in confidence – paragraph 20 SWLEP Constitution.

- Members should not accept any personal gifts or hospitality from any individual or organisation (including contractors and/or outside suppliers) which has or may have a specific interest in any major scheme.

10. The Register of Interests of Board Members is published on the SWLEP website.

Swindon and Wiltshire Local Enterprise Partnership: Register of Members' Interests for Board Members and senior staff

February 2018 to March 2019

As a Board Member/Co-opted Member of the Swindon and Wiltshire Local Enterprise Partnership (LEP), I declare that I have the following disclosable pecuniary and/or non-pecuniary interests. ***(Please state 'None' where appropriate, do not leave any boxes blank).***

Notification of change of circumstances

Each Board Member shall review their individual register of interests before each board meeting and decision making committee meeting, submitting any necessary revisions to the LEP and S151/S73 Officer at the start of the meeting. Any recorded interests relevant to the meeting should also be declared at this point.

Even if a meeting has not taken place a Member must, within 28 clear working days of becoming aware of any change to the interests specified below, provide written notification to the LEP and S151/S73 Officer, of that change.

***Spouse/Partner** – In the notice below my spouse or partner means anyone who meets the definition in the [Localism Act](#), i.e. my spouse or civil partner, or a person with whom I am living as a spouse or a person with whom I am living as if we are civil partners, and I am aware that that person has the interest having carried out a reasonable level of investigation. Where your spouse or partner has recently been involved in any activity which would have been declarable, this should be mentioned, with the date the activity ended.

Section 1	Any employment, office, trade, profession or vocation carried on for profit or gain	Myself	Spouse/partner*
1.1	Name of: <ul style="list-style-type: none"> ○ your employer(s) ○ any business carried on by you ○ any other role in which you receive remuneration (this includes remunerated roles such as councillors) 		
1.2	Description of employment or business activity.		
1.3	The name of any firm in which you are a partner.		
1.4	The name of any company for which you are a remunerated director.		

Section 2	Sponsorship	Myself	Spouse/partner
2.1	<p>Any financial benefit obtained (other than from the LEP) which is paid as a result of carrying out duties as a Member.</p> <p>This includes any payment or financial benefit from a Trade Union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992 (a).</p>		
Section 3	Contracts	Myself	Spouse/partner
	Any contract for goods, works or services with the LEP which has not been fully discharged by any organisation named at 1.1.		None
	Any contract for goods, works or services entered into by any organisation named at 1.1 where either party is likely to have a commercial interest in the outcome of business being decided by the LEP.		

Section 4	Land or property	Myself	Spouse/partner
	<p>Any interest you or any organisation listed at 1.1 may have in land or property which is likely to be affected by a decision made by the LEP.</p> <p>This would include, within the area of the LEP:</p> <ul style="list-style-type: none"> ○ Any interest in any land in the LEP areas, including your place(s) of residency ○ Any tenancy where the landlord is the LEP and the tenant is a body in which the relevant person has an interest ○ Any licence for a month or longer to occupy land owned by the LEP. <p>For property interests, please state the first part of the postcode and the Local Authority where the property resides. If you own/lease more than one property in a single postcode area, please state this.</p>		

Section 5	Securities	Myself	Spouse/partner
5.1	<p>Any interest in securities of an organisation under 1.1 where:-</p> <p>(a) that body (to my knowledge) has a place of business or land in the area of the LEP; and</p> <p>(b) either –</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which has an interest exceeds one hundredth of the total issued share capital of that class.</p>		

Section 6	Gifts and hospitality	Myself	Spouse/partner
	Any gifts and/or hospitality received as a result of membership of the LEP (above the value of £50).		

Other interests

Membership of Organisations

I am a member of, or I am in a position of general control, a trustee of, or participate in the management of:

1. Any body to which I have been appointed or nominated by the LEP:

2. Any body exercising functions of a public nature (e.g. school governing body or another LEP):

3. Any body directed to charitable purposes:

4. Any body, one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union):

5. Any local authority (please state any interests you hold as LA leaders/cabinet members for LA land, resources and the LA's commercial interests):

6. Any other interest which I hold which might reasonably be likely to be perceived as affecting my conduct or influencing my actions in relation to my role.

Member's declaration and signature

I confirm that having carried out reasonable investigation, the information given above is a true and accurate record of my relevant interests, given in good faith and to the best of my knowledge;

Date	
Member's Name <i>(Capitals – in full)</i>	
Signature	

RECEIPT BY LEP

Date received by the LEP	
Signature of LEP Chief Executive	

RECEIPT BY S151/S73 OFFICER

Date received by the S151/S73 Officer	
Signature of S151/S73 Officer	

Appendix 1: Conflicts of Interest Policy
(see Section C of the Governance Framework)

**G Accountable Body Agreement – under review,
paper 5.3 Board meeting, 20 march**

H Code of Conduct

All members of the SWLEP Board, its Subgroups and officers shall, when carrying out any duties or responsibilities on behalf of the SWLEP, and at all other times, abide by the 7 principles of public life: as set out in Section 28 of the Localism Act 2011¹²;

1. Selflessness;
2. Integrity;
3. Objectivity;
4. Accountability;
5. Openness;
6. Honesty; and
7. Leadership

Board Members are expected to conduct themselves in accordance with these principles, which underpin the purpose and provisions of the Code of Conduct. The 7 principles of public life are taken to be consistent with the following:

Selflessness	Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other benefits for themselves, their family or their friends
Integrity	Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.
Objectivity	In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.
Accountability	Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.
Openness	Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands it.
Honesty	Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.
Leadership	Holders of public office should promote and support these principles by leadership and example.

¹² <http://www.legislation.gov.uk/ukpga/2011/20/section/28/enacted>

On joining the SWLEP Board, all members shall make a written declaration of their agreement to the Board's Governance Framework which includes this code of conduct.

Accordingly, Board Members, when conducting themselves in accordance with these principles:

- must act in a manner consistent with the SWLEP's equality and diversity strategy and treat their fellow Board Members, members of staff and others they come into contact with when working in their role with respect and courtesy at all times.
- must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for their selves, their family, a friend or close associate.
- must not place themselves under a financial or other obligation to outside individuals or organisations that might be reasonably regarded to influence them in the performance of their official duties.
- when carrying out their SWLEP duties they must make all choices, such as making appointments, awarding contracts or recommending individuals for rewards or benefits, based on evidence.
- are accountable for their decisions and must co-operate fully with whatever scrutiny is appropriate to their position. They must be as open as possible about both their decisions and actions and the decisions and actions of the SWLEP. In addition, they should be prepared to give reasons for those decisions and actions.
- must declare any private interests, both pecuniary and non-pecuniary, including membership of any Trade Union, political party or local authority that relates to their SWLEP duties. Furthermore, they must take steps to resolve any conflicts arising in a way that protects the public interest.
- must, when using or authorising the use by others of the resources of the SWLEP, ensure that such resources are not used improperly for political or personal purposes (including party political purposes).
- must promote and support high standards of conduct when serving in their SWLEP post, in particular as characterised by the above requirements, by leadership and example.

