

APPENDIX 2B - CABINET

MINUTES EXTRACT OF THE CABINET MEETING HELD ON 26 MARCH 2019 AT KENNET ROOM - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

40 **SWLEP Governance Framework Update**

Cllr Pauline Church presented a report which provided an update on the changes to the governance arrangements to the Swindon and Wiltshire Local Enterprise Partnership (SWLEP) and seeking approval to implement the necessary changes required.

Cllr Church explained that 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.

In response to questions from Cllr Thorn about (i) the Articles of Association; (ii) Representation on the Board; (iii) conflicts of interest; (iv) role of the Accountable Body; and (v) scrutiny function, Cllr Church and officers confirmed (i) that the issues with the Articles of Association have now been resolved; (ii) and (iii) the Leader of the Council would no longer be a member of the Accountable Body as her inclusion in the membership would generate a number of conflicts of interest. The Leaders position would be taken by the appropriate Cabinet member; (iv) the Local Authority would continue to receive funding from the Government, the Accountable Body would be responsible for proposing schemes and how the funding is allocated and the Council's Section 151 officer would be responsible for the oversight and monitoring of the proposals; (v) it is proposed that democratic accountability would change the current structures to 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 the Councils and the SWLEP.

Cllr Hill explained that he had been involved in the scrutiny of the current LEP for the past three years and he confirmed that further discussions were taking place about the future scrutiny function and process.

Cllr Britton, Chairman of the Audit Committee, reminded the Cabinet that the Audit Committee had a responsibility for partnerships and there was a requirement to seek a separation between the work of the Audit Committee and the Task Group.

In response to questions from Cllr Wickham about (i) the vote of the current LEP towards the new structures; (ii) the TUPE of employees to the new structure; (iii) the membership of the new SWLEP Board; (iv) The quality and level of scrutiny going forward, Cllr Church confirmed that (i) the vote to move towards employing the new LEP structures was unanimous agreed by the LEP; (ii) officers are currently located at the LEP office environment although employed by Wiltshire Council; (iii) the Leaders of the two Authorities would no longer be members of the new SWLEP Board, their places would be taken by appropriate Cabinet Members; (iv) there were no plans to reduce the scrutiny role and this would be maintained at the highest level.

The Leader of the Council reported that she had had discussions with the LEP about their responsibility for any future redundancy payments for employee's subject to TUPE, and had received confirmation that this was in hand.

Resolved:

- 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 Decision:

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.

MINUTES EXTRACT OF THE CABINET MEETING HELD ON 11 JUNE 2019 AT KENNET ROOM - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

77 Partnership Working Framework

Cllr Richard Clewer, Cabinet Member for Housing, Corporate Services, Arts, Heritage and Tourism presented the report which recommended a partnership working framework for use by Councillors and officers when considering Wiltshire Council's engagement in partnerships.

Cllr Clewer explained that the intention was for the proposed framework to replace the existing Partnership Protocol with Council being asked to approve its removal from the Constitution.

The Cabinet heard from Cllr Wright, Chairman of the Overview and Scrutiny Management Committee, who confirmed that he and Cllr Hill had received a briefing on the Framework and supported the proposal.

Cllr Williams also supported the proposal and was pleased that the Framework recognised the value of the Wiltshire Compact and is consistent with the fulfilment of its obligations.

Resolved:

- 1. Recommends that full council approve the removal of the Partnership Protocol in the Council's Constitution**
- 2. Agrees, upon removal of the Partnership Protocol, the adoption of a new Partnership Working Framework as set out in the appendix to the report.**
- 3. Agrees that any subsequent minor amendments to the Partnership Working Framework are delegated to the Monitoring Officer in consultation with the appropriate Cabinet Member.**

Reason for Decision:

To strengthen and improve the Council's arrangements for governing partnership working to enable the Council to deliver the priorities in its Business Plan, including in particular 'working with our partners as an innovative and effective council'

78 **Local Code of Corporate Governance**

Cllr Richard Clewer, Cabinet Member for Housing, Corporate Services, Arts, Heritage and Tourism presented the report which proposed a new local code of conduct.

Resolved:

- 1. That Full Council be recommended to approve the revised local code of corporate governance.**
- 2. That Cabinet approve the proposed process for developing the Annual Governance Statement for 2019.**

Reason for Decision:

Councils are required to develop and maintain an up-to-date local code of governance. Wiltshire's existing code is based on CIPFA guidance which has been updated. A new draft is attached based on the revised principles. This will have to be adopted by full council to replace the current constitution's protocol 10.

It is proposed that progress on delivery against the code is reviewed by officers on a quarterly basis and that this informs the future development of the Annual Governance Statement for consideration by Audit Committee and Cabinet in due course.