Gifts and Hospitality

1. All Members of the Board should follow the gifts and hospitality policy of Wiltshire Council as the Accountable Body as set out in Part 12 of its Constitution¹³.

Complaints and Whistle-Blowing

2. Any individual or organisation is entitled to make a complaint about the work of the SWLEP if they feel that it is not being conducted in accordance with the Governance Framework. All complaints will be dealt with by the SWLEP using its complaints and whistleblowing procedures (Sections L and M of the Governance Framework).

¹³ <https://cms.wiltshire.gov.uk/mglistgifts.aspx?bcr=1>

I Transparency Code

The SWLEP shall comply with the spirit of the Local Government Transparency Code 2015.

Section J: Remuneration and expenses policy

1. Remuneration

1.1 Chair's remuneration

The Chair of the SWLEP is entitled to receive an allowance of £10,000 per annum. This payment is intended to recognise the time commitment involved in delivering the role, including such inevitable calls on their time such as meeting with the SWLEP CEO, the LEP Network and South West LEP Network, events and representations to Government and various SWLEP meetings as set out in the Assurance Framework. It is also intended to cover incidental costs such as the use of their homes.

1.2 SWLEP Staff

The SWLEP CEO is appointed through a formal selection and interview process. An interview panel comprising at least 3 public and private sector Board Members will be convened to shortlist and interview candidates and to select the appointee.

SWLEP staff are employed by Wiltshire Council and the SWLEP operates in line with Wiltshire Council's job evaluation process (JEQ) in order to set the grade and remuneration scale for new staff joining the SWLEP team. Each JEQ is evaluated by a team of Human Resources specialists before the post is openly advertised. This is to ensure that jobs are graded fairly and equitably, and that the SWLEP complies with the equal pay act. The HAY evaluation scheme is used to evaluate the senior management jobs at the SWLEP whilst the Greater London Provincial Council (GLPC) scheme is used to evaluate the remainder of roles. Interviews will be performed by the SWLEP Executive team with a Board Member. Appointments will be made by the SWLEP CEO in consultation with the Board Member and Executive team.

2. Travel and subsistence expenses

2.1 SWLEP staff

Staff working for the SWLEP are employed by the Wiltshire Council as its Accountable Body and as such are entitled the claim expenses in accordance with the policy in place at Wiltshire Council. Consultants are entitled to claim expenses as agreed by contract.

2.2 Board Member travel expenses

All elected Board Members, including the Chair, are entitled to claim expenses to cover travel and subsistence in performing their role as a Board Member. Mileage will be paid to cover travel incurred to and from meetings arranged by the SWLEP or where Board Members are asked to represent the SWLEP as well as for occasional travel to other events and meetings as required. Wherever possible, Board Members will travel

by the most cost-effective means and the rate reimbursed will be in line with Wiltshire Council's travel allowance policy:

- a. Standard class rail fare, or ordinary fare for other public transport, or the appropriate cheap rate where applicable. NB Standard class rail travel must always be used. If the train's Standard class accommodation is full, Board Members may travel First class.
- b. The mileage rate is 45p rate for the first 10,000 miles, and 25p for each subsequent mile. The rate for travel by a Board Member in a private car is linked to the inland revenue rate (currently 45p per mile) and any movement in that rate will trigger an automatic change in the Board Members' rate.
- c. A cycle allowance of 40p per mile.
- d. An allowance of 5p per mile when giving passengers a lift.
- e. Hire of taxi cabs in cases of urgency or unavailability of public transport.
- f. Expenditure on tolls, ferries, parking fees etc., and overnight parking.
- g. Air travel is not anticipated however in exceptional circumstances, if travelling by air the cost must not exceed the rate applicable to travel by appropriate alternative means of transport together with an allowance equivalent to the amount of any saving in subsistence allowance consequent on travel by air. The SWLEP CEO is authorised to approve air travel for Board Members or SWLEP staff when they consider that the saving in time is so substantial as to justify payment of the fare for travel by air, and in such cases there may be paid an amount not exceeding:
 - i. the ordinary fare or any available cheap fare for travel by regular air service, or;
 - ii. where no such service is available or in case of urgency, the fare actually paid by the Board Member or SWLEP staff member.

2.2 Board Member subsistence allowance

Board Members will be entitled to claim subsistence when they are representing the SWLEP and are required to travel. Subsistence is not payable where a meal is provided free of charge. Given the length of the Board Meetings, the SWLEP will provide a buffet lunch for Board Members, Advisers and Observers after each Board meeting. The subsistence allowance is:

- a. Subsistence and overnight allowances be linked to those paid for SWLEP staff with the exception of lunch allowance which is payable for Board Members and Advisers when in attendance and evidenced by receipts.
- b. In the case of an absence not involving an overnight absence from a Board Members' usual place of residence:

Subsistence type	Qualifying criteria	£maximum
Breakfast	departure from normal place of residence before 7am for an absence of at least 3 hours	£15.00
Lunch	departure from normal place of residence before 12 noon and return after 2pm	£15.00
Tea	return to normal place of residence after 6.30pm, following an absence of at least 3 hours	£3.35
Dinner	return to normal place of residence after 8.30pm, following an absence of at least 3 hours	£35.00
Overnight	overnight absence from the usual place of residence (excluding London). This is the maximum payable for a complete 24 hour period of absence from normal place of residence and includes allowances for all meals listed above. It cannot be claimed if overnight accommodation has been paid for direct by the council.	£120.00 In London ¹⁴ : £160.00

2.3 Meals on Trains

When main meals (that is, a full breakfast, lunch or dinner) are taken on trains during a period for which there is an entitlement to day subsistence, the reasonable cost of the meals (including VAT), may be reimbursed in full. Where the cost of meals taken on trains is reimbursed, absence from the normal place of residence must be consistent with absences listed in the table above.

3. SWLEP hospitality events

From time to time the SWLEP will hold evening events and dinners for example as part of new Board Members' induction or to host inward investment visits. Travel to and from the event or dinner can be claimed by Board Members as per the travel policy above. In these instances, the reasonable cost of food and refreshments will be met by the SWLEP with the SWLEP CEO's approval.

4. Claims and payments

The Chair's allowance will be paid in 12 equal payments upon receipt of a SWLEP expenses claim form. The SWLEP CEO will authorise the claim each month in order

¹⁴ For the purpose of this paragraph, London means the City of London and the London boroughs of Camden, Greenwich, Hackney, Hammersmith and Fulham, Islington, Kensington and Chelsea, Lambeth, Lewisham, Southwark, Tower Hamlets, Wandsworth and Westminster.

that it is processed through Wiltshire Council's payment system in the same manner as all other payments made by the SWLEP.

All travel and subsistence claims should be made monthly using a SWLEP expenses claim form and should include VAT receipts to evidence the claim including petrol receipts for mileage claims. The SWLEP CEO will authorise the claim before it is processed through Wiltshire Council's payment system in the same manner as all other payments made by the SWLEP.

Section K: SWLEP Board recruitment

1. Board Membership

The SWLEP has a Board with a minimum of 14 and a maximum of 20 Members and is constituted in such a way as to ensure that it is business-led, with its Chair and at least 70% of all Members representing the business community. Alongside the business community is the active involvement of Local Government through the role of the Leaders of the two Unitary Authorities as Board Members and the Commander of the Military HQ South West. The structure of the SWLEP Board is displayed in Table 1.

Table 1: Local Enterprise Partnership Board Membership

Role	Organisation	Appointment	Length of Tenure
Chair	Private sector (mandated)	Voted by SWLEP Board	3 years, but can be extended
Vice Chair	Private sector	Voted by SWLEP Board	3 years but can be extended
Local Authority Board Member	representative of Swindon Borough Council	Permanent	Permanent
Local Authority Board Member	representative of, Wiltshire Council	Permanent	Permanent
Board Member	Commander Military HQ South West	Voted by SWLEP Board	Voted by SWLEP Board
Board Member	Education sector	Voted by SWLEP Board	3 years but can be extended
8 x Board Member	Private sector	Voted by SWLEP Board	3 years but can be extended
Role (non-Board Member)	Organisation	Appointment	Length of Tenure
Advisor	Swindon Borough Council Chief Executive	Permanent	Permanent
Advisor	Wiltshire Council Corporate Director	Permanent	Permanent

The SWLEP Board is responsible for:

- The development, review and refresh of the Strategic Economic Plan/Local Industrial Strategy;
- The successful and effective delivery of the City Deal, Strategic Economic Plan, the Growth Deal and projects resourced by the Growing Places Infrastructure Fund and;
- The approval of scheme funding on the basis of recommendations from the relevant Sub-groups.

2. Board Member, Chair and Vice Chair Recruitment

2.1 Board Member Recruitment

Non-permanent Members of the SWLEP Board will be recruited through an openly advertised process which may involve the use of a recruitment agency. The SWLEP CEO co-ordinates the recruitment process on behalf of the Board in consultation with the SWLEP Chair.

Candidates are shortlisted and interviewed by a panel comprising the Chair and 2 private sector Board Members supported by the Advisers to the two Unitary Authorities and the SWLEP CEO. Preferred candidates are invited to a second interview with the same panel plus the two Unitary Authority Board Members supported by the SWLEP CEO.

The appointment of successful candidate(s) will be subject to the approval of the SWLEP Board at its next meeting and its decision will be minuted. The Board Member's term of tenure commences from the date of this Board meeting.

2.2 Chair recruitment

The appointment of the Chair will follow the same process as the appointment of a Board Member and will be supported by the SWLEP CEO.

2.3 Vice Chair recruitment

The Vice Chair of the SWLEP Board will be appointed from existing private sector Board Members to support succession planning and to ensure that SWLEP is private sector led at all times. Candidates will be asked to put themselves forward with a seconder. Where there are multiple candidates, the remaining Board Members will be asked to come to a consensus or vote and the decision will be minuted. Tenure will commence from the date of the vote.

3. Reappointment of Board Members for a subsequent term

Once a Board Member's term of tenure is over they can be reappointed to the Board by securing a proposer and seconder from existing Board Members. The Board will

decide whether to reappoint the Board Member at its next meeting and the decision will be minuted. Reappointment will be limited to a maximum of two terms of office.

Any debate and vote, if required, will be undertaken in private as a part two Board agenda item and in the absence of the Board Member(s) seeking reappointment (Assurance Framework Appendix C). Where a Board Member is reappointed, their term of tenure starts from the date of the Board meeting when the decision to reappoint was taken.

4. Resignation from the Board

All Members of the Board can resign at any point during their term of tenure by approaching the Chair in writing giving 2 months' notice where possible to assist with succession planning. In exceptional circumstances, a resignation can take place with immediate effect subject to the discretion of the SWLEP Chair. Resignations from the Board will be announced at the next Board Meeting and minuted.

5. Dismissal from the Board

In the event of a complaint that an alleged action or actions by a Board Member or a number of Board Members contravene(s) the SWLEP Code of Conduct, the Board will convene a group of 3 independent individuals appointed by the SWLEP CEO (The Independent Review Panel), who are not Board Members, are not conflicted by the allegation and have the required skills to review the veracity of the allegation. The group is charged with making a decision as to whether the allegation is fully or partially proven or unproven. The Independent Review Panel will report to the Board on the outcome of its review, including recommending to the Board what action it should take in respect of the Board Member or number of Board members who were the subject of the complaint.

When a complaint is received, the Chair (or in their absence the Vice-Chair), after taking advice from the SWLEP CEO will decide whether or not they should make an immediate recommendation to the Board to suspend the member or members from attending Board meetings and Board business subject to the complaint pending the outcome of the investigation by the Independent Review Panel and the response of the Board to the Panel's recommendations. Suspension is a neutral act enabling a full investigation to be carried out and is not intended to pre-judge the outcome of the investigation. It is expected that such investigations will be completed within 30 working days of the Board's decision to investigate. However the Board may extend the time for completion of an investigation where if it considers it is necessary to do so.

If the complaint or allegation is upheld following the investigation and depending on the severity of the complaint or allegation, the Board Member may receive training or ultimately be dismissed from the Board.

Section L: SWLEP complaints policy

Confidential reporting of complaints

1. The Swindon & Wiltshire Local Enterprise Partnership is committed to creating a work environment with the highest possible standards of openness, probity and accountability. In view of this commitment we encourage employees and others with serious concerns about any aspect of the Swindon & Wiltshire Local Enterprise Partnership's work to come forward and voice those concerns without fear of reprisal.
2. For employees and those working closely with the Swindon & Wiltshire Local Enterprise Partnership, please follow the whistleblowing policy on our website.
3. For third parties and members of the public, please follow the confidential complaints procedure outlined below.
4. However, if a member of the public or third party believes that their complaint fits the description below; they can elect to report their concerns through the whistleblowing policy procedure.

Whistleblowing

5. Where an individual who has concerns about a danger, risk, contravention of rules or illegality provides useful information to address this. In doing so they are acting in the wider public interest, usually because it threatens others or impacts on public funds. By contrast, a grievance or private complaint is a dispute about the individual's own position and has no or very limited public interest.

Confidentiality

6. If a member of the public or a third party wants to make a confidential complaint or raise a concern, it will be treated in confidence and every effort will be made to protect the person's identity if they wish to remain anonymous. The Swindon & Wiltshire Local Enterprise Partnership will investigate all complaints or allegations.

Anonymous allegations

7. The Swindon & Wiltshire Local Enterprise Partnership takes all complaints and concerns raised by members of the public and third parties seriously. We will investigate anonymous allegations. However, we remind complainants that when people put their names to an allegation the ability to investigate and therefore reach firm conclusions is strengthened. Concerns expressed anonymously will be considered at the discretion of the Swindon & Wiltshire

Local Enterprise Partnership. When exercising this discretion the factors to be taken into account would include:

- the seriousness of the issue raised;
 - the credibility of the concern; and
 - the likelihood of confirming the allegation from attributable sources.
8. The Ministry of Housing, Communities and Local Government may request information arising from this process if they have concerns regarding a Swindon & Wiltshire Local Enterprise Partnership or have been approached with similar complaints. The expectation is that this information will be provided on an anonymous basis. However, it may be necessary to provide personal details to progress a complaint.
9. Where details are gathered, the Swindon & Wiltshire Local Enterprise Partnership will put in place appropriate data protection arrangements in line with the Data Protection Act 1998.

Confidential Complaints Procedure

10. The Swindon & Wiltshire Local Enterprise Partnership is aware that the organisation's ordinary complaints procedure may not be suitable if someone wants the complaint to remain confidential. If you would like to make a confidential complaint please write or email to:
11. Paddy Bradley, SWLEP CEO (paddy.bradley@swlep.co.uk) or John Mortimer, Chairman (john.mortimer@swlepchairman.co.uk).
12. State that you want the complaint to remain confidential.

Action taken by the SWLEP

13. The designated complaints officer will raise your concern and investigate the complaint. You can expect the officer to:
- Contact you within 10 clear working days to acknowledge the complaint and discuss the appropriate course of action.
 - Write to you within 28 clear working days with findings of the investigation. If the investigation has not concluded within 28 clear working days, the officer will write to you to give reasons for the delay in resolving the complaint.
 - Take the necessary steps to rectify the issue.
14. If you are unhappy with the outcome of the complaint or the complaint involves those responsible for the confidential complaints procedure:

- You can escalate your concerns through other organisations mentioned in the normal complaints procedure e.g. the LEP's Accountable Body which is Wiltshire Council. A copy of Wiltshire Council's Complaints Policy is available [here](#).
- If you are either unable to raise the matter with the Swindon & Wiltshire Local Enterprise Partnership or you are dissatisfied with the action taken you can report it direct to the Cities and Local Growth Unit in the Ministry of Housing, Communities and Local Government and the Department for Business, Energy and Industrial Strategy, at the following email address: LEPPolicy@communities.gsi.gov.uk or by writing to: LEP Policy Deputy Director, Cities and Local Growth Unit, Fry Block, 2 Marsham Street, London, SW1P 4DF. You should clearly mark your email or letter as "Official - complaints".

Section M: SWLEP whistleblowing policy

Introduction

1. A Discloser is the person who is the whistle-blower.
2. This procedure outlines the process to follow for a Discloser when reporting a perceived wrongdoing within the SWLEP, including something they believe goes against the core values of Standards in Public Life (the Nolan Principles) and the Code of Conduct for SWLEP Board Members and staff. The Standards in Public Life include the principles of; integrity, objectivity, accountability, openness, honesty, leadership and impartiality.
3. In particular SWLEP Board Members, as the key decision makers of the SWLEP, have a right and a responsibility to speak up and report behaviour that contravenes these values.
4. It is important that this procedure is followed when raising any concerns, to ensure that the matter is dealt with correctly.

Definitions

5. This document uses the following definitions:
 - *Whistleblowing* - where an individual who has concerns about a danger, risk, contravention of rules or illegality provides useful information to address this. In doing so they are acting in the wider public interest, usually because it threatens others or impacts on public funds. By contrast, a grievance or private complaint is a dispute about the individual's own position and has no or very limited public interest.
 - *The SWLEP – Swindon and Wiltshire Local Enterprise Partnership*
 - *Discloser* – this is the person who is the whistle-blower. They might be an employee, a SWLEP Board Member, a contractor, a third party or a member of the public.
 - *Responsible Officer* - this is the person, appointed by the SWLEP, with overall responsibility for maintaining and operating this whistleblowing policy. They will maintain a record of concerns raised and the outcomes (but will do so in a form that does not endanger confidentiality) and will report to senior decision makers as necessary. Their name is Paddy Bradley and their contact details are: SWLEP CEO, Swindon and Wiltshire Local Enterprise Partnership Limited, telephone 07799 595443, email: paddy.bradley@swlep.co.uk. If the concern relates to the Responsible Officer then the concern should be raised with John Mortimer, SWLEP Chairman, john.mortimer@swlepchairman.co.uk.

- *Relevant Concern* – something the Discloser has been asked to do, or is aware of, which they consider to be wrong-doing and is in the public interest.

Scope

6. The SWLEP is committed to creating a work environment with the highest possible standards of openness, probity and accountability. In view of this commitment, we encourage Disclosers with serious concerns about the work of the SWLEP to come forward and voice their concerns without fear of reprisal.
7. Disclosers should note that where the concern is one that might fall under the SWLEP's staff or work force policies on equality and diversity or harassment and bullying or other staff policies, they should consider using the reporting mechanisms for those other policies first:
<http://thewire.wiltshire.council/hrdirect/conductandperformance/grievance/grievancepolicyandprocedure.htm>
<http://thewire.wiltshire.council/hrdirect/equalityanddiversity/dignityatwork/dignityatworkpolicyandprocedure.htm>
8. The SWLEP has a pre-existing complaints procedure that in many cases will be more appropriate for third parties or members of the public to follow. Third parties or members of the public should review the separate confidential complaints procedure outlined in the SWLEP's [complaints policy](#) on the SWLEP's website first before going through the whistleblowing process.
9. However, if a member of the public or third party believes that their complaint fits the description of a 'relevant concern' outlined below, they may report their concerns through the whistleblowing policy procedure.

Policy Statement

10. The SWLEP acknowledges that Disclosers may often be the first people to realise that there may be something seriously wrong within the organisation.
11. This policy aims to:
 - Encourage people to feel confident about raising serious concerns and to question and act upon their concerns without fear of victimisation or harassment;
 - Provide avenues for Disclosers to raise those concerns and receive feedback on any action taken;
 - Allow Disclosers to take the matter further if they are dissatisfied with the SWLEP's response; and
 - Reassure all Disclosers, employees in particular who may have specific concerns about their position and employment status in the SWLEP, that they will be protected from possible reprisals or victimisation if they have a reasonable belief that they have made any disclosure in the public interest.

What is a relevant concern?

12. If a Discloser is asked to do something, or is aware of the actions of another, which they consider to be wrongdoing, they can raise it using this procedure. The Discloser must have a reasonable belief that raising the concern is in the public interest.
13. A Discloser may decide to raise a concern under the whistleblowing policy if they are aware of a situation that they feel:
 - is against the SWLEP's procedures and protocols as set out in its code of conduct and individual SWLEP Assurance Framework;
 - falls below established standards of practice the SWLEP subscribes to;
 - amounts to improper conduct; or
 - is an abuse of power for personal gain.
14. The types of matters regarded as a relevant concern for the purpose of this procedure include, but are not limited to, the following:
 - Fraud or financial irregularity;
 - Corruption, bribery or blackmail;
 - Other Criminal offences;
 - Failure to comply with a legal or regulatory duty or obligation;
 - Miscarriage of justice;
 - Endangering the health or safety of any individual;
 - Endangering the environment;
 - Improper use of authority; and
 - Concealment of any of the above.
15. Disclosers should not raise malicious or vexatious concerns, nor should they raise knowingly untrue concerns. In addition, this procedure should not be used to raise concerns of a HR/personal nature, such as, complaints relating to a management decision or terms and conditions of employment. These matters should be dealt with using the relevant alternative procedure, for example, the SWLEP grievance procedure. Equally, this policy would not apply to matters of individual conscience where there is no suggestion of wrongdoing by the SWLEP but, for example, an employee or SWLEP Board Member is required to act in a way which conflicts with a deeply held personal belief.

Safeguards

16. The Public Interest Disclosure Act (1999) gives legal protection to employees against being dismissed or penalised by their employers as a result of publicly disclosing certain serious concerns. The SWLEP believes that no member of staff should be at a disadvantage because they raise a legitimate concern.

17. The SWLEP will not tolerate harassment or victimisation and will take action to protect Disclosers when they raise a concern in the public interest.

Raising a concern

18. If a Discloser experiences something in the workplace which they consider a relevant concern, it is important that the concern is raised as early as possible. Proof is not required at this point – it is for the SWLEP to investigate. The Discloser must, however, have a reasonable belief that disclosing the information is in the public interest before raising a concern.

19. All concerns will be treated in confidence and every effort will be made to protect the Discloser's identity if they wish to remain anonymous. However, at the appropriate time, it is possible that the Discloser will need to come forward as a witness for the matter to progress.

20. It is important to follow the correct procedure when raising a whistleblowing concern. The following steps should be adhered to:

- a. It is important that the concern is raised with the person best placed to deal with the matter, in most cases this will be the Responsible Officer. However, the Discloser may want to raise the concern with someone they know and trust, such as their line manager who can raise it with the Responsible Officer on their behalf.
- b. If it is suspected that the concern may implicate the line manager in some way, then it could be raised with a more senior manager in the line management chain.
- c. If the Discloser is unable to raise a relevant concern with a line manager or a senior manager or feel that it has not been adequately addressed, it should be raised directly with the Responsible Officer.
- d. Ultimately, the Discloser can raise their concern with the SWLEP Chief Executive.

Information needed to raise a concern

21. When raising a concern under the procedure the Discloser should try to provide the following information:

- The background and reason behind the concern;
- Whether they have already raised a concern with anyone and the response; and
- Any relevant dates when actions related to the concern took place.

22. This information should demonstrate that there are reasonable grounds for the concern to be acted upon. It is important that matters are not investigated by the Discloser themselves.

23. If applicable, personal interests must be declared from the outset.

How the concern will be handled

24. All investigations will be conducted sensitively and as quickly as possible. While the SWLEP cannot guarantee that the outcome will be as the Discloser may wish, it will handle the matter fairly and in accordance with this procedure.

25. Once a concern has been raised with either the line manager or Responsible Officer, Senior Manager or Chief Executive, a meeting may be arranged with them to determine how the concern should be taken forward.

26. The SWLEP may decide to take the matter forward by a number of methods, including:

- An internal inquiry or other formal investigation;
- An internal or external audit;
- Referring the matter to the police;
- Referring the matter to another relevant authority for investigation.

27. Before a final decision is taken on how to proceed, or as part of the investigation, the Discloser may be asked to meet with those investigating their allegation.

28. If a meeting is arranged, the Discloser may wish to be accompanied by a trade union representative, colleague or friend. The person who accompanies the Discloser should not be involved or have a direct interest in the area of work to which the concern relates. The meeting can be conducted over the telephone rather than face to face.

29. Within 10 clear working days of a concern being raised, the SWLEP's Responsible Officer will write to the Discloser to:

- Acknowledge that the concern has been received;
- Indicate how they propose to deal with the matter;
- Give an estimate of how long it will take to provide a final response;
- Tell the Discloser whether any initial investigation or enquiry has been made;
- Tell the Discloser whether further investigation will be made, and if not, why not;
- Tell the Discloser how frequently the SWLEP will keep them up to date on progress of the investigation.

30. The amount of contact between the SWLEP and the Discloser concerned will vary depending on the concern raised, any difficult issues and any further clarity required. If necessary, the SWLEP will seek further information from the Discloser.
31. The SWLEP will confirm when the matter is concluded and, if appropriate, the outcome of the investigation, maintaining security and confidentiality for all parties as far as possible.
32. Throughout any investigation, the Discloser will still be expected to continue their duties/role as normal unless deemed inappropriate.

Confidentiality and anonymity

33. The SWLEP always encourages potential Disclosers to speak up about potential serious wrongdoing in a way that they feel comfortable. The best way to raise a concern is to do so openly, as this makes it easier for the SWLEP to investigate and provide feedback.
34. Any disclosures made under this procedure will be treated in a sensitive manner. However the SWLEP recognises that the Discloser may want to raise a concern in confidence, i.e. they may want to raise a concern on the basis that their name it is not revealed without their consent.
35. The SWLEP will respect any request for confidentiality as far as possible, restricting it to a 'need to know' basis. However, if the situation arises where it is not possible to resolve the concern without revealing the Discloser (for example in matters of criminal law), the SWLEP will advise them before proceeding. The same considerations of confidentiality should be afforded to the recipient(s) at the centre of the concern, as far as appropriate.
36. Disclosers may choose to raise concerns anonymously, i.e. without providing their name at all. If this is the case, the investigation itself may serve to reveal the source of information. Disclosers are therefore encouraged, where possible to put their names to concerns raised. When anonymous concerns are raised, they will be treated as credible and investigated so far as possible.

Protection

37. If a concern is raised in the reasonable belief that it is in the public interest and procedures have been followed correctly, the Discloser raising the concern will be protected by the terms of this policy and, where applicable, by whistleblowing legislation (see gov.uk for more information on who is covered by whistleblowing legislation). Where a Discloser has been victimised for raising a concern, the SWLEP concerned will take appropriate action against those responsible, in line with the SWLEP's disciplinary policy and procedures.

Changes to procedures or policy as a result of whistleblowing

38. If changes are made to SWLEP policies and processes as result of whistleblowing investigations, the SWLEP will publicise the changes as appropriate, taking into consideration the importance of protecting the anonymity and confidentiality of individuals.

Untrue allegations

39. If a Discloser makes an allegation but it is not confirmed by the investigation, no action will be taken against them. However, if a malicious or vexatious allegation is made without good reason to: cause trouble; for personal gain; or to discredit the SWLEP an investigation may take place. Where the Discloser is an employee or a SWLEP Board Member or a contractor this may result in disciplinary or other action if they have broken the terms of their employment, acted against the SWLEP Code of Conduct or broken a clause in a contract.

How this matter can be taken forward if you are not satisfied

40. This procedure is intended to provide Disclosers with an avenue to raise legitimate concerns. If you are either unable to raise the matter with the SWLEP or you are dissatisfied with the action taken you can report it directly to the Cities and Local Growth Unit in the Ministry of Housing, Communities and Local Government and the Department for Business Energy and Industrial Strategy, at the following email address: SWLEPPolicy@communities.gsi.gov.uk or by writing to: SWLEP Policy Deputy Director, Cities and Local Growth Unit, Fry Block, 2 Marsham Street, London, SW1P 4DF. You should clearly mark your email or letter as "Official - whistleblowing".

41. In addition, if you are either unable to raise the matter with the SWLEP or you are dissatisfied with the action taken you may consider raising it with:

- The police;
- The relevant regulatory body or professional body;
- Your Trade Union;
- Your solicitor;
- Your Citizens Advice Bureau.

42. Further information and signposting for potential Disclosers is available on www.gov.uk.

43. If a Discloser does take the matter outside the SWLEP, to an external body, they should ensure they do not disclose information that is confidential, for example, if you are an employee your contract of employment may set out expectations of your regarding what is confidential.

Feedback on Whistleblowing Policy

44. Any feedback or comments on this policy should be directed to the SWLEP's Responsible Officer.

G Accountable Body Agreement

Dated

2019

(1) WILTSHIRE COUNCIL

(2) SWINDON BOROUGH COUNCIL

**SWINDON AND WILTSHIRE LOCAL
ENTERPRISE PARTNERSHIP LIMITED**

ACCOUNTABLE BODY AGREEMENT

This Agreement made on

2015

BETWEEN:

1. **WILTSHIRE COUNCIL** of County Hall, Bythesea Road, Trowbridge, Wiltshire, BA14 8JN ("**Wiltshire**");
2. **SWINDON BOROUGH COUNCIL** of Civic Offices, Euclid Street, Swindon, SN1 2JH ("**Swindon**"); and
3. **SWINDON AND WILTSHIRE LOCAL ENTERPRISE PARTNERSHIP LIMITED** (registered number 11766448) of Wiltshire Council Offices, Monkton Park, Chippenham, SN15 1ER ("**SWLEP**")

(being either a "**Party**" or together "**the Parties**")

BACKGROUND

- A. SWLEP was established in 2011 with the aim of stimulating growth in the economy across the Wiltshire and Swindon area. In part it aims to do this by playing a central role in determining local economic priorities and undertaking activities to drive economic growth and the creation of local jobs. It is a primary partnership between the business community and the two local councils; Wiltshire and Swindon.
- B. Central government has requested that all Local Enterprise Partnerships ("LEPs") develop a single assurance framework to cover all devolved government funding received by LEPs. SWLEP has been allocated Funding from central government which can only be paid to a local authority nominated as an accountable body. Wiltshire has agreed that it will act as the accountable body in respect of Funding received by SWLEP.
- C. The purpose of this Accountable Body Agreement is to set out the respective roles and responsibilities of Wiltshire acting as the accountable body for the SWLEP and Swindon and associated matters in relation to the application and allocation of devolved Funding by government to relevant projects and programmes.
- D. Swindon and Wiltshire are empowered under Section 1(1) Localism Act 2011.

IT IS AGREED AS FOLLOWS:

1 Definitions

1.1 In this Agreement the following terms shall have the following meanings:

Accountable Body means Wiltshire;

Agreement means this Accountable Body Agreement and any schedules;

Chief Executive means the Chief Executive of Swindon;

Corporate Director means the Corporate Director with responsibility for economy and enterprise in Wiltshire or in his absence one of the other corporate directors in Wiltshire.

EIR means the Environmental Information Regulations 2004;

FOIA means the Freedom of Information Act 2000;

Financial Year means during the continuance of the Agreement any period commencing on 1st April and ending on 31st March or part thereof

Funding means all and any devolved government revenue and capital funding which government specifies should only be held by the accountable body and to be allocated by SWLEP pursuant to the Governance Framework;

Projects/Programmes the schemes allocated the Funding;

Scheme Promoters means Wiltshire or Swindon or such other organisation which supports and promotes any of the Projects or Programmes;

The SWLEP Governance Framework means the Swindon and Wiltshire Local Enterprise Partnership (SWLEP) Governance Framework dated [March 2019].

1.1 Headings contained in this Agreement are for reference purposes only and should not be incorporated into this Agreement and shall not be deemed to be any indication of the meaning of the clauses to which they relate.

1.2 References to any statute or statutory provision include references to:

1.2.1 all Acts of Parliament and all other legislation having legal effect in the United Kingdom;

1.2.2 any subsequent statutes directly or indirectly amending, consolidating, extending, replacing or re-enacting that statute and also include any orders, regulations, instruments or other subordinate legislation made under that statute;

2 Duration

2.1 This Agreement shall commence on the date hereof and shall continue in effect until either Wiltshire or Swindon or SWLEP terminates the Agreement in accordance with Clause 13 of this Agreement.

3 Roles and responsibilities

- 3.1 It is the overriding responsibility of SWLEP to ensure that SWLEP allocates or otherwise deals with the Funding in such a way which does not breach the terms and conditions upon which Wiltshire as Accountable Body has received the Funding for the purposes of the SWLEP and is in accordance with the SWLEP Governance Framework.
- 3.2 The roles and responsibilities of the Parties are set out in the Schedule 1 to this Agreement.

4 Governance and decision making

- 4.1 The governance and working arrangements between the Parties shall be in accordance with the SWLEP Governance Framework.

5 Financial Arrangements

- 5.1 Unless otherwise agreed, Swindon and Wiltshire is each solely responsible for Projects or Programmes for which either are the Scheme Promoter in their respective administrative areas and in respect thereof for compliance with any grant conditions which shall include the obligation to repay in whole or part the Funding in the event of non-compliance with any conditions.
- 5.2 With the approval of the S151 Officer, SWLEP will enter into any required grant funding or loan agreement with a Scheme Promoter in relation to any part of the Funding allocated to such Scheme Promoter which shall substantially be in the form of Grant Agreement attached in Schedule 2.
- 5.3 In the event that a Scheme Promoter who is a recipient of any part of the Funding granted by SWLEP fails to comply with the terms and conditions or any other aspect of any grant funding or loan agreement, SWLEP will use reasonable endeavours to recover such sums as may be due and to enforce such terms.
- 5.4 Wiltshire as the Accountable Body shall:
- 5.4.1 establish and maintain a financial system to account for all Funding received and disbursed on behalf of SWLEP;
 - 5.4.2 transfer, subject to due diligence, the Funding for the Projects/Programmes on behalf of the SWLEP
 - 5.4.3 receive Funding and make timely payments in respect of such Funding for and on behalf of SWLEP;

- 5.4.4 maintain proper records of all Funding received and disbursed for SWLEP and make such records available for inspection by both internal and external regulators;
 - 5.4.5 arrange regular audit examination of SWLEP activities with regards to use of Funding and, following each audit, present a report to SWLEP with recommendations to strengthen their governance and management practices;
 - 5.4.6 supply, as necessary, completed statements of Funding received, expenditure and disbursement to SWLEP, funding organisations, central government and external auditor.
- 5.5 Interest will be accrued annually based on a forecast cashflow provided in April. It will be applied to each month end balance at the lower of the current official Bank of England interest rate and the average interest rate earned by Wiltshire Council for the financial year.
- 5.6 Wiltshire will be paid a sum set and agreed each year for the reasonable costs of acting as the Accountable Body. This sum will be paid in arrears in equal amounts every six months
- 5.7 Where all the Parties agree, and in the event that there is a requirement to undertake any re-profiling of the Funding in any Financial Year, that part of the Funding which has been the subject of such re-profiling shall be available to either Wiltshire or Swindon for any of their respective capital projects. Such amount of such Funding utilised by either Swindon or Wiltshire in accordance with this Clause 5.6 shall be provided for in either of the Party's budgets for the next Financial Year and immediately reimbursed to SWLEP at the start of the next Financial Year.
- 5.8 SWLEP and Swindon shall:
- 5.8.1 Co-operate with and assist Wiltshire acting in its role as accountable body in undertaking the day to day responsibility for Funding matters;
 - 5.8.2 Co-operate with and assist Wiltshire in regular audit examinations of all operating systems;
 - 5.8.3 Report any financial irregularity or suspected irregularity in the use of any of the Funding to Wiltshire.

6 Record Keeping and Communication

- 6.1 The SWLEP shall ensure that a proper record is kept of the proceedings of the SWLEP.

6.2 A communication protocol in relation to publicity and disclosure of information has been agreed between the Parties including the management and timing of such communications.

7 Freedom of Information

7.1 SWLEP and Swindon acknowledges that Wiltshire as Accountable Body is subject to the requirements of the FOIA and the EIR in respect to the Funding and shall:

7.1.1 provide all necessary assistance and cooperation as reasonably requested by Wiltshire to enable Wiltshire to comply with its obligations under the FOIA and the EIR; and

7.1.2 provide Wiltshire with a copy of all information belonging to Wiltshire requested in the Request for Information which is in its possession or control in the form that Wiltshire requires within 7 Working Days (or such other period as Wiltshire may reasonably specify) of Wiltshire's request for such information; and

7.1.3 not respond directly to a Request for Information unless authorised in writing to do so by Wiltshire.

7.2 SWLEP and Swindon acknowledges that Wiltshire may be required under the FOIA and the EIR to disclose Information concerning this Agreement without consulting or obtaining consent from either the SWLEP or Swindon. In these circumstances Wiltshire shall, in accordance with any relevant guidance issued under the FOIA, take reasonable steps, where appropriate, to give the SWLEP or Swindon advance notice, or failing that, to draw the disclosure to the SWLEP or Swindon's attention after any such disclosure.

7.3 The Parties acknowledge that where any of them receives a Request for Information not relating to Wiltshire as Accountable Body but otherwise in relation to Projects and Programmes, such a Request for Information will be dealt with by the recipient in accordance with the provisions of the FOIA.

8 Data Protection

8.1 The Parties shall comply with their obligations under the Data Protection Act 2018 in the performance of their obligations under this Agreement.

8.2 The provisions of this Clause 8 shall apply during the continuance of the Agreement and indefinitely after its expiry or termination.

9 Confidentiality

- 9.1 Neither Party will use or disclose any confidential information provided by any other pursuant to this Agreement otherwise than for the performance of their obligations under this Agreement, save as may be otherwise agreed or required by law.
- 9.2 For the avoidance of doubt, confidential information shall not include:
- 9.2.1 any information obtained from a third party who is free to divulge such information;
 - 9.2.2 any information which is already in the public domain otherwise than as a breach of this Agreement; or
 - 9.2.3 any information which was rightfully in the possession of a Party prior to the disclosure by any other Party and lawfully acquired from sources other than any other Party.
- 9.3 Subject to Clause 9.2 the Parties shall not make any press announcement or publicise the Agreement or any part of the Agreement in any way, except with the agreement of the other Parties

10 Equality

- 10.1 The Parties shall perform its obligations under this Agreement in accordance with:
- 10.1.1 all applicable equality Law (whether in relation to race, sex, gender reassignment, age, disability, sexual orientation, religion or belief, pregnancy, maternity or otherwise);
 - 10.1.2 any applicable equality and diversity policy of the Parties from time to time; and
 - 10.1.3 take all necessary steps, and inform each other of the steps taken, to prevent unlawful discrimination designated as such by any court or tribunal, or the Equality and Human Rights Commission or (any successor organisation).

11 Social Value

- 11.1 In performing their obligations in pursuance of these this Agreement the Parties shall comply with the requirements of Public Services (Social Value) Act 2012.

12 Environmental

- 12.1 In performing their obligations in pursuance of this Agreement the Parties shall at all times co-operate with each other to improve environmental performance where it is not detrimental to the interests of any Party to do so.

13 Termination on notice

13.1 This Agreement shall continue in full force and effect unless or until either Wiltshire or Swindon or SWLEP serve at least twelve months' notice to terminate to the other Parties or by mutual agreement of the Parties at any time.

14 Disputes

14.1 Prior to action under paragraph 79 of the SWLEP Governance Framework, if any Party has any issues, concerns or complaints about any matter relating to this Agreement that Party shall notify the other Party/Parties and the Parties shall then seek to resolve the issue by a process of consultation. If the issue cannot be resolved within a reasonable period of time, the matter shall be escalated to the Corporate Director and the Chief Executive to resolve such dispute negotiating on the basis of good faith.

14.2 If any Party receives any formal inquiry, complaint, claim or threat of action from a third party they shall notify the other Parties and co-operate with each other to respond, or take such action, as is appropriate and/or necessary.

15 The Contracts (Rights of Third Parties) Act 1999

15.1 The Contracts (Rights of Third Parties) Act 1999 shall not apply to this Agreement but this does not affect any rights which are available apart from this Act.

16 General

16.1 Each of the Parties represents and warrants to the others that it has full capacity and authority, and all necessary consents, licences and permissions to enter into and perform its obligations under the Agreement, and that the Agreement is executed by its duly authorised representative.

16.2 The Agreement cannot be varied except in writing signed by a duly authorised representative of the Parties.

16.3 The Agreement contains the whole agreement between the Parties and supersedes and replaces any prior written or oral agreements, representations or understandings between them. The Parties confirm that they have not entered into the Agreement on the basis of any representation that is not expressly incorporated into the Agreement. Nothing in this clause shall exclude liability for fraud or fraudulent misrepresentation.

16.4 Any waiver or relaxation either partly, or wholly of any of the terms and conditions of the Agreement shall be valid only if it is communicated to

any other Party in writing and expressly stated to be a waiver. A waiver of any right or remedy arising from a breach of contract shall not constitute a waiver of any right or remedy arising from any other breach of the Agreement.

- 16.5 The Agreement shall not constitute or imply any partnership, joint venture, agency, fiduciary relationship or other relationship between the Parties other than the contractual relationship expressly provided for in the Agreement. No Party shall have, nor represent that it has, any authority to make any commitments on the other Parties' behalf.
- 16.6 Except as otherwise expressly provided by the Agreement, all remedies available to any Party for breach of the Agreement (whether under the Agreement, statute or common law) are cumulative and may be exercised concurrently or separately, and the exercise of one remedy shall not be deemed an election of such remedy to the exclusion of other remedies.
- 16.7 If any provision of the Agreement is prohibited by law or judged by a court to be unlawful, void or unenforceable, the provision shall, to the extent required, be severed from the Agreement and rendered ineffective as far as possible without modifying the remaining provisions of the Agreement, and shall not in any way affect any other circumstances of or the validity or enforcement of the Agreement.

17 Notices

- 17.1 Any notice to be given under the Agreement shall be in writing and may be served by personal delivery, first class recorded or e-mail to the address of the relevant Party set out below, or such other address as that Party may from time to time notify to the other Party in accordance with this clause.

18 English Law

- 18.1 This Agreement and any dispute or claim arising out of or in connection with it or its subject matter or formation (including non-contractual disputes or claims) shall be governed by and construed in accordance with the law of England and Wales.

IN WITNESS WHEREOF the parties have signed this Agreement as a Deed on the day and year first before written.

EXECUTED as a DEED BY)
THE COMMON SEAL OF WILTSHIRE)
COUNCIL being affixed hereto and)
authenticated by the undermentioned person)
authorised by the Council to act for that purpose:)

.....
Authorised Signatory

EXECUTED as a DEED BY)
THE COMMON SEAL OF SWINDON BOROUGH)
COUNCIL being affixed hereto and)
authenticated by the undermentioned person)
authorised by the Council to act for that purpose:)

.....
Authorised Signatory

EXECUTED as a DEED BY)

.....

Signed for and on behalf of
SWINDON AND WILTSHIRE LOCAL ENTERPRISE PARTNERSHIP LIMITED

Schedule 1

Roles & Responsibilities

1.1 Wiltshire shall take appropriate steps to:

- 1.1.1 Ensure (through the Section 151 officer) that Funding is used appropriately using the same checks that Wiltshire Council would of its own funds and in line with any grant conditions in the grant condition letter through a Section 31 Grant Determination.
- 1.1.2 Ensure that it will not use the Funding for its own purposes without consent of the SWLEP.
- 1.1.3 Confirm that the SWLEP Governance Framework is being adhered to.
- 1.1.4 Confirm that the official record of SWLEP proceedings in relation to the award of Funding is maintained and that it has access to all relevant SWLEP documents.
- 1.1.5 Release funding against a SWLEP agreed contract providing that the requirements meet the terms of the grant and the overall safeguarding of public money requirements. Take responsibility for the decisions of the SWLEP in approving schemes (e.g. if subjected to legal challenge) as per the Legal Frameworks and Agreements between the Accountable Body, SWLEP and Scheme Promoters.
- 1.1.6 Approve the release of Funding in consultation with the Accountable Body Section 151 Officer and in accordance with the Accountable Body Legal Agreement to the relevant scheme promoter in line with any grant conditions in the grant condition letter through a Section 31 Grant Determination.
- 1.1.7 Ensure that all the requisite duties set out in s151 of 1972 Act are fully met including the safeguarding of public money, best value and value for money.
- 1.1.8 Satisfy itself that arrangements for local external audit of Funding allocated by the SWLEP are comparable to Wiltshire Council's own arrangements for local authority spend.

1.2 SWLEP shall:

- 1.2.1 Comply with the SWLEP Governance Framework.
- 1.2.2 Develop strategic economic plans and policies.
- 1.2.3 Identify a prioritised list of schemes within the available budget including under / over programming to enable prudent management.
- 1.2.4 Make decisions based on the scrutiny of individual scheme business cases.
- 1.2.5 Allocate funding which is approved by the Accountable Body.
- 1.2.6 Using reasonable endeavours to ensure value for money is achieved.
- 1.2.7 Monitor progress of scheme delivery and spend.
- 1.2.8 Use reasonable endeavours to ensure on-time delivery of schemes to the programme.

1.2.9 Actively manage the devolved budget and programme to respond to changed circumstances.

1.3 Swindon shall:

1.3.1 Comply with the terms and conditions of the Funding received by Wiltshire as the accountable body in relation to SWLEP pertaining to the administrative area of Swindon.

1.3.2 Comply with the SWLEP Governance Framework.

1.3.3 Provide all necessary assistance to SWLEP and Wiltshire in relation to Projects and Programmes which operate in the administrative area of Swindon.

Schedule 2: Grant Agreement example

DRAFT

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